



CWSRF Stormwater Infrastructure Guidance Document March 2024

Stormwater Infrastructure

The NHDES Clean Water State Revolving Fund (CWSRF) loan program provides communities with reduced-cost financing for a wide range of stormwater infrastructure projects that demonstrate or promote a water quality benefit.

This document does not encompass all potential aspects of every project type. This document is meant to be a broad overview of project types and baseline requirements. Please discuss specific project requirements with your NHDES project manager.

Communities **must receive authority to borrow for the entire loan amount** from the governing body through a town warrant or city equivalent process, even if the full principal amount is forgiven.

CWSRF offers a percent of the loan in principal forgiveness for stormwater infrastructure projects, which varies by year. Principal forgiveness is offered only to municipalities. Once all eligible project expenses are incurred and subsequently disbursed, and the project is complete, any principal forgiveness is then applied to the principal balance upon the first repayment.

Eligible Projects

- **Implementation** of a Plan, which includes or promotes a water quality benefit, from one of the following:
 - Watershed-based/ Approved Alternative Plan.
 - MS4 Plan.
 - Asset Management Program.
 - Source Water Protection Plan.
 - Nitrogen or Phosphorus Load Reduction Plan.
 - Total Maximum Daily Load (TMDL).
 - Capital Improvement Plan.
 - New Hampshire Cyanobacteria Program Plan.
 - Other, as approved by NHDES project manager.

The following activities are eligible, pending NHDES approval:

- [Basis of Design Report.](#)
- Final Design.
- [Environmental Review.](#)
- Permitting.
- Bid Document Preparation.
- Construction.
- Construction oversight, including consulting/engineering fees.*

*If you wish to hire a consultant/engineer, they must be chosen using Qualifications Based Selection (QBS) procedures per [PART Env-Wq 509](#) (note that there is no pre-qualifications list for stormwater engineer) and use the [standard state engineering contract](#) available on the NHDES website. Coordinate with the NHDES project manager to discuss which contract is appropriate for the project.

Minimum Requirements

All eligible infrastructure projects must meet the following requirements, as applicable.

The scope of work must include discussion of water quality benefits addressed in one or more of the following documents:

- Watershed Management (“a-i”) plan.
- [2020-2024 New Hampshire Nonpoint Source Management Program Plan.](#)
- [Resilient Tidal Crossings an Assessment and Prioritization to Address New Hampshire’s Tidal Crossing Infrastructure for Coastal Resilience.](#)
- NH [MS4 compliance.](#)
- [2010 Piscataqua Region Comprehensive Conservation and Management Plan.](#)
- [NH Aquatic Restoration Mapper.](#)
- [New Hampshire’s Cyanobacteria Plan: A Statewide Strategy](#)
- Asset Management Program.

In addition, the scope of work may include the following elements. Discuss specific project requirements with your NHDES project manager.

- **Scope of Work Tasks:** Breakdown of tasks with clearly defined roles.
- **Required Meetings:** Three meetings that include NHDES attendance: kick-off, mid-level, and wrap-up.
- **Progress Reports:** At a minimum, quarterly project progress updates or meetings.

- **[Basis of Design Report \(BDR\)](#)**: Documents the project description, existing conditions, surface water improvement alternatives, recommended project scope as well as meeting requirements specific to the BDR. The BDR must include 30% design drawings.
- **[Federal Flood Risk Management Standard \(FFRMS\)](#)**: Executive Order 14030, The [FFRMS](#) gives flexibility and requires applicants to select one of the three approaches for establishing the flood elevation (“how high”) and corresponding flood hazard area (“how wide”) used for project siting, design and construction:
 - Climate Informed Science Approach (CISA): The elevation and flood hazard area that result from using the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science;
 - Freeboard Value Approach (FVA): The elevation and flood hazard area that result from adding an additional 2 feet to the base flood elevation for non-critical actions and by adding an additional 3 feet to the base flood elevation for critical actions; or
 - 500-year floodplain: The area subject to flooding by the 0.2% -annual-chance flood.
- **Final Design**: 90% design plans and specifications must be submitted to NHDES Wastewater Engineering Bureau for review. The project specifications must include the [standard front end documents](#) (bidding requirements, construction contract, general conditions, CWSRF federal provisions). NHDES will review the design documents for conformance with the BDR and CWSRF requirements. Upon completion of the Environmental Review (ER) and approval of the 100% design documents, NHDES will issue an authorization to publicly bid the construction contract.
- **Environmental Review**: CWSRF construction projects must comply with the National Environment Policy Act (NEPA). NEPA ensures agencies consider the significant environmental and socio-economic impacts of proposed actions and informs the public about the decision making. An ER with public comment period must be completed before the project can be approved for public bidding.

To facilitate the ER and authorization to bid for construction projects, applicants should submit the [Water Infrastructure Environmental Review Form](#) up to six months in advance of the planned construction bid date and no later than three months prior to the prospective bid date. NHDES coordinates the environmental review process and issues an environmental determination.

- **Bid Phase and Award of Construction Contract**: During the bid phase, all addenda to the approved design documents must be reviewed and approved by the NHDES Wastewater Engineering Bureau. NHDES will review the bid results and issue an authorization to award the construction contract after all CWSRF requirements have been satisfied. A separate

[construction phase engineering contract](#) will be required for the construction phase of the project, for review and approval by NHDES Wastewater Engineering Bureau prior to construction contract award.

- **Construction Phase:** The NHDES Construction Management Team will oversee the construction phase and monitor compliance with CWSRF requirements through completion of construction.
- **Draft Reports and Documents** will be provided to NHDES for review and comment.
- **Final Documents** will be provided to NHDES in electronic form.
- **Americans with Disabilities Act (ADA):** All publications must be ADA compliant. All final work products must meet the applicable ADA Title II Regulations to the extent practicable and shall be guided by best practices outlined in the Revised Section 508 Standards of the Rehabilitation Act and the Web Content Accessibility Guidelines (WCAG). At a minimum, final work products shall include sans-serif fonts, underlined and descriptive text links, color best practices, captions for audio and video content, headers in tables, images with alt text, gender-neutral text, and consideration of the Plain Writing Act. Examples of final work products and outreach materials include, but are not limited to, project reports, press releases, newsletter articles, websites, videos and signage.

NHDES Review and Approval

Work scopes and contracts need to be pre-approved by NHDES prior to entering into a CWSRF loan. Work scopes must be approved, and contracts executed **prior to** initiating work.

Deliverables and NHDES Oversight

NHDES must attend required meetings and be notified in advance of other meetings and trainings relative to the project. At a minimum, quarterly project progress updates or meetings should be provided/held.

Questions/Contact Information

Contact Deborah Loiselle at deborah.s.loiselle@des.nh.gov.