

1 S.236

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation; water resources; water quality standards

6 Statement of purpose: This bill proposes to clarify the authority of the natural
7 resources board to adopt water management types in the Vermont water quality
8 standards. The bill would also clarify the natural resources board's authority to
9 adopt energy policy in the water quality standards. In addition, the bill
10 requires the natural resources board to submit to the general assembly for
11 review any proposed amendments to the water quality standards. The bill also
12 requires the agency of natural resources to update the 17 basin plans of the
13 state by December 31, 2010.

14 An act relating to the water quality standards of Vermont

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 10 V.S.A. § 1252 is amended to read:

17 § 1252. CLASSIFICATION OF WATERS; MIXING ZONES

18 (a) The state adopts, for the purposes of classifying its waters, the
19 following classes and definitions thereof:

1 Class A. (1) Suitable for public water supply with disinfection when
2 necessary; character uniformly excellent; or

3 (2) High quality waters which have significant ecological value.

4 Class B. Suitable for bathing and recreation, irrigation and agricultural
5 uses; good fish habitat; good aesthetic value; acceptable for public water
6 supply with filtration and disinfection.

7 * * *

8 (e) The board shall adopt standards of water quality to achieve the purposes
9 of the water classifications. Such standards shall be expressed in detailed
10 water quality criteria, taking into account the available data and the effect of
11 these criteria on existing activities, using as appropriate: (1) numerical values,
12 (2) biological parameters; and (3) narrative descriptions. These standards shall
13 establish limits for at least the following: alkalinity, ammonia, chlorine, fecal
14 coliform, color, nitrates, oil and grease, dissolved oxygen, pH, phosphorus,
15 temperature, all toxic substances for which the United States Environmental
16 Protection Agency has established criteria values and any other water quality
17 parameters deemed necessary by the board. These standards shall not adopt or
18 amend energy policy of the state without a specific statutory mandate to do so.

19 * * *

20 (i) The board may adopt by rule water management types representing
21 subcategories of water quality criteria for designated uses within the classes of

1 waters set forth in subsection (a) of this section to achieve and maintain a level
2 of quality that fully supports the attainable uses and water quality protection of
3 all or any portion of a water body. The designation or redesignation of a water
4 body as a water management type by the board shall be done by rule according
5 to chapter 25 of Title 3.

6 Sec. 2. 10 V.S.A. § 1253(d) is amended to read:

7 (d) The board shall determine what degree of water quality and
8 classification should be obtained and maintained for those waters not classified
9 by it before 1981 following the procedures in sections 1254 and 1258 of this
10 title. Those waters shall be classified in the public interest. The secretary shall
11 revise all 17 basin plans by ~~January 1, 2006~~ December 31, 2010, and update
12 them every five years thereafter. On or before January ~~1~~ 15 of each year, the
13 secretary shall report to the house committees on agriculture, natural resources
14 and energy, and on fish, wildlife and water resources, and to the senate
15 committees on agriculture and on natural resources and energy regarding the
16 progress made and difficulties encountered in revising basin plans. By
17 January 1, 1993, the secretary shall prepare an overall management plan to
18 ensure that the water quality standards are met in all state waters.

19 Sec. 3. LEGISLATIVE REVIEW OF PROPOSED AMENDMENTS TO

20 VERMONT WATER QUALITY STANDARDS

21 (a) The general assembly finds that:

1 (1) the current proposed amendments to the Vermont water quality
2 standards:

3 (A) are of a scope and breadth that may exceed the statutory authority
4 provided to the natural resources board to adopt water quality standards by
5 administrative rule; and

6 (B) may be in conflict with existing statutory policy of the state
7 regarding water quality and energy development; and

8 (2) the general assembly needs time to evaluate the proposed
9 amendments to the water quality standards before they are submitted to the
10 legislative committee on administrative rules.

11 (b) Prior to filing a proposed rule under section 838 of Title 3 to amend the
12 water quality standards, the natural resources board shall submit to the house
13 committee on fish, wildlife and water resources and the senate committee on
14 natural resources and energy the proposed amendments to the water quality
15 standards. The house committee on fish, wildlife and water resources and the
16 senate committee on natural resources and energy shall review the proposed
17 rule amending the water quality standards and shall recommend whether the
18 proposed rule should be amended or whether the proposed rule should be filed
19 with the secretary of state under section 838 of Title 3.

20 (c) Notwithstanding the provisions of 10 V.S.A. § 1252(e), which authorize
21 the natural resources board to adopt water quality standards, the water quality

1 standards as they existed on January 1, 2010 shall stay in effect until February 15,
2 2011.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on passage.