



General Assembly

February Session, 2006

Raised Bill No. 5711

LCO No. 2391

02391_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT ENABLING MUNICIPALITIES TO ESTABLISH A
STORMWATER AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) Any municipality may,
2 by ordinance adopted by its legislative body, designate any existing
3 board or commission or establish a new board or commission as the
4 stormwater authority for such municipality. If a new board or
5 commission is created, the municipality shall, by ordinance, determine
6 the number of members thereof, their compensation, if any, whether
7 such members shall be elected or appointed, the method of their
8 appointment, if appointed, and removal and their terms of office,
9 which shall be so arranged that not more than one-half of such terms
10 shall expire within any one year.

11 (b) The purposes of the authority shall be to (1) develop a
12 stormwater management program, including, but not limited to, a
13 program for construction and postconstruction site runoff control,
14 pollution prevention and the detection and elimination discharges, and
15 (2) provide public education and outreach in the municipality relating
16 to stormwater management activities and to establish procedures for

17 public participation. In accomplishing the purposes of this section the
18 authority may plan, layout, acquire, construct, reconstruct, repair,
19 maintain, supervise and manage stormwater control systems.

20 (c) The authority may adopt regulations to implement the
21 stormwater management program.

22 (d) The authority may enter into contracts with any municipal or
23 regional entity to accomplish the purposes of this section.

24 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) The stormwater authority
25 of a municipality may (1) levy and collect assessments upon the lands
26 and buildings within its jurisdiction, and (2) establish, revise and
27 collect rates, fees, charges, penalties and assessments to provide for
28 municipal stormwater management controls.

29 (b) Whenever any assessment is made as provided in this section,
30 such assessment may be (1) uniform for all users of the municipality,
31 (2) based on use, or (3) apportioned among properties benefited
32 according to regulations adopted by the authority, based on (A) area,
33 street frontage, assessed valuation of the land in the last-completed
34 grand list of the municipality, the present or permitted use of any real
35 property in the area; or (B) methods deemed appropriate by the
36 authority, including, but not limited to, a property's impervious cover
37 determined by aerial photography, site inspections, existing water
38 databases, tax assessor data, zoning classifications, soil type,
39 topography, tree canopy, property use and average trips generated by
40 the property. The authority may make reasonable reductions on a
41 specific assessment upon determination, based on regulations adopted
42 by the authority, that the condition or situation of a property requires
43 such reduction. The provisions of sections 7-139 to 7-145, inclusive, of
44 the general statutes shall be applicable to assessments under this
45 section.

46 (c) If any assessment is determined to be not valid or not
47 enforceable, a new assessment may be made in the manner provided

48 in subsection (a) of this section for the determination of the original
49 assessment. If any assessment is made which is not sufficient to cover
50 the entire cost of the work to be paid for by such assessment, a
51 supplementary assessment may be made by the authority against
52 those properties previously assessed, in an amount sufficient to pay
53 the cost of such work, provided the total of such supplementary
54 assessment and the original assessment shall not exceed the value of
55 the special benefit accruing to the property against which the benefit is
56 assessed.

57 (d) Any assessment of benefits, including any installment thereof,
58 and any charge, fee, fine or other amount that is unpaid for a period of
59 thirty days after the due date shall be delinquent, shall be subject to
60 interest and shall constitute a lien upon the premises served and a
61 charge upon the owner thereof all in the manner provided both by the
62 provisions of the general statutes for delinquent property taxes.

