Stormwater Utilities Legislation

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Setting the Table

The Stormwater Problem

Stormwater Study

• 83% of communities experienced local inland flooding.

• 85% of communities experienced flooding outside of designated Flood Hazard Areas.
“Getting a Grip on Stormwater”

• Volumes are Increasing.
• 12% of states’ area is impervious.
• 95% of NJ’s waters don’t meet water quality standards.
• Hazardous Algal Blooms (HABs)
**Stormwater Management in NJ**

- New Jersey has a $16 billion stormwater infrastructure problem, and right now there is no dedicated funding source to address this massive need.
Stormwater Management in NJ

• Updated stormwater regulations don’t generally address existing development, and municipal budgets are really the only avenue to raise the essential revenue for investment in our stormwater infrastructure.

• Left to annual budget processes and largely ignored.
What is a Stormwater Utility?

Similar to a water or sewer utility, a stormwater utility is a local assessment district that dedicates funding specifically and solely to address stormwater management problems.

STATE MANDATE:

- Clean Stormwater and Flood Reduction Act, S-1073 is Permissive
- Localities decides whether to create a stormwater utility
- Best Management Practice in 41 other states, in over 1800 communities.
What is a Stormwater Utility?

Next Steps of Regulations

Guidance Document -

*Signed into law
3/18/19
*Takes effect
180 days after
signing:
~October ‘19

2[15.] 16.2 (New section) a. Within 18 months after the effective date of this section, the Department of Environmental Protection, in consultation with the Board of Public Utilities and the Division of Local Government Services in the Department of Community Affairs, and stakeholders as the department deems appropriate, shall develop a stormwater utility guidance manual. The department shall periodically update the guidance manual as the department deems appropriate. The guidance manual shall include, but need not be limited to:

(1) technical assistance for counties, municipalities, and authorities seeking to establish a stormwater utility pursuant to P.L. 1968, c. 410 (pending before the Legislature as this bill);

(2) factors for counties, municipalities, and authorities to consider when establishing and revising stormwater utility fees and other charges and appropriate credits;

(3) information on how to develop an asset management program for a stormwater management system; and

(4) information on how counties, municipalities, and authorities can conduct public education and outreach related to stormwater management.

b. Development of the stormwater utility guidance manual, and any updates thereto, shall not be subject to the requirements and provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).
Next Steps of Regulations

Background

In March 2019, the Stormwater Utility Law was signed into law. This law authorizes local and county governments and certain utilities the ability to create stormwater utilities. Funds generated from these utilities can be used to improve infrastructure that protects water quality, prevent flooding in our communities, and comply with other MS4 stormwater requirements. According to the law, a utility fee must be a “fair and equitable approximation of the proportionate contribution of stormwater runoff from a real property.”

What is a Stormwater Utility?

A utility is an organization that maintains the infrastructure for a public service, like electricity and water supply. A stormwater utility is an organization who assesses fees and uses the revenue from these fees to maintain infrastructure designed to reduce pollutants into water bodies and provide control of stormwater to prevent flooding conditions.

DEP Responsibilities

DEP will be using this website as a repository of information required under the law. DEP is obligated to provide guidance covering:

1. Technical assistance to set up a utility
2. Rate-setting
3. Asset management
4. Public education

When a utility is created, DEP and the Department of Community Affairs (DCA) will be responsible for receiving submissions by local and county governments that demonstrate the local governments' compliance with the law.

DEP is working in collaboration with DCA and the Board of Public Utilities (BPU) as their laws and regulations will likely be impacted during the forming of utilities under this law.

Stakeholder Involvement

DEP intends to develop this guidance in a transparent manner, using the expertise of stakeholders to advise and
Next Steps of Regulations

If you’d like a copy of our comments, please reach out to me.
REQUEST FOR PROPOSALS

Flood and Stormwater Management Grant Program
New Jersey League of Conservation Voters Education Fund

Summary
New Jersey League of Conservation Voters Education Fund seeks to fund governing bodies and municipal authorities to explore and/or implement local stormwater utilities.

Details
- GRANT PERIOD: This grant period is one year.
- GRANT AMOUNT: $2,500 - $30,000
- DEADLINE TO APPLY: Applications are accepted on a rolling basis, until all funds are awarded.
Getting Involved

FLOOD DEFENSE NEW JERSEY

New Jersey League of Conservation Voters Education Fund
Getting Involved
Thank you!

If you have any additional questions, please reach out to Kaitlin Barakat, kaitlin.barakat@njlcv.org.

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For More Information, Go to: flooddefensenj.org or in a few weeks, New Jersey Future will have a Stormwater Utility Database on their website.