

***** Water Quality *****

Sec. 18. FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER

CREDIT

For the purposes of this section and Secs. 19–25 of this act (Agency of Transportation stormwater credit), the General Assembly finds and declares that:

(1) the federal Clean Water Act, State water quality requirements under 10 V.S.A. chapter 47, and the municipal separate storm sewer system permit for transportation infrastructure, require the treatment and control of stormwater from State highway rights-of-way and other property owned, controlled, or managed by the Agency; and

(2) because of the traditional and continuing expenditures of the Agency for the construction, operation, and maintenance of stormwater control infrastructure designed to control stormwater runoff from State highway rights-of-way and developed lands owned, controlled, or managed by the Agency, it is fair and equitable to provide the Agency with a uniform credit against fees assessed by municipalities for the management of stormwater.

Sec. 19. 24 V.S.A. § 3501(7) is amended to read:

~~(7) “Storm water” or “storm sewage” is the excess water from rainfall or continuously following therefrom~~ shall have the same meaning as “stormwater runoff” under 10 V.S.A. § 1264.

Sec. 20. 24 V.S.A. § 3615 is amended to read:

§ 3615. RENTS; RATES

(a) Such municipal corporation, through its board of sewage disposal commissioners, may establish charges to be called “sewage disposal charges,” to be paid at such times and in such manner as the commissioners may prescribe. The commissioners may establish annual charges

1 separately for bond repayment, fixed operations and maintenance costs (not dependent on actual
2 use), and variable operations and maintenance cost dependent on flow. Such charges may be
3 based upon:

4 (1) the metered consumption of water on premises connected with the sewer system,
5 however, the commissioners may determine no user will be billed for fixed operations and
6 maintenance costs and bond payment less than the average single family charge;

7 (2) the number of equivalent units connected with or served by the sewage system based
8 upon their estimated flows compared to the estimated flows from a single family dwelling
9 however, the commissioners may determine no user will be billed less than the minimum charge
10 determined for the single family dwelling charge for fixed operations and maintenance costs and
11 bond payment;

12 (3) the strength and flow where wastes stronger than household wastes are involved;

13 (4) the appraised value of premises, in the event that the commissioners shall determine
14 the sewage disposal plant to be of general benefit to the municipality regardless of actual
15 connection with the same;

16 (5) the commissioners' determination developed using any other equitable basis such as
17 the number and kind of plumbing fixtures, the number of persons residing on or frequenting the
18 premises served by those sewers, the topography, size, type of use, or impervious area of any
19 premises; or

20 (6) any combination of these bases, so long as the combination is equitable.

21 (b) The basis for establishing sewer disposal charges shall be reviewed annually by sewage
22 disposal commissioners. No premises otherwise exempt from taxation, including premises
23 owned by the ~~state~~ State of Vermont, shall, by virtue of any such exemption, be exempt from

1 charges established hereunder. The commissioners may change the rates of such charges from
2 time to time as may be reasonably required. Where one of the bases of such charge is the
3 appraised value and the premises to be appraised are tax exempt, the commissioners may cause
4 the listers to appraise such property, including ~~state~~ State property, for the purpose of
5 determining the sewage disposal charges. The right of appeal from such appraisal shall be the
6 same as provided in 32 V.S.A. chapter 131 ~~of Title 32~~. The ~~commissioner of finance and~~
7 ~~management~~ Commissioner of Finance and Management is authorized to issue his or her
8 warrants for sewage disposal charges against state property and transmit to the ~~state~~
9 ~~treasurer~~ State Treasurer who shall draw a voucher in payment thereof. No charge so established
10 and no tax levied under the provisions of section 3613 of this title shall be considered to be a part
11 of any tax authorized to be assessed by the legislative body of any municipality for general
12 purposes, but shall be in addition to any such tax so authorized to be assessed. Sewage disposal
13 charges established in accord with this section may be assessed by the board of sewage disposal
14 commissioners as provided in section 3614 of this title to derive the revenue required to pay
15 pollution charges assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 ~~of~~
16 ~~Title 10~~.

