

Summary of Proposed Changes to the Vermont Water Quality Standards

The proposed changes to the Vermont Water Quality Standards in 2021 add clarity, align the standards with current practices, comport the standards with statute, and or correct errors. The most significant changes, along with examples of minor changes, are highlighted below.

In Subchapter 1, references to wetlands and the Wetland Rules were made in § 29A-101, *Applicability*, and § 29A-102, *Definitions*, as well as §§ 29A-104(e), *Classification of Water Uses*, and 29A-105(e), *Anti-Degradation Policy*. Also, within § 29A-102, *Definitions*, the riparian area, in its support of woody debris recruitment and temperature refuge, was added to the definitions of *Physical Habitat Structure* and *Stream Processes*. Within 29A-105(e), *Anti-Degradation Policy*, a proposed change to *Protection and Determination of Existing Uses* clarifies that when existing uses are incompatible, or conflict with designated uses, conditions shall be imposed to attain the water quality necessary to support the highest and best use.

A new section was added to Subchapter 2, *Application of Standards*, § 29A-206 *Water Quality Certifications Issued Pursuant to § 401 of the Clean Water Act* that clarifies the applicable rules and requirements of state law, including the Vermont Wetland Rules, for federally licensed or permitted activities.

In Subchapter 3, under § 29A-302, *Criteria Applicable to Waters Based upon Fish Habitat Designation, Use Classification, or Type of Body of Water*, a change clarifies that 30Q10 flows apply for chronic criteria that utilize a 30-day average. The definition of 30Q10 was also added in § 29A-102.

In § 29A-304, *Hydrology Criteria*, and § 29A-305, *Numeric Biological Indices and Aquatic Habitat Assessments*, proposed changes clarify methods.

Two changes were made to Appendix C, *Water Quality Criteria for the Protection of Human Health and Aquatic Biota*. One proposed change to the Appendix reflects EPA December 2018 water quality criteria for aluminum. The second change clarifies that site specific freshwater copper criteria may also be calculated utilizing the Biotic ligand Model (BLM) procedures identified in EPA's Aquatic Life Ambient Freshwater Quality Criteria – Copper (2007), EPA-822-R-07-001, and that the more protective criterion will apply.

In Appendix F, *Water Quality Classifications*, pending petition evaluation, three streams are proposed for reclassification from B(2) to A(1) for Aquatic Biota, Aquatic Habitat, and Aesthetics: Alder Brook and Blue Bank Brook in Ripton and Lincoln, Vermont; and Goshen Brook in Goshen, Hancock, and Ripton, Vermont. Note: these proposed reclassifications have not yet been added to the Water Quality Standards draft.

In Appendix G, *Application of Biocriteria for Fish and Macroinvertebrate Communities in Vermont Wadable Streams and Rivers*, numerous clarifications and corrections address inconsistencies, omissions, and errors.