



General Assembly

January Session, 2007

Amendment

LCO No. 7982

HB0685607982HDO

Offered by:
REP. ROY, 119th Dist.

To: Subst. House Bill No. 6856 File No. 801 Cal. No. 350

**"AN ACT ESTABLISHING A MUNICIPAL STORMWATER
AUTHORITY PILOT PROGRAM."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) Not later than
4 September 1, 2007, the Commissioner of Environmental Protection
5 shall establish a municipal stormwater authority pilot program to
6 provide grants to not more than four municipalities that border Long
7 Island Sound to enable such municipalities to establish stormwater
8 authorities. Municipalities satisfying the following criteria shall be
9 given priority to participate in the pilot program: A municipality that
10 has a population of more than eighteen thousand and less than
11 eighteen thousand five hundred; a municipality that has a population
12 of more than twenty-six thousand and less than twenty-six thousand
13 five hundred; a municipality that has a population of more than
14 eighty-four thousand and less than eighty-four thousand five hundred,
15 and one municipality that has a population of more than one hundred
16 twenty-five thousand and less than one hundred twenty-five thousand
17 five hundred. For the purposes of this section, "population" means the

18 number of people according to the most recent version of the
19 Connecticut Register and Manual.

20 (b) In order to be considered for such a grant, each eligible
21 municipality shall submit a grant application on forms prescribed by
22 the commissioner not later than September 15, 2007. The commissioner
23 may reject any grant application that the commissioner determines to
24 be incomplete. The municipality that submitted such rejected
25 application shall be given not more than fifteen days to correct the
26 defects in such application. In the event that a municipality given
27 priority in accordance with subsection (a) of this section is unable to
28 correct such defects to the commissioner's satisfaction, the
29 commissioner shall consider such municipality a non-priority
30 municipality, as described in subsection (c) of this section. Any
31 municipality that fails to submit a timely application for the grant shall
32 be deemed to have waived such municipality's right to apply for the
33 grant.

34 (c) In the event that one or more of the municipalities given priority
35 in accordance with subsection (a) of this section waives its right to
36 participate in such pilot program, any municipality required to comply
37 with the requirements of a permit issued pursuant to section 22a-430
38 or 22a-430b of the general statutes for the discharge of stormwater
39 from, or associated with, a separate storm sewer system owned or
40 operated by such municipality may apply to the commissioner to
41 participate in the pilot program in accordance with procedures
42 prescribed by the commissioner. Timely applications for such grants
43 will be reviewed in the order in which they were received to determine
44 if such municipality meets the selection criteria for non-priority
45 municipalities. Such selection criteria shall include, but not be limited
46 to: (1) The proximity of the municipality to Long Island Sound or other
47 major river or water body, and (2) whether the inclusion of such
48 municipality will result, in the aggregate of all participating
49 municipalities, in a diverse representation of urban and suburban
50 areas. For the purpose of this section, "separate storm sewer system"
51 means a conveyance for stormwater, including, but not limited to,

52 roads with drainage systems, streets, catch basins, curbs, gutters,
53 ditches, man-made channels or storm drains that discharge into the
54 waters of the state.

55 (d) Each municipality selected by the commissioner to participate in
56 such pilot program shall submit a stormwater management program
57 for the commissioner's approval. Such program shall include an
58 estimate of the operational and capital expenses and income required
59 to financially support implementation of the plan over a five-year
60 period, and other such elements as the commissioner may prescribe in
61 accordance with the purposes specified in section 2 of this act.

62 (e) Notwithstanding the provisions of sections 22a-475 to 22a-483,
63 inclusive, of the general statutes, the Commissioner of Environmental
64 Protection may provide grants that in the aggregate do not exceed one
65 million dollars, from any account in the Clean Water Fund established
66 under section 22a-477 of the general statutes, to the extent that bond
67 funds are available, to municipalities participating in the pilot program
68 established pursuant to sections 1 to 3, inclusive, of this act, for
69 reimbursement of not more than eighty per cent of the costs incurred
70 by said municipalities related to the planning, engineering and legal
71 costs associated with the establishment of an approved stormwater
72 authority and the development of a stormwater program pursuant to
73 sections 1 to 3, inclusive, of this act. Any costs associated with the
74 application for participation in the pilot program shall not be eligible
75 for reimbursement. The commissioner shall be reimbursed from the
76 Clean Water Fund for the reasonable costs of administering such grant
77 program.

78 Sec. 2. (NEW) (*Effective from passage*) (a) Any municipality selected
79 by the commissioner to participate in the pilot program established
80 pursuant to section 1 of this act may, by ordinance adopted by its
81 legislative body, designate any existing board or commission or
82 establish a new board or commission as the stormwater authority for
83 such municipality. If a new board or commission is created, such
84 municipality shall, by ordinance, determine the number of members

85 thereof, their compensation, if any, whether such members shall be
86 elected or appointed, the method of their appointment, if appointed,
87 and removal and their terms of office, which shall be so arranged that
88 not more than one-half of such terms shall expire within any one year.

