

1 Introduced by Representative Cina of Burlington

2 Referred to Committee on

3 Date:

4 Subject: Conservation and development; water pollution control;

5 antidegradation; permitting

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Secretary of Natural Resources (Secretary) to adopt by rule on or before July 1,
8 2020 an implementation process for the antidegradation policy in the water
9 quality standards of the State. If the Secretary fails to adopt an implementation
10 process for the antidegradation policy on or before July 1, 2020, the Secretary
11 shall not issue a new permit for discharges to waters of the State until the
12 implementation process for the antidegradation policy is adopted.

13 An act relating to adoption of the antidegradation implementation process

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

15 Sec. 1. 10 V.S.A. § 1251a is amended to read:

16 § 1251a. WATER POLLUTION ADMINISTRATION

17 (a) The Secretary may adopt rules, in accordance with the procedures in the
18 Administrative Procedure Act, that are necessary for the proper administration
19 of the Secretary's duties under this subchapter, including a planning process
20 approvable under Public Law 92-500, as amended.

1 (b) The Secretary shall establish by rule requirements for the issuance of
2 permits under subsection 1259(e) of this title, including in-stream water quality
3 parameters necessary to establish permit conditions and performance
4 monitoring; however, these in-stream water quality parameters shall not
5 supersede water quality standards adopted by the Secretary.

6 (c) On or before July 1, ~~2016~~ 2020, the Secretary of Natural Resources
7 shall adopt by rule an implementation process for the antidegradation policy in
8 the water quality standards of the State. The implementation process for the
9 antidegradation policy shall be consistent with the State water quality policy
10 established in section 1250 of this title, the Vermont Water Quality Standards,
11 and any applicable requirements of the federal Clean Water Act. The
12 Secretary of Natural Resources shall apply the antidegradation implementation
13 policy to all new discharges that require a permit under this chapter. If the
14 Secretary of Natural Resources fails to adopt an implementation process for the
15 antidegradation policy on or before July 1, 2020, the Secretary shall not issue a
16 new permit under section 1252 of this title for a discharge of waste to a water
17 of the State until the implementation process for the antidegradation policy is
18 adopted.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.