

## 4.11.2022 DRAFT

### 3-Acre Stormwater Permitting Services Rebate Program

#### Overview

Vermont was awarded \$1.05 billion in Coronavirus State and Local Fiscal Recovery Funds (Recovery Funding) as part of the federal American Rescue Plan Act of 2021. The Governor's Recovery Plan is focused on transparent investments in key infrastructure needs including housing, broadband, wastewater and sewer systems, climate change prevention and mitigation, and economic development. The explicit objective of this Plan is to provide long term economic recovery opportunities to communities statewide, with a focus on those regions or counties struggling the most with job losses and declines in demographics and income levels.

#### General

The Agency of Natural Resources is administering a rebate program to eligible property owners for a portion of costs associated with obtaining coverage under Stormwater General Permit 3-9050 for "3-acre sites." This program will have a rolling application process and will be available on a first-come, first-served basis. The Department anticipates allocating \$4 million of ARPA funds to support this program. Construction expenses associated with General Permit 3-9050 are not eligible for a rebate under this program at this time. Subject to future appropriations or American Rescue Plan funding, the Department may offer funding assistance for construction of stormwater treatment practices at "3-acre sites".

#### Eligible Projects

Eligible projects are limited to the following:

- "Impervious surface of three or more acres" as defined in Section 1.7 of General Permit 3-9050;
- Projects required to obtain permit coverage pursuant to section 1.3.D of General Permit 3-9050 (impervious surfaces of three or more acres located in the watersheds of Lake Champlain, Lake Memphremagog, or stormwater-impaired water); and
- Projects that have received permit coverage based on a full Notice of Intent. Projects that have obtained permit coverage solely via submittal of an Initial Notice of Intent are not eligible.
- Projects may only receive one rebate under this program.

For the purposes of this program, "project" means the portion of a project covered by an authorization under General Permit 3-9050. Some common plans of development or phased projects may have multiple projects authorized under the general permit, each of which may be eligible for a rebate.

#### Eligible Recipients

The permittee or permittees as identified on the Authorization to Discharge under General Permit 3-9050 are solely eligible to apply to receive payment under this rebate program. Where the permittee is a business, LCC, home-owners association, or similar entity, the entity must be registered and in good standing with the Vermont Secretary of State.

Small businesses are eligible for this rebate program. To be considered a small business, a permittee must meet the Small Business Administration (SBA) definition of a "small business concern":

- For profit
- US owned (>50%) and operated
- Fewer than 500 employees

Businesses that do not meet the SBA definition of a small business concern are not eligible for this rebate program.

Municipalities are eligible for this rebate program where they are a permittee or co-permittee.

Where a project consists of more than one permittee, the rebate may be proportionally allocated to the permittees as indicated on the rebate application.

Projects that have previously received other State or federal funds for the permitting of the project are not eligible to participate in the rebate program.

Applicants with any State tax delinquency are not eligible to apply under this program until such time all arrears are remedied.

Public elementary, secondary, and post-secondary educational institutions are not eligible for support under this program and instead should seek funding assistance through the Green Schools Initiative (<https://www.greenprintpartners.com/vtgreenschools-engineering>).

#### Eligibility Dates

This program goes into effect on **DATE**. Applications must be received prior to October 31, 2024. The Agency may reserve the right to discontinue this program at any time.

Eligible projects must have received permit coverage under General Permit 3-9050 on or after March 3, 2021.

#### Rebate Payment Rates

The amount of payment under this program is based on the impervious surface subject to three-acre requirements under Section 1.3.D. of General Permit 3-9050 (impervious surfaces of three or more acres). Where a project obtains permit coverage for both impervious surfaces subject to 1.3.D. and impervious surfaces not subject to 1.3.D. (e.g., new impervious, or existing impervious surface that meets the standards of the 2002 Vermont Stormwater Management Manual), the per-acre rebate rate shall be based solely on the portion of the impervious surface subject to 1.3.D.

Rebate rates are as follows:

\$1,000 plus \$2,000 per acre; \$9,000 maximum.

The formula for calculating the rebate amount shall be:

$\$1,000 + [\text{Number of permitted acres of impervious surface}] * [\$2,000 \text{ per acre}] = \text{Rebate amount}$

All acreage shall be rounded to the nearest tenth and rebates shall be prorated. Acreage, for these purposes, is limited to impervious surfaces subject to 1.3.D. of General Permit 3-9050.

### Rebate Application Requirements

The permittee or permittees shall apply on a form provided by the Secretary and shall provide all required information including the following:

1. Permittee(s) name and contact information;
2. Permit Navigator Number
3. Stormwater Permit Number and permit issue date;
4. Eligible impervious surface (acres);
5. Rebate amount; and
6. Any other information requested by the Secretary
  - a. Attestation that the project has not received other State or Federal funding for permitting services, if applicable
  - b. Act 154 of 2016 Certificate of Good Standing, if applicable
  - c. W-9 form

### Rebate Process

To receive a rebate for a portion of costs associated with obtaining coverage under Stormwater General Permit 3-9050, landowners or engineering firms on behalf of landowners must submit the information listed in the Rebate Application Requirements section electronically through ANROnline by October 31, 2024.

Once the information has been reviewed by DEC staff, the rebate will be processed and payment will be issued to the permittee(s). The Department reserves the right to verify all information provided by applicants seeking support under this program.

Please note that funds awarded to recipients under this program will be reported to the Internal Revenue Service and may be considered taxable income. Individuals or entities receiving a rebate should consult a tax professional with any concerns or questions.