63 Sec. 3. (NEW) (*Effective October 1, 2006*) The authority may elect to
64 defray the cost thereof by issuing bonds or other evidences of debt, or
65 from general taxation, special assessment or any combination thereof.
66 If it elects to defray any part of such cost from special assessment, it
67 may apportion and assess such part upon the lands and buildings in
68 the municipality which, in its judgment, are especially benefited
69 thereby, whether they abut on such stormwater systems or not, and
70 upon the owners of such lands and buildings, subject to the right of
71 appeal as provided in section 7-142 of the general statutes. Such
72 assessment may include a proportionate share of any expenses
73 incidental to the completion of such stormwater system, such as fees
74 and expenses of attorneys, engineers, surveyors, superintendents or
75 inspectors, the cost of any property purchased or acquired for such
76 work, interest on securities, the cost of preparing maps, plans and
77 specifications, and the cost of printing, publishing or serving
78 advertisements or notices incidental thereto. The authority may divide
79 the total territory to be benefited by any stormwater control system
80 into sections and may levy assessments against the property benefited

81 in each section separately. In assessing benefits against the property in
82 any section, the board may add to the cost of the part of the
83 stormwater control system located in such section a proportionate
84 share of the cost of any part of such system located outside the section
85 which is useful for the operation or effectiveness of that part of such
86 system within the section and of any of the other items of cost or
87 expense enumerated in this section.

88 Sec. 4. (NEW) (*Effective October 1, 2006*) When any stormwater
89 improvement or protection project or system is located within two or
90 more municipalities, such municipalities, acting by their stormwater
91 authority, may jointly undertake any such action as is authorized by
92 sections 1 to 3, inclusive, of this act.

93 Sec. 5. Section 22a-439 of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2006*):

95 (a) The commissioner shall make a grant to any municipality which,
96 after May 1, 1967, constructs, rebuilds, expands or acquires a pollution
97 abatement facility and the commissioner may make a grant to any
98 municipality which, after June 30, 1975, prepares an engineering report
99 or plans and specifications or which constructs, rebuilds, expands, or
100 acquires sewers. The commissioner shall make a grant to any
101 municipality for costs of facilities determined to be essential to
102 stormwater management in the municipality. For the purposes of this
103 section, "sewers" means (A) lateral or collector sewers required to abate
104 pollution, and (B) after October 1, 1979, sanitary and storm sewers
105 required to serve primarily industrial areas or outfall sewers required
106 to convey to an acceptable point of discharge that waste water and
107 cooling water which, prior to October 1, 1979, had been discharged
108 from manufacturing firms to sanitary sewers. In the case of a
109 municipality which, on said date, is in the process of constructing,
110 rebuilding, expanding or acquiring such a facility, such grant shall
111 apply only to that part of the facility constructed, rebuilt, expanded or
112 acquired after said date. The grants under this section shall be subject

113 to the following conditions: (1) No grant shall be made for any report,
114 plans and specifications for sewers or a pollution abatement facility
115 except where such report, plans and specifications for sewers or a
116 pollution abatement facility are in accordance with a time schedule of
117 the commissioner, and subject to such requirements as the
118 commissioner shall impose. If the commissioner requires that the
119 report, plans, and specifications for sewers or a pollution abatement
120 facility be approved by the federal Environmental Protection Agency
121 any grant shall be conditioned upon the municipality complying with
122 all of the requirements of said agency; (2) no grant shall be made until
123 the municipality has agreed to pay that part of the total cost which is in
124 excess of the applicable state and federal grants; (3) except as otherwise
125 provided in this section the grant to each municipality shall equal
126 thirty per cent of the cost, which cost shall be that cost which the
127 federal Environmental Protection Agency uses or would use in making
128 a federal grant, except that where the commissioner has imposed
129 requirements exceeding the requirements of the federal act and for
130 which federal grants are not available, the grant shall be thirty per cent
131 of the actual cost provided the percentage of the cost which is the grant
132 under this section shall be reduced when federal grants are available
133 so that the total federal and state grants available to the municipality
134 shall not exceed ninety per cent of the cost unless the reduction of the
135 percentage will reduce the amount of the federal grant available in
136 which case the total grant may exceed ninety per cent in order to
137 maximize the federal grant; (4) on or after July 1, 1983, the grant to
138 each municipality shall equal fifty-five per cent of the cost, which cost
139 shall be that cost which the federal Environmental Protection Agency
140 uses or would use in making a federal grant, except that where the
141 commissioner has imposed requirements exceeding the requirements
142 of the federal act and for which federal grants are not available, the
143 grant shall be fifty-five per cent of the actual cost provided the
144 percentage of the cost which is the grant under this section shall be
145 reduced when federal grants are available so that the total federal and
146 state grants available to the municipality shall not exceed ninety per

