



**REQUEST FOR**  
**EXPRESSION OF INTEREST**  
**No-Cost Stormwater Consulting**

Issued by:

The New Jersey Department of Environmental Protection

Watershed and Land Management

**Division of Watershed Protection and Restoration**

Issuance Date: July 29, 2022

Due Date: August 24, 2022

# Stormwater Utility Establishment

## **1.0 PURPOSE AND INTENT**

New Jersey suffers from significant adverse impacts to public health, safety and welfare, and the environment due to flooding, which continues due to increased frequency and intensity of climate-influenced precipitation. These impacts are only further exacerbated in areas with inadequate or poorly managed stormwater infrastructure. Moreover, poorly managed runoff carries with it debris, bacteria, and chemicals such as pesticides, fertilizers, and gasoline, which pollutes water bodies and drinking water sources.

The significance of this issue, and the imminent threat it presents, was most recently reinforced by the remnants of Tropical Storm Ida, which struck New Jersey on September 1, 2021, causing widespread devastation to communities, homes, infrastructure, public buildings and private businesses, with much of this flooding without proximity to waterbodies and directly attributable to poor stormwater management.

With recent studies showing that rainfall has increased by as much as 10% over the Department's current 1999-based rainfall standards with future increases by as much as 50% in certain parts of the State, stormwater infrastructure designed to meet outdated, backward-looking standards will become increasingly unable to adequately manage storm impacts, thereby increasing the risk of flooding to the surrounding community. If not addressed directly, residents will continue to experience impacts to their health, safety, economic well-being, and quality of life.

While the State intends to propose rules to improve stormwater management as part of the Department's New Jersey Protecting Against Climate Threats – Resilient Environments and Landscapes (NJPACT-REAL), effective stormwater management requires a coordinated approach that involves planning and implementation at the local level as well. Proactive local action that addresses both new and existing infrastructure is necessary and stable funding will ensure that solutions will be maintained, operated and upgraded as conditions and communities change. This is particularly critical given the expected changes in precipitation due to climate change.

The United States Environmental Protection Agency estimates that \$15.6 billion in water related funding is needed for stormwater management in New Jersey. NJDEP is aware that many municipalities lack the financial wherewithal to adequately address these issues. To address this shortcoming, in March 2019, the State enacted the "Clean Water and Flood Reduction Act", N.J.S.A. 40A:26B-1, et seq. (Act), which authorized local and county governments, either individually or through a shared utility, to create a stormwater utility (SW U) to finance the acquisition, construction, improvement, maintenance and operation of stormwater management infrastructure through the fair and equitable imposition of fees on stormwater generating properties.

Despite the Department's issuance of guidance ([NJDEP | Stormwater Utility Guidance | Home](#)), to date, the Department is unaware of any local or county government advancing beyond the beginning stages of the process of assessing the feasibility of creation of a SWU.

Accordingly, to assist and facilitate the exploration of critical stormwater management initiatives, the Department is issuing this RFEI to develop a list of interested qualifying entities that can be paired with retained Department contractors to work toward the formation of a SWU.

A total of \$2 million is available for this program and the amount of funding that the Department will dedicate to each selected entity will be dependent on the number of responses to this RFEI.

## **2.0 OFFER OF NO-COST SWU CONSULTING AND GUIDANCE**

Through issuance of this Request for Expression of Interest (RFEI), the Department is offering to assist selected entities in the formation of a SWU at no cost. Accordingly, the Department will engage the services of qualified consultant on behalf of the selected entity to provide individualized services to assess the feasibility of SWU creation in accordance with the Department's SWU guidance (linked above.)

The Department's guidance includes the following seven (7) general steps as outlined in the guidance document. This RFEI will fund work associated with step 4, Feasibility Study. The contractor will be expected to complete a Feasibility Study. If funds allow and if the formation of the utility is deemed feasible by the study, the contractor should continue to execute the remaining steps.

- ~~1. Discuss Concept with selected entity,~~
- ~~2. Conduct Preliminary Feasibility Study,~~
- ~~3. Engage Management,~~
- 4. Conduct Comprehensive Feasibility Study,**
- 5. Engage Stakeholders,**
- 6. Engage Public, and**
- 7. Implement Stormwater Utility (where possible.)**

To participate, the entity must agree to participate fully and cooperatively in the process and act as a committed partner in conjunction with the DEP and consultant to fulfill the goals and intended use of the funding. To ensure this is achieved, the entity must designate an appropriate and qualified member of staff to serve as a liaison for the project and commit staff hours as needed to arrange and participate in public meetings for stakeholder engagement and/or public information sessions.

The DEP will evaluate the letters of interest as described in section 4 below and will engage the consultant on behalf of the selected entities, will pay the consultant for all costs associated with the work outlined herein, will provide guidance to the selected entity and contractor, and participate in the process, as needed.

**To provide further incentives for participation, any entity that forms a SWU** within 2 years of receipt of the final feasibility study through this program will be eligible for:

- Funding priority for future stormwater related funding offered by the Department.
- Reimbursement of the 5% fee collected by the Department pursuant to <N.J.S.A. 40A:26B-1 for any SWU (up to \$50k per year) for the first 2 years after formation.

### **3.0 ELIGIBILITY**

This DEP's offer for SWU consulting is only open to the **entities** that are authorized and empowered in the Act to be able to form a Stormwater Utility and they are:

- Municipal government;
- County government;
- A county or municipal sewerage authority established pursuant to P.L.1946, c.138 (C.40:14A-1 et seq.);
- A county or municipal utilities authority established pursuant to P.L.1957, c.183 (C.40:14B-1 et seq.); or
- A county improvement authority established pursuant to P.L.1960, c.183 (C.40:37A-44 et seq.).

### **4.0 EVALUATION OF SUBMISSION**

NJDEP, Division of Watershed Protection and Restoration reserves full discretion to choose among qualified entities for participation in the project.

The Department intends to prioritize awards to potential SWUs:

- Whose responses will benefit communities defined as overburdened communities under N.J.S.A. 13:1D-157
- Who will serve the largest populations
- Who evidence a regional approach
- Who have begun a feasibility study and require additional funding to ensure completion

## **5.0 REQUIRED INFORMATION**

Written expression of interest providing all information required under this RFEI including, but not limited to, the following:

- Sufficient information to demonstrate eligibility under Section 3 and relevant to the funding priorities identified in Section 4.
- A narrative explaining the applicant's commitment to development of a SWU and any steps already undertaken towards its creation.
- If a preliminary study has been completed or partially completed, please attach this document.
- Signature of a principal, executive officer, or a ranking elected official within one of the eligible entities listed in Section 3.0 above.
- The Letter of Interest must also include Name, address, and email of all responsible people and all government employees participating in the work and must indicate who will act as the liaison to the Department and contractor.
- If the submitting entity is not a municipality or county, a map showing the extent of the area that would be covered by the SWU.

## **6.0 DEADLINE FOR SUBMISSION OF THE PROPOSAL**

All required information must be submitted no later than midnight of **August 24, 2022**.

All proposals shall be submitted to [stormwaterutility@dep.nj.gov](mailto:stormwaterutility@dep.nj.gov)

**A public information session has been set up on August 10, 2022 at 10:00 am. You may join using the link below:** [Click here to join the meeting](#)

**Or call in (audio only)** [+1 856-338-7074](tel:+18563387074), 685116802# Camden Phone Conf ID: 685 116 802#