17 (c) When a sewage disposal charge established under this section for the management of
18 stormwater is applied to property owned, controlled, or managed by the Agency of
19 Transportation, the charge shall not exceed the highest rate category applicable to other
20 properties in the municipality, and the Agency of Transportation shall receive a 40 percent credit
21 on the charge. The Agency of Transportation shall receive no other credit on the charge from the
22 municipal corporation.

23 Sec. 21. 24 V.S.A. § 3507 is amended to read:

1 § 3507. DUTIES

2 (a) Such sewage system commissioners shall have the supervision of such municipal sewage
3 system and shall make and establish all needed rates for rent, with rules and regulations for its
4 control and operation. Such commissioners may appoint or remove a superintendent at their
5 pleasure. The rents and receipts for the use of such sewage system shall be used and applied to
6 pay the interest and principal of the sewage system bonds of such municipal corporation, the
7 expense of maintenance and operation of the sewage system, as well as dedicated fund payments
8 provided for in section 3616 of this title.

9 (b) When a rate established under this section for the management of stormwater is applied to
10 property owned, controlled, or managed by the Agency of Transportation, the rate shall not
11 exceed the highest rate category applicable to other properties in the municipality, and the
12 Agency of Transportation shall receive a 40 percent credit on the rate. The Agency of
13 Transportation shall receive no other credit on the rate from the municipal corporation.

14 Sec. 22. 24 V.S.A. § 3679(c) is added to read:

15 (c) When a rate established under this section for the management of stormwater is applied to
16 property owned, controlled, or managed by the Agency of Transportation, the rate shall not
17 exceed the highest rate category applicable to other properties in the municipality, and the
18 Agency of Transportation shall receive a 40 percent credit on the rate. The Agency of
19 Transportation shall receive no other credit on the rate from the consolidated sewer district.

20 Sec. 23. 10 V.S.A. § 1251(18) is added to read:

21 (18) “Stormwater utility” means a system adopted by a municipality or group of
22 municipalities under 24 V.S.A. chapter 97, 101, or 105 for the management of stormwater
23 runoff.

1 Sec. 24. 10 V.S.A. § 1389 is amended to read:

2 (e) Priorities.

3 (1) In making recommendations under subsection (d) of this section regarding the
4 appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize:

5 * * *

6 (H) Funding to municipalities for the establishment and operation of stormwater
7 utilities.

8 (2) In developing its recommendations under subsection (d) of this section regarding the
9 appropriate allocation of funds from the Clean Water Fund, the Clean Water Fund Board shall,
10 during the first three years of its existence and within the priorities established under subdivision
11 (1) of this subsection (e), prioritize awards or assistance to municipalities for municipal
12 compliance with water quality requirements, and to municipalities for the establishment and
13 operation of stormwater utilities.

14 Sec. 25. 19 V.S.A. § 42 is amended to read:

15 § 42. ~~REPORTS PRESERVED~~ CONTINUED; CONSOLIDATED

16 TRANSPORTATION REPORT; STORMWATER UTILITY REPORT

17 (a) Notwithstanding 2 V.S.A. § 20(d), the reports or reporting requirements of this section
18 and sections 7(k), 10b(d), 10g, 11f(i), 12a, and 12b(d) of this title shall ~~be preserved~~ continue to
19 be required absent specific action by the General Assembly repealing the reports or reporting
20 requirements.

21 * * *

1 (c) On or before January 15, 2017, and annually thereafter, the Agency shall report to the
2 House and Senate Committees on Transportation regarding the status of municipal establishment
3 and implementation of stormwater utilities in the State. The report shall include:

4 (1) the number of municipal stormwater utilities in existence at the time of each report, as
5 indicated by the number of unique municipal rate structures for stormwater mitigation under
6 which the Agency was invoiced in the calendar year preceding a report submitted under this
7 section;

8 (2) the number of new municipal stormwater utilities established in the State in the
9 calendar year preceding a report submitted under this section;

10 (3) the amount of fees paid by the Agency to stormwater utilities in the calendar year
11 preceding a report submitted under this section; and

12 (4) a list of the stormwater projects or programs implemented by the Agency in
13 municipalities with stormwater utilities in the calendar year preceding a report submitted under
14 this section.

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