



HOUSE BILL 20: 1998 Clean Water Bond Additional Connections.

2021-2022 General Assembly

Committee:		Date:	February 10, 2022
Introduced by:		Prepared by:	Aaron McGlothlin Staff Attorney
Analysis of:	S.L. 2021-37		

OVERVIEW: *S.L. 2021-37 requires the Secretary of Environmental Quality (Secretary) to authorize additional connections to waterlines funded by the Clean Water and Natural Gas Critical Needs Bond Act of 1998 for structures located on lots zoned for residential and mixed-use development.*

This act became effective June 16, 2021, and applies to requests for waivers to allow additional water lines submitted on or before that date.

CURRENT LAW: The Clean Water and Natural Gas Critical Needs Bond Act of 1998 (Act), as amended by Section 5 of S.L. 2011-412, authorized the issuance of general obligation bonds of the State to fund grants and loans to local governments for water supply and distribution systems, water collection systems, wastewater treatment works, water conservation projects, and water reuse projects. The Act prohibited the use of the proceeds to construct new water or sewer lines in areas designated as WS-I or the critical areas of WS-II, WS-III, or WS-IV.

However, the Act, as it existed prior to the enactment of S.L. 2021-37, provided that the Secretary must grant a waiver to allow additional water and sewer connections in these areas if the design capacity and size of the existing bond-funded waterline can accommodate the additional connections, and the purpose of the additional connection is to i) address an existing threat to public health or water quality, or ii) provide water to a habitable structure located on a lot zoned for single-family residential use. There is no requirement that the structure existed at the time the bond-funded waterline was constructed.

BILL ANALYSIS: S.L. 2021-37 expands the criteria under which the Secretary must grant a waiver to allow additional connections for provision of water to include structures located on lots that are ***zoned for residential use or mixed-use development***. This act eliminates the requirement under existing law as it existed prior to the enactment of S.L. 2021-37 that the structure be "habitable" and located on lots that are zoned for a "single-family residence."

EFFECTIVE DATE: This act became effective June 16, 2021, and applies to requests for waivers to allow additional water lines submitted on or before that date.

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