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**Testimony of Mason Overstreet, Senior Attorney
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Before the Senate Committee on Natural Resources & Energy Committee

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Good morning Chair Watson and Members of the Committee,

Thank you for the opportunity to testify on S.223. For the record, my name is Mason Overstreet. I am an attorney with Conservation Law Foundation (“CLF”) Vermont. My work focuses on water, water quality, and climate resilience, among other issues.

For background, CLF, and many partner organizations have engaged on the issues in S.223 for decades. More recently, we participated in ANR’s antidegradation pre-rulemaking stakeholder process in 2022, which led to the Draft Proposed Antidegradation Implementation Rule in 2023 that stalled in LCAR. This Committee then spent weeks working through the complexities of antidegradation and reclassification in S.146, which passed the Senate but stalled in the House amid significant misinformation. The following year, a second-amended “2024 draft rule” and several quick fix legislative attempts again resulted in stalemate and disagreement.

That history underscores why S.223 is the most prudent path. A focused Study Committee with the right expertise can untangle the interrelated issues and recommend a practical path that protects Vermont’s natural resources while providing regulatory certainty.

I won’t repeat earlier testimony, and I agree with the broad support for the revised bill, including minor suggested edits from those who previously testified. As Mr. O’Grady explained yesterday, the bill and Study Committee focus on three core areas: (1) Vermont’s obligation under the Clean Water Act to promulgate an antidegradation rule; (2) the State’s water classification system and the slow pace of reclassification, even where data supports higher classifications; and (3) whether policy updates are needed to strengthen reclassification of high-quality waters while ensuring regulatory certainty and allowing practical activities to occur.

We strongly support S.223 as drafted. Here are several high-level reasons why it represents the best path forward.

First, I want to emphasize that S.223 will not slow or impede housing—full stop.

Second, S.223 is not “just another Study Committee.” The issues at stake here are exactly the kind of complex, cross-cutting policy questions that require a focused, expert group to work through and return to you with actionable recommendations.

Third, the history here matters. As Sen. Beck observed yesterday Vermont has struggled for decades—across multiple administrations and both parties—to adopt an antidegradation rule, and reclassification has progressed slowly even where strong data supports it. At the same time, declining water quality and outdated policies have created real frustrations for residents and businesses who can’t install or upgrade wastewater systems in certain areas. This long record shows how complex these issues are. S.223 offers a path forward that moves past blame and toward workable solutions.

That’s why a Study Committee with the right expertise, as outlined in S.223, is the appropriate venue to sort through these interrelated concerns and outline a practical, durable path forward.

S.223 is not “legislating to legislate.” It reflects a thoughtful decision to step back, gather perspectives, and evaluate how to balance regulatory certainty with strong water protections—without placing unnecessary burdens on Vermonters.

You’ve also heard from a broad coalition of stakeholders—business, industry, environmental organizations, citizens, lake and pond groups—all of whom support S.223 and are ready to work together. That kind of alignment is rare, and it underscores the need for this approach.

Finally, the question may be **whether this is the right time to take on these issues. And the answer is yes.** The evaluations directed under S.223 are essential to maintaining an effective water-quality protection system while still permitting, common-sense projects—like camp system consolidations or State Park wastewater upgrades—to move forward without degrading our waters. And that is exactly why S.223 is the right forum to examine this and other interconnected policy questions in a focused, expert-driven way.