147 cent of the cost unless the reduction of the percentage will reduce the
148 amount of the federal grant available in which case the total grant may
149 exceed ninety per cent in order to maximize the federal grant. To be
150 eligible for the grant a municipality shall have been on the priority list
151 for not less than three years and shall have the capability of initiating
152 construction not more than ninety days after being awarded the grant;
153 (5) the state grant under this section may be increased so that the total
154 federal and state grant available to the municipality is equal to one
155 hundred per cent of the cost of the engineering report provided the
156 commissioner has required that the report cover regional problems
157 outside of the corporate limits of the municipality; (6) the state grant
158 under this section may be increased, in the sole discretion of the
159 commissioner, so that the total federal and state grant available to the
160 municipality shall equal one hundred per cent of the cost of facilities
161 required to remove nutrients which are causing excessive growth of
162 aquatic freshwater plants in the inland waters of the state; (7) on or
163 after September 30, 1984, the total amount of federal and state grants
164 available to the municipalities shall be not more than fifty-five per cent
165 of the cost approved for the planning, design and construction of the
166 facility, except as otherwise provided in this section and in the
167 provisions of the federal Water Pollution Control Act concerning
168 innovative and alternative technology, except that the amount of state
169 and federal grants shall not be more than seventy-five per cent of the
170 costs for the planning, design and construction of treatment facilities in
171 excess of secondary treatment, as defined by the federal Water
172 Pollution Control Act, required to meet water quality standards and
173 new facilities required to meet secondary treatment where no previous
174 secondary treatment existed; (8) the state grant under this section shall
175 be paid to the municipality in partial payments similar to the time
176 schedule that such payments are or would be provided to the
177 municipality by the federal Environmental Protection Agency; (9) no
178 grant shall be made for a pollution abatement facility unless the
179 municipality assures the commissioner of the proper and efficient
180 operation and maintenance of the facility after construction; (10) no

181 grant shall be made unless the municipality has filed properly
182 executed forms and applications prescribed by the commissioner; (11)
183 any municipality receiving state or federal grants for pollution
184 abatement facilities shall keep separate accounts by project for the
185 receipt and disposal of such eligible project funds; [] and (12) no
186 design grant or advance shall be made under this section or section
187 22a-443 for work initiated after October 1, 1981, unless local financing
188 for design and construction is authorized. Any funds advanced to a
189 municipality prior to October 1, 1971, under the provisions of this
190 section shall be considered a part of the total amount of the state grant
191 provided for in this section.

192 (b) If federal funds for an engineering report for a pollution
193 abatement facility are not available to a municipality at the time of its
194 scheduled planning, the commissioner may advance funds to such
195 municipality in an amount sufficient to pay the cost of the report. Such
196 funds shall be considered a part of the total amount of the state grant
197 provided for in this section. Notwithstanding any of the provisions of
198 this section to the contrary, twenty-five per cent of the funds advanced
199 shall be returned to the state if the report does not recommend the
200 construction, rebuilding, expansion or acquisition of a pollution
201 abatement facility.

202 (c) The Commissioner of Environmental Protection shall adopt
203 regulations pursuant to chapter 54 to implement the provisions of this
204 section. The regulations shall be consistent with Part 35 of the federal
205 Construction Grant Regulations and the federal Water Pollution
206 Control Act and shall include, but not be limited to, the establishment
207 of a system setting the priority for making grants for municipal
208 pollution abatement facilities. The commissioner shall prepare a list by
209 priority of projects eligible for funding pursuant to this section. The
210 system and list shall be similar to and used with the list required by
211 Part 35 of the federal Construction Grant Regulations and the federal
212 Water Pollution Control Act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	22a-439

Statement of Purpose:

To authorize municipalities to establish a stormwater authority.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]