

H.625

An act relating to extending the exemption from encumbrance on title of properties subject to a pretransition stormwater permit

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

Sec. 1. 2012 Acts and Resolves No. 91, Sec. 3 is amended to read:

Sec. 3. REPEAL

27 V.S.A. § 613 (stormwater discharges during transition period; encumbrance on title) shall be repealed on June 30, ~~2016~~ 2018.

Sec. 2. 27 V.S.A. § 613 is amended to read:

§ 613. STORMWATER DISCHARGE PERMITS DURING TRANSITION
PERIOD

* * *

(b) Beginning on July 1, 2004, and notwithstanding any law to the contrary, no encumbrance on record title to real property or effect on marketability of title shall be created by the failure of the holder of real property from which regulated stormwater runoff discharges to an impaired watershed to obtain, renew, or comply with the terms and conditions of a pretransition stormwater discharge permit for a conveyance or refinancing, provided that such holder:

* * *

(2) Records in the land records a notice indicating, in an appropriate form to be determined by the ~~secretary of natural resources~~ Secretary of Natural Resources, that at the time of establishment of a general permit in the impaired watershed where the real property is located, but not later than June 30, ~~2016~~ 2018, the mortgagor (in the case of a refinancing) or the grantee (in the case of a conveyance) shall be subject to all applicable requirements of the water quality remediation plan, TMDL, or watershed improvement permit established under 10 V.S.A. chapter 47.

* * *

(e) This section shall not apply to any impaired watershed for which the ~~secretary of natural resources~~ Secretary of Natural Resources has issued a watershed improvement permit, issued an individual permit under a total maximum daily load approved by the U.S. Environmental Protection Agency, issued a general permit implementing a total maximum daily load approved by the U.S. Environmental Protection Agency, or issued a general or individual permit implementing a water quality remediation plan, upon issuance of notification by the Secretary of Natural Resources to the owners of lands covered by a pretransition stormwater permit.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.