

New York State
Department of Environmental Conservation

2009 Water Quality Improvement Projects Program

**Round 10
Information for Applicants**

Application Deadline: October 16, 2009

How must applications be submitted?

The applicant needs to submit an original and 2 copies. The *Round 10 Application for State Assistance Payments* must be postmarked by **October 16, 2009**. We are unable to accept hand delivered, facsimile or electronic applications.

Attachments – An application must include the following attachments:

1. An 8.5 x 11 map, to scale showing the location of the project
2. Copy of an enforcement instrument, if applicable.
3. One page Waterbody Data Sheet(s) from DEC's Priority Waterbodies List (PWL): <http://www.dec.ny.gov/chemical/36730.html>
4. Letters of intent from cooperating municipalities, SPDES permittees and MS4s, if applicable (MS4 Stormwater Phase II Implementation projects)

Applications should be mailed to:

Attn: Water Quality Improvement Projects
New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3507

Project applicants are reminded that at least 20% of the final ranking will be based on the cost effectiveness of the project.

New For WQIP Round 10

- The enacted State Budgets for State Fiscal Years 2008–09 and 2009–10 includes language to provide funding for wastewater projects. The budget language now reads, “... wastewater treatment improvement projects undertaken by municipalities to upgrade municipal systems to meet stormwater, combined sewer overflow, sanitary sewer overflow and wastewater treatment discharge requirements with priority given to systems that are in violation of title 8 of article 17 of the environmental conservation law and aquatic habitat restoration projects undertaken by municipalities and not-for-profits corporations for aquatic habitat restoration projects as defined in subdivision 1 of section 56-0101 of the environmental conservation law.”
- The Department of Environmental Conservation (DEC) is encouraging applicants to consider the following initiatives for WQIP Round 10:
 - “Hardship” funding for municipal wastewater treatment projects - The criterion in Round 10 aligns with the criterion used by New York State Environmental Facilities Corporation (NYSEFC) to make hardship determination of their State Revolving Loan Fund (SRF) applicants. In addition, other cities and communities may be eligible to apply for municipal wastewater treatment projects. See page 8 for specifics.
 - “Smart Growth and Energy Efficiency” - Smart growth and energy efficiency will be a consideration for all Round 10 projects.
 - “Green Infrastructure” – Projects implementing Green Infrastructure practices are eligible for funding under the following project types: municipal wastewater treatment, combined sewer overflows (CSOs), nonpoint source pollution abatement and municipal separate storm sewer systems (MS4).
- The Department may use \$381,715 for green infrastructure projects, which will focus on nutrient and pathogen inputs in watersheds where wet weather sources of pollution are impairing, stressing or threatening water quality, habitats and resources.

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**Water Quality Improvement
Projects Program
Round 10**

Overview

Overview

The DEC will be making Environmental Protection Fund (EPF) funding available from State Fiscal Years 2007-08, 2008-09 and 2009-10 for the Water Quality Improvement Projects (WQIP) program. Eligible applicants may apply for state assistance for projects that address water quality concerns. If Bond Act or other funding becomes available, such additional funding may be used for projects received under this Request for Applications (RFA).

What project types and activities are eligible for funding?

The WQIP program provides reimbursement for eligible portions of the cost of implementing projects that fall into the following categories. Further detail on eligible costs can be found in the criteria for each project type, on pages 8 - 28.

Municipal Wastewater Treatment Improvement for Cities and Hardship Communities – Eligible project activities are limited to construction costs of “Wastewater Treatment Improvement Projects” undertaken by municipalities to upgrade municipal systems to meet stormwater, Combined Sewer Overflow (CSO), Sanitary Sewer Overflow (SSO) and wastewater treatment discharge requirements.

Municipal Wastewater Treatment Improvement – Eligible project activities are limited to construction costs of “Wastewater Treatment Improvement Projects” undertaken by municipalities to upgrade municipal systems to meet wastewater treatment discharge requirements.

Municipal Wastewater Treatment Improvement for Combined Sewer Overflows (CSO) and Sanitary Sewer Overflows (SSO) – Eligible project activities are limited to construction costs of “Wastewater Treatment Improvement Projects” undertaken by municipalities to upgrade municipal systems to meet CSO and SSO discharge requirements.

