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H.831

Introduced by Representatives Fagan of Rutland City, Harrison of Chittenden,
Scheuermann of Stowe, Bancroft of Westford, Beck of St.
Johnsbury, Brennan of Colchester, Chesnut-Tangerman of
Middletown Springs, Cupoli of Rutland City, Dickinson of St.
Albans Town, Donahue of Northfield, Gamache of Swanton,
Goslant of Northfield, Howard of Rutland City, LaClair of
Barre Town, McFaun of Barre Town, Notte of Rutland City,
Page of Newport City, Rosenquist of Georgia, Savage of
Swanton, Shaw of Pittsford, and Terenzini of Rutland Town

Referred to Committee on

Date:

Subject: Conservation and development; water quality; stormwater; three-acre
permit

Statement of purpose of bill as introduced: This bill proposes to delay by two
years the deadline for coverage under the stormwater general permit for
discharges of stormwater from impervious surface of three or more acres in
size, when the stormwater discharge previously was not permitted or was
permitted under an individual permit or general permit that did not incorporate
the requirements of the 2002 Stormwater Management Manual or any
subsequently adopted Stormwater Management Manual. The bill would also

1 require the Agency of Natural Resources to provide planning and engineering
2 services to an owner of impervious surface subject to coverage under the
3 general permit free of charge at the discretion of the owner of the impervious
4 surface. In addition, the bill would require the Secretary of Natural Resources
5 to report to the General Assembly with recommendations for how the State
6 should fund or provide financial assistance to owners of impervious surface
7 subject to the three-acre stormwater permit.

8 An act relating to stormwater management

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

10 Sec. 1. 10 V.S.A. § 1264(g)(3) is amended to read:

11 (3) Within 120 days after the adoption by the Secretary of the rules
12 required under subsection (f) of this section, the Secretary shall issue a general
13 permit under this section for discharges of stormwater from impervious surface
14 of three or more acres in size, when the stormwater discharge previously was
15 not permitted or was permitted under an individual permit or general permit
16 that did not incorporate the requirements of the 2002 Stormwater Management
17 Manual or any subsequently adopted Stormwater Management Manual. Under
18 the general permit, the Secretary shall:

19 (A) Establish a schedule for implementation of the general permit by
20 geographic area of the State. The schedule shall establish the date by which

1 an owner of impervious surface shall apply for coverage under this
2 subdivision (3). The schedule established by the Secretary shall require an
3 owner of impervious surface subject to permitting under this subdivision to
4 obtain coverage by the following dates:

5 (i) for impervious surface located within the Lake Champlain
6 watershed, the Lake Memphremagog watershed, or the watershed of a
7 stormwater-impaired water on or before October 1, ~~2023~~ 2025;

8 (ii) for impervious surface located within all other watersheds of
9 the State, no later than October 1, ~~2033~~ 2035.

10 (B) Establish criteria and technical standards, such as best
11 management practices, for implementation of stormwater improvements for
12 the retrofitting of impervious surface subject to permitting under this
13 subdivision (3).

14 (C) Require that a discharge of stormwater from impervious surface
15 subject to the requirements of this section comply with the standards of
16 subsection (h) of this section for redevelopment of or renewal of a permit for
17 existing impervious surface.

18 (D) Allow the use of stormwater impact fees, offsets, and phosphorus
19 credit trading within the watershed of the water to which the stormwater
20 discharges or runs off.

1 (E) Provide planning and engineering services to an owner of
2 impervious surface subject to coverage under the general permit free of charge
3 at the discretion of the owner of the impervious surface. The Secretary may
4 provide the planning and engineering services by Agency staff or by
5 contracting with a consultant to provide the services.

6 Sec. 2. FUNDING OF THREE-ACRE STORMWATER PERMIT; AGENCY
7 OF NATURAL RESOURCES; REPORT

8 (a) On or before January 1, 2021, the Secretary of Natural Resources shall
9 submit to the House Committees on Appropriations and on Natural Resources,
10 Fish, and Wildlife and the Senate Committees on Appropriations and on
11 Natural Resources and Energy a report providing recommendations for how
12 the State should fund or provide financial assistance for implementation of the
13 stormwater permit under 10 V.S.A. § 1264(g)(3) for discharges of stormwater
14 from impervious surface of three or more acres in size, when the stormwater
15 discharge previously was not permitted or was permitted under an individual
16 permit or general permit that did not incorporate the requirements of the 2002
17 Stormwater Management Manual or any subsequently adopted Stormwater
18 Management Manual. The report shall include the following:

19 (1) How to fund or provide financial assistance to owners of impervious
20 surface subject to the permit who lack income or financing to implement the
21 permit and are one or both of the following:

1 (A) owners of private residential or commercial property; or

2 (B) schools or nonprofit associations.

3 (2) How to address the permitting of impervious surface subject to the
4 permit that is located in an orphan stormwater system, including how to fund
5 or finance permitting in orphan stormwater systems.

6 (3) Whether to exempt or grandfather any impervious surface or owners
7 of impervious surface from the stormwater permit required under 10 V.S.A.
8 § 1264(g)(3).

9 (4) Recommended annual appropriations from the Clean Water Fund or
10 other existing available funds for the purpose of providing the engineering and
11 planning services required under stormwater permit under 10 V.S.A.
12 § 1264(g)(3)(D) and for the purpose of providing any financial assistance or
13 funding recommended in the report required by this section.

14 (b) As used in this section, “orphan stormwater system” means a
15 stormwater system:

16 (1) that serves a residential subdivision;

17 (2) that operates under an expired stormwater discharge permit;

18 (3) that does not discharge to a stormwater-impaired watershed; and

19 (4) for which the original permittee, in the discretion of the Secretary of
20 Natural Resources, is no longer associated with the system.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.