89 (b) The purposes of the stormwater authority shall be to: (1)
90 Develop a stormwater management program, including, but not
91 limited to, (A) a program for construction and post-construction site
92 stormwater runoff control, including control detention and prevention
93 of stormwater runoff from development sites; or (B) a program for
94 control and abatement of stormwater pollution from existing land
95 uses, and the detection and elimination of connections to the
96 stormwater system that threaten the public health, welfare or the
97 environment; (2) provide public education and outreach in the
98 municipality relating to stormwater management activities and to
99 establish procedures for public participation; (3) provide for the
100 administration of the stormwater management program; (4) establish
101 geographic boundaries of the stormwater authority district; and (5)
102 recommend to the legislative body of the municipality in which such
103 district is located the imposition of a levy upon the taxable interests in
104 real property within such district, the revenues from which may be
105 used in carrying out any of the powers of such district. In
106 accomplishing the purposes of this section, the stormwater authority
107 may plan, layout, acquire, construct, reconstruct, repair, maintain,
108 supervise and manage stormwater control systems.

109 (c) Any stormwater authority created by a municipality pursuant to
110 subsection (a) of this section may levy fees from property owners of
111 the municipality for the purposes described in subsection (b) of this
112 section. In establishing fees for any property in its district, the
113 stormwater authority may consider criteria, including, but not limited
114 to, the following: The area of the property containing impervious
115 surfaces from which stormwater runoff is generated, land use types
116 that result in higher concentrations of stormwater pollution and the
117 grand list valuation of the property. The stormwater authority may
118 reduce or defer such fees for land classified as, or consisting of, farm,

119 forest or open space land.

120 (d) The authority may adopt municipal regulations to implement
121 the stormwater management program.

122 (e) The authority may, subject to the commissioner's approval, enter
123 into contracts with any municipal or regional entity to accomplish the
124 purposes of this section.

125 Sec. 3. (NEW) (*Effective September 1, 2007*) On or before February 11,
126 2008, the municipalities participating in the pilot program established
127 in section 1 of this act shall submit a joint report in accordance with the
128 provisions of section 11-4a of the general statutes to the joint standing
129 committee of the General Assembly having cognizance of matters
130 relating to the environment on the status of the pilot program. Said
131 report shall include, but not be limited to: (1) The recommendation on
132 municipalities' whether further legislation is necessary to grant
133 stormwater authorities the additional powers to issue bonds, notes or
134 other evidences of debt, (2) a map showing the geographic boundaries
135 of the stormwater authority district, (3) information concerning the
136 purpose and amount of any assessments recommended to fund the
137 municipal stormwater authority, and (4) any other information that the
138 commissioner requests pursuant to the grant agreement entered into
139 between the commissioner and the municipality in accordance with
140 section 2 of this act.).

141 Sec. 4. Section 7-339n of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective September 1, 2007*):

143 A special services district shall constitute a body politic and
144 corporate and the ordinance establishing such a district shall confer
145 upon such district such of the following powers as are provided in the
146 ordinance: [(a)] (1) To sue and be sued; [(b)] (2) to acquire, hold and
147 convey any estate, real or personal; [(c)] (3) to contract; [(d)] (4) to
148 borrow money, provided any obligation incurred for this purpose shall
149 be discharged not more than [one year] seven years after it was
150 incurred, and such district may pledge any revenues to be received

151 pursuant to section 7-339r against any such obligation; [(e)] (5) to
152 recommend to the legislative body of the municipality in which such
153 district is located the imposition of a levy upon the taxable interests in
154 real property within such district, the revenues from which may be
155 used in carrying out any of the powers of such district; [(f)] (6) to
156 construct, own, operate and maintain public improvements; and [(g)]
157 (7) to provide, within such district, some or all of the other services
158 which such municipality is authorized to provide therein, except that
159 no such ordinance may confer upon any such district the power to
160 provide elementary or secondary public education services, and
161 provided further no such ordinance may confer upon any such district
162 the power to provide services which are then being provided within
163 any portion of the area included in such district by any multitown
164 body or authority.

165 Sec. 5. Subsection (b) of section 22a-517 of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective from*
167 *passage*):

168 (b) The initial project undertaken by a new authority shall receive
169 (1) a grant of twenty-five per cent of the cost of the project, unless such
170 project is a combined sewer project, in which case a new authority
171 shall receive a grant of fifty-five per cent of the cost of the project. In
172 either case such cost shall be the cost the United States Environmental
173 Protection Agency uses in making grants pursuant to Part 35 of the
174 federal Construction Grant Regulations Act and Titles II and VI of the
175 federal Water Pollution Control Act, as amended; and (2) a loan for the
176 remainder of the costs of the project, not exceeding one hundred per
177 cent of the eligible water quality project costs. [On or after fiscal year
178 2007, all projects eligible for funding shall receive a loan of one
179 hundred per cent of the eligible costs and shall not receive a project
180 grant.] All loans made in accordance with the provisions of this section
181 shall bear an interest rate of two per cent per annum. The
182 Commissioner of Environmental Protection may allow any project
183 fund obligation to be repaid by a borrowing authority prior to
184 maturity without penalty."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>September 1, 2007</i>	New section
Sec. 4	<i>September 1, 2007</i>	7-339n
Sec. 5	<i>from passage</i>	22a-517(b)