

H.727

Sec. 4. 10 V.S.A. § 6086a is added to read:

§ 6086a. WATER USE; COOLING; PERMITTING; QUALITY

PFAs Definition

As Passed the House (pg. 7 lines 16-20 and pg. 8 lines 1-4)

(a)(3) "Per- and polyfluoroalkyl substances" or "PFAS" means any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three substructures:

- (A) $R-(CF_2)-CF(R')R''$, where both the CF_2 and CF moieties are saturated carbons;
- (B) $R-CF_2OCF_2-R'$, where R and R' can either be F , O , or saturated carbons; or
- (C) $CF_3C(CF_3)R'R''$, where R' and R'' can either be F or saturated carbons.

Proposed Alternative

(a)(3) "Per- and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom as defined in 9 V.S.A. 2494e(16). ~~any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three substructures:~~

- ~~(A) $R-(CF_2)-CF(R')R''$, where both the CF_2 and CF moieties are saturated carbons;~~
- ~~(B) $R-CF_2OCF_2-R'$, where R and R' can either be F , O , or saturated carbons; or~~
- ~~(C) $CF_3C(CF_3)R'R''$, where R' and R'' can either be F or saturated carbons.~~

Closed-Loop Requirement

As Passed the House (pg. 8 lines 8-12)

(b)(2) If water is used to cool a data center, the data center shall use a closed-loop cooling system to minimize impacts to the quality and quantity of surface water and groundwater unless a District Commission, during review of a permit application under 10 V.S.A. chapter 151, determines that the use of a closed-loop cooling system is not feasible at the proposed data center.

Proposed Alternative

(b)(2) If water is used to cool a data center, the data center shall use a closed-loop cooling system to minimize impacts to the quality and quantity of surface water and groundwater ~~unless a District Commission, during review of a permit application under 10 V.S.A. chapter 151, determines that the use of a closed-loop cooling system is not feasible at the proposed data center.~~

Water Quality Certificate

As Passed the House (pg. 9 lines 13-17)

(e)(2) A data center shall obtain from the Agency of Natural Resources a water quality certificate that meets the same criteria that the Agency requires to be met to obtain a federal Clean Water Act Section 401 water quality certification as those criteria existed under the Act, 33 U.S.C. §§ 1251–1388, and any regulations adopted thereunder on January 1, 2026.

Proposed Alternative

(e)(2) If a data center proposes to use more than 300,000 gallons a day, the withdrawal permit required under 10 V.S.A. § 1043 shall assess the impacts on water quality, aquatic biota, state endangered and threatened species, instream flow habitat, impingement, streambank erosion, littoral habitat and wetlands and if a withdrawal permit is issued it shall serve as a rebuttable presumption of compliance with Criterion 1 of Act 250.