

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 223 entitled “An act relating to water quality of the waters of
4 Vermont” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. WATER QUALITY, LAKE CLASSIFICATION, AND
8 ANTIDegradation STUDY GROUP; REPORT

9 (a) Creation. There is created the Water Quality, Lake Classification, and
10 Antidegradation Study Group for the purpose of reviewing and evaluating
11 Vermont’s existing statutory and regulatory frameworks, policies, and
12 procedures governing water quality and the classification of the waters of the
13 State. The Study Group shall recommend to the General Assembly whether
14 the current regulatory framework for the waters of the State is adequate and
15 whether legislative or policy changes are needed to strengthen environmental
16 protection, provide regulatory certainty, and support other public interests in
17 the waters of the State.

18 (b) Membership. The Study Group shall be composed of the following
19 members:

20 (1) two current members of the House of Representatives, who shall be
21 appointed by the Speaker of the House;

1 (2) two current members of the Senate, who shall be appointed by the
2 Committee on Committees;

3 (3) the Secretary of Natural Resources or designee;

4 (4) a Department of Environmental Conservation water quality scientist
5 or technical staff member, appointed by the Secretary of Natural Resources;

6 (5) two persons representing businesses, industries, or development that
7 interact with water quality permitting, including the State antidegradation
8 policy, use of high quality waters, and water classification, one of whom shall
9 be appointed by the Speaker of the House and one of whom shall be appointed
10 by the Committee on Committees;

11 (6) two persons representing nonprofit environmental advocacy groups,
12 one of whom shall be appointed by the Speaker of the House and one of whom
13 shall be appointed by the Committee on Committees; and

14 (7) one person representing the Federation of Vermont Lakes and Ponds,
15 appointed by the Governor.

16 (c) Powers and duties. The Study Group shall:

17 (1) Develop an inventory of the waters of the State, with the existing
18 classification designations, as set forth in the Vermont Water Quality
19 Standards, including candidate high quality waters with water quality data that
20 meets or exceeds the minimum criteria supporting reclassification for such
21 waters.

1 (2) Assess the State’s obligations under the federal Clean Water Act, 33
2 U.S.C. §§ 1251-1388, with respect to the adoption of an antidegradation rule to
3 implement the State’s antidegradation policy under the Vermont Water Quality
4 Standards, including an evaluation of State and federal statutory and regulatory
5 requirements and the identification of any legal, administrative, policy, or
6 practical barriers to full compliance.

7 (3) Identify and evaluate the statutory and regulatory frameworks, rules,
8 policies, and procedures governing Class A waters, including whether
9 modifications are needed to facilitate the reclassification of eligible waters,
10 adequately protect and support designated and existing uses, and provide
11 regulatory certainty for activities in Class A waters.

12 (4) Evaluate the existing water classification framework and whether the
13 State should develop a separate classification system for lakes and ponds, as
14 opposed to streams and rivers, to promote ecological integrity and ensure
15 regulatory certainty. This evaluation shall include an assessment of current
16 and potential threats to the water quality of lakes and ponds to consider
17 whether the existing classification system protects against such threats.

18 (5) Recommend legislative amendments and identify any rules,
19 policies, or procedures that may require revision to implement the Study
20 Group’s recommendations.

1 (d) Assistance. The Study Group shall have the administrative, technical,
2 and legal assistance of the Agency of Natural Resources and shall have the
3 legal and drafting assistance of the Office of Legislative Counsel.

4 (e) Report. On or before December 30, 2026, the Study Group shall submit
5 a written report to the General Assembly that shall include its findings and
6 recommendations under subsection (c) of this section.

7 (f) Meetings.

8 (1) The Secretary of Natural Resources shall call the first meeting of the
9 Study Group to occur on or before August 1, 2026.

10 (2) The Study Group shall select at its first meeting a chair from among
11 the four legislators serving as members.

12 (3) A majority of the Study Group shall constitute a quorum.

13 (4) The Study Group shall cease to exist on February 15, 2027.

14 (g) Compensation and reimbursement.

15 (1) For attendance at meetings during adjournment of the General
16 Assembly, a legislative member of the Study Group serving in the member's
17 capacity as a legislator shall be entitled to per diem compensation and
18 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than eight
19 meetings. These payments shall be made from monies appropriated to the
20 General Assembly.

1 (2) Other members of the Study Group shall be entitled to per diem
2 compensation and reimbursement of expenses as permitted under 32 V.S.A.
3 § 1010 for not more than eight meetings. These payments shall be made from
4 monies appropriated to the General Assembly.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.

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13 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE