

1 H.625

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; property; water quality; stormwater;  
6 conveyance of property; encumbrance

7 Statement of purpose of bill as introduced: This bill proposes to extend until  
8 2017 the exemption from encumbrance on title of properties subject to a  
9 pretransition stormwater permit and to specify that the exemption shall not  
10 apply to impaired watersheds upon the issuance of notification by the Secretary  
11 of Natural Resources.

12 An act relating to extending the exemption from encumbrance on title of  
13 properties subject to a pretransition stormwater permit

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

15 Sec. 1. 2012 Acts and Resolves No. 91, Sec. 3 is amended to read:

16 Sec. 3. REPEAL

17 27 V.S.A. § 613 (stormwater discharges during transition period;  
18 encumbrance on title) shall be repealed on June 30, ~~2016~~ 2017.

1 Sec. 2. 27 V.S.A. § 613 is amended to read:

2 § 613. STORMWATER DISCHARGE PERMITS DURING TRANSITION  
3 PERIOD

4 \* \* \*

5 (b) Beginning on July 1, 2004, and notwithstanding any law to the  
6 contrary, no encumbrance on record title to real property or effect on  
7 marketability of title shall be created by the failure of the holder of real  
8 property from which regulated stormwater runoff discharges to an impaired  
9 watershed to obtain, renew, or comply with the terms and conditions of a  
10 pretransition stormwater discharge permit for a conveyance or refinancing,  
11 provided that such holder:

12 \* \* \*

13 (2) Records in the land records a notice indicating, in an appropriate  
14 form to be determined by the ~~secretary of natural resources~~ Secretary of  
15 Natural Resources, that at the time of establishment of a general permit in the  
16 impaired watershed where the real property is located, but not later than  
17 June 30, ~~2016~~ 2017, the mortgagor (in the case of a refinancing) or the grantee  
18 (in the case of a conveyance) shall be subject to all applicable requirements of  
19 the water quality remediation plan, TMDL, or watershed improvement permit  
20 established under 10 V.S.A. chapter 47.

21 \* \* \*

1           (e) This section shall not apply to any impaired watershed for which the  
2 ~~secretary of natural resources~~ Secretary of Natural Resources has issued a  
3 watershed improvement permit, issued an individual permit under a total  
4 maximum daily load approved by the U.S. Environmental Protection Agency,  
5 issued a general permit implementing a total maximum daily load approved by  
6 the U.S. Environmental Protection Agency, or issued a general or individual  
7 permit implementing a water quality remediation plan, upon issuance of  
8 notification by the Secretary of Natural Resources to the owners of lands  
9 covered by a pretransition stormwater permit.

10       Sec. 3. EFFECTIVE DATE

11           This act shall take effect on passage.