

1 S.260
2 Introduced by Senators Watson, Clarkson, Hardy and Vyhovsky
3 Referred to Committee on
4 Date:
5 Subject: Conservation and development; stormwater; State-owned impervious
6 surface; floodplains
7 Statement of purpose of bill as introduced: This bill proposes that when
8 impervious surface on State land located within a floodplain is redeveloped or
9 requires repaving, the State shall replace the impervious surface with pervious
10 surface or green infrastructure.

(2) "Development" means the construction of impervious surface on a tract or tracts of land where no impervious surface previously existed.

3 * * *

(4) “Green infrastructure” means a wide range of multifunctional, natural, and seminatural landscape elements that are located within, around, and between developed areas; that are applicable at all spatial scales; and that are designed to control or collect stormwater runoff.

* * *

9 (6) "Impervious surface" means those manmade surfaces, including
10 paved and unpaved roads, parking areas, roofs, driveways, and walkways, from
11 which precipitation runs off rather than infiltrates.

12 * * *

13 (9) “Redevelopment” or “redevelop” means the construction or
14 reconstruction of an impervious surface where an impervious surface already
15 exists when such new construction involves substantial site grading, substantial
16 subsurface excavation, or substantial modification of an existing stormwater
17 conveyance, such that the total of impervious surface to be constructed or
18 reconstructed is greater than the minimum regulatory threshold.

19 Redevelopment does not mean public road management activities, including
20 any crack sealing, patching, cold planing, resurfacing, reclaiming, or grading
21 treatments used to maintain pavement, bridges, and unpaved roads.

5 * * *

(13) "Stormwater Management Manual" means the Agency of Natural Resources' Stormwater Management Manual, as adopted and amended by rule.

8 (14) "Stormwater runoff" means precipitation and snowmelt that does
9 not infiltrate into the soil, including material dissolved or suspended in it, but
10 does not include discharges from undisturbed natural terrain or wastes from
11 combined sewer overflows.

12 * * *

13 (19) "Floodplain" means any land area susceptible to being inundated
14 by water from any source and that is identified on a National Flood Insurance
15 community map.

16 (20) "National Flood Insurance Program" means the National Flood
17 Insurance Program under 42 U.S.C. chapter 50 and implementing federal
18 regulations in 44 C.F.R. parts 59 and 60.

19 (c) Prohibitions.

1 (1) A person shall not commence the construction or redevelopment of
2 one-half of an acre or more of impervious surface without first obtaining a
3 permit from the Secretary.

4 * * *

5 (1) State lands in floodplain. When the redevelopment of impervious
6 surface on State land requires a permit under subdivision (c)(1) of this section
7 or, notwithstanding the permitting requirements of subdivision (c)(1) of this
8 section, when impervious surface of one-half of an acre or more on State land
9 located within the floodplain requires repaving, the State shall replace the
10 impervious surface with pervious surface or green infrastructure.

11 Sec. 2. IMPLEMENTATION; TIMELINE

12 State agencies with impervious surface located in a floodplain shall comply
13 with the requirement of 10 V.S.A. § 1264(l) and replace impervious surface
14 with pervious surface or green infrastructure on or before July 1, 2039.

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on July 1, 2024