

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, which shall conduct the evaluations set forth in
subsection (c), including: review of existing classified waters of the State and
candidate waters with water quality data supporting reclassification; assessment of
antidegradation requirements; examination of the regulatory framework for Class A
waters; and examination of the adequacy of the current water classification system
for lakes and ponds. Based on these evaluations, the Study Group shall recommend
to the General Assembly any for the purpose of reviewing and evaluating

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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 water classification system and the associated statutory and regulatory
frameworks for lakes and ponds the waters of the State is are adequate and
15 whether legislative or policy changes are needed to strengthen environmental
16 protection, provide regulatory certainty, and support public uses of State waters.
other public interests in
17 the waters of the State.

Commented [MO1]: There was discussion and desire to tighten this section so that it mirrored the duties section (subsection (c)). Here's a quick take at a narrowing of the original language.

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.~~

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Commented [MO2]: Per Sen. Hardy's suggestion and request, recommending strikethrough to avoid reference to federal law or the Clean Water Act.

Commented [MO3]: See previous comment above.

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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 whether the existing water classification ~~framework system~~ and ~~the~~
~~associated related statutory and regulatory frameworks to assess whether they~~
~~adequately address current and potential threats to lake and pond water quality~~
~~and ecological integrity and the water quality and ecological integrity of lakes~~
~~and ponds and provide regulatory certainty whether the~~

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Commented [MO4]: We are OK with ANR's suggested edits here. This draft includes Sen. Bongartz's request to place ecological integrity before regulatory certainty. I made a few suggested edits here just to tighten it.

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.

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1813 (5) Recommend legislative amendments and identify any rules,
1914 policies, or procedures that may require revision to implement the Study
2015 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 15³⁰, 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.

Commented [MO5]: Per Sen. Hardy's request/suggestion and the oral consensus of the Committee, as well as stakeholders to move the date up to Dec. 15th.

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote:)

Senator

FOR THE COMMITTEE

FOR THE COMMITTEE