

Governor Murphy Signs Stormwater Legislation Into Law

Governor Phil Murphy signed a bill that will permit municipalities, counties, and certain authorities to establish and operate stormwater utilities, related fees, and other charges. The municipalities, counties, and authorities may establish the stormwater utility as a new department or operate under an existing department. Alternatively, a governing body with a municipal sewerage authority or municipal utilities may request that those authorities establish a stormwater utility. Any of the bodies that establish a stormwater utility will be authorized to charge and collect fees to recover the costs. These fees and other charges would be collected from owners or occupants of properties which originate stormwater that enters the stormwater management system or the waters of the State of New Jersey.

Stormwater runoff is one of New Jersey's biggest environmental problems. The New Jersey Department of Environmental Protection ("NJDEP") has regulations that require municipalities to manage stormwater but they have been without the resources to do so. Supporters of the Law hope that this legislation will change that and will provide the funds needed to address this issue. Critics of the legislation call this another burden on New Jersey's taxpayers and one Assemblyman referred to the Law as a "rain tax."

The measure will require NJDEP, in consultation with other government agencies, to create stormwater utility guidance and provide a manual to counties, municipalities, and authorities seeking to establish a stormwater utility; factors for counties, municipalities, and authorities to consider when establishing stormwater utility fees and other charges; information on how to develop an asset management program for stormwater management systems; and information on how counties, municipalities, and authorities can conduct public education and outreach related to stormwater management.