

1 S.23

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation; special environmental revolving loan fund; stormwater
6 utilities

7 Statement of purpose: This bill proposes to give first priority for financing or
8 assistance from the special environmental revolving loan fund to municipalities
9 that have established or approved establishment of a stormwater utility or
10 similar regulatory mechanism to address management of a
11 stormwater-impaired water within the municipality.

12 An act relating to funding stormwater utilities in municipalities with
13 stormwater-impaired waters

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

15 Sec. 1. 24 V.S.A. § 4758 is amended to read:

16 § 4758. LOAN PRIORITIES

17 (a) Periodically, and at least annually, the secretary shall prepare and
18 certify to the bond bank a project priority list of those municipalities whose
19 publicly owned projects, or privately owned wastewater systems, are eligible
20 for financing or assistance under this chapter. In determining financing

1 availability for wastewater projects under this chapter, the secretary of the
2 agency having jurisdiction shall apply the following criteria:

3 (1) the probable public benefit to be gained or preserved by the project
4 to be financed;

5 (2) the long-term costs and the resulting benefits to be derived from the
6 project. In determining benefits, induced growth from a project that is not
7 consistent with a town, city, or village plan, duly adopted under chapter 117 of
8 this title, will not be considered;

9 (3) the cost of comparable credit or financing alternatives available to
10 the municipality;

11 (4) the existence of immediate public health, safety and welfare factors,
12 and compliance therewith;

13 (5) the existence of an emergency constituting a threat to public health,
14 safety and welfare; and

15 (6) the current area and population to be served by the proposed project.

16 (b) In determining financing availability for stormwater projects under this
17 chapter, the secretary of the agency having jurisdiction shall apply the
18 following criteria:

19 (1) that the project is specifically or generally described in Vermont's
20 nonpoint source management plan;

1 (2) that the project will remedy or prevent the impairment of waters, and
2 the severity of that existing or prevented impairment; and

3 (3) that the project is consistent with the applicable basin plan for the
4 waters affected by the project.

5 (c) Notwithstanding subsections (a) and (b) of this section, first priority for
6 financing or assistance under this chapter shall be given to municipalities that
7 have established or approved establishment of a stormwater utility or similar
8 regulatory mechanism to:

9 (1) implement a total maximum daily load plan for a
10 stormwater-impaired water located within the municipality; or

11 (2) fund a municipal project for the management of stormwater runoff to
12 a stormwater-impaired water located within the municipality.

13 Sec. 2. REPEAL

14 24 V.S.A. § 4758(c) (special environmental revolving loan fund; priority
15 assistance to stormwater utilities) is repealed on July 1, 2013.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.