Statewide Nonagricultural Nonpoint Source Abatement and Control – Projects for nonagricultural nonpoint source abatement or reduction through the implementation of best management practices. Stormwater abatement projects, both in permitted and unpermitted areas are eligible for funding.¹

Nonagricultural Nonpoint Source Abatement and Control Projects in Coastal Areas Focusing on Addressing Nitrogen and/or Pathogens - Nonagricultural nonpoint source abatement or reduction projects in coastal areas of the state that focus on addressing nitrogen and/or pathogens through the

¹ Funding for agricultural nonpoint source control is available through the NYS Department of Agriculture and Markets. Information can be found at: <http://www.agmkt.state.ny.us/RFPS.html>

implementation of best management practices. Stormwater abatement projects, both in permitted and unpermitted areas are eligible for funding.

For this project type, coastal waters include New York waters within the study areas of the following management conferences:

Peconic Estuary Program;
Long Island South Shore Estuary Program;
Long Island Sound Study; and
New York-New Jersey Harbor Estuary Program (core area).

Municipal Separate Storm Sewer Systems (MS4s) Phase II Stormwater Implementation – Eligible project activities include, implementation of stormwater retrofits (priority will be given to green infrastructure); review and modification of local laws to include green infrastructure and smart growth principles; mapping sewer systems; development of public outreach materials that can be used statewide; and activities that go beyond permit requirements and offer additional watershed protection or connection to other water quality/quantity programs.

Water Quality Management – Development of a County Water Quality Coordinating Committee (CWQCC) Annual Report detailing critical water quality issues, priority projects and programs in need of support, and a summary of activities of the CWQCC and its individual members. Also, includes presentation of the report to the County legislative body and/or Board of Supervisors.

Aquatic Habitat Restoration – Aquatic habitat restoration projects that involve planning, design, construction, management, maintenance, reconstruction, revitalization, or rejuvenation activities intended to improve the waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, or foraging environment for fish and wildlife and other biota.

Who are eligible applicants?

Eligible applicants vary by project type.

Municipal Wastewater Treatment Improvement for Cities and Hardship Communities

Municipalities that meet the hardship definition as defined and determined using the procedures in the New York State Environmental Facilities Corporation (NYSEFC) “Financial Hardship Policy, New York State Clean Water State Revolving Fund (CSRWF)” effective October 1, 2006.

(or)

Cities with a population of 2 million or less and a Median Household Income (MHI) of less than \$31,000 as per the United States Census 2000².

(or)

Cities with a population of 2 million or less and a ratio of 1% or greater of the annual single-family home sewer use rate divided by the median household income.

Municipal Wastewater Treatment Improvement

Municipalities

Municipal Wastewater Treatment Improvement for Combined Sewer Overflows and Sanitary Sewer Overflows

Municipalities

Statewide Nonagricultural Nonpoint Source Abatement and Control

Municipalities

Municipal corporations

Soil and Water Conservation Districts

Nonagricultural Nonpoint Source Abatement and Control Projects in Coastal Areas Focusing on Addressing Nitrogen and/or Pathogens

Municipalities

Municipal corporations

Soil and Water Conservation Districts

MS4s Phase II Stormwater Implementation

Municipalities or an eligible entity designated on their behalf

Soil and Water Conservation Districts on behalf of a municipal corporation

Water Quality Management

Municipalities designated on behalf of a CWQCC

Soil and Water Conservation Districts designated on behalf of a CWQCC

Aquatic Habitat Restoration

Municipalities

Soil and Water Conservation Districts

Not-for-profit-corporations

Detailed definitions can be found in Appendix 1.

² If there is reason to believe that the census data are not an accurate representation of the MHI within the area to be served, the reasons must be documented and the applicant will furnish additional information regarding the MHI. Information will consist of reliable data from local, regional, State or Federal sources or from an income survey.

What does a successful application include?

Eligible applicants must use the *Round 10 Application for State Assistance Payments* found at <http://www.dec.ny.gov/pubs/56080.html>. In addition to describing the project as directed in the application instructions, applicants should make sure to address the following.

Projects ready to be implemented – Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Local share/match requirements - All projects require applicants to provide local match. The match requirements vary by project type. The means to provide the match should be in-hand at the time of application. Refer to the local match requirements found in the criteria for each project type. Be sure to include only allowed sources of local funding or in-kind support and to calculate the correct percentage of the total project cost on the budget sheet. Applicants cannot use other state or federal grant dollars received for the project for the local share of the project. State and Federal loans can be used for local match.

Required permits in place – Obtaining permits can take a long time. If a local, state or federal permit(s) is required to conduct any part of the proposed project, the applicant should have completed, or very nearly completed, the procurement of the required permit(s) before submitting a WQIP application. The applicant should state on their application which permits have been procured, and the status of any permits under review.

Municipal agreements in place – Multiple applicants can cooperate on one project. In these cases, a signed municipal agreement is needed amongst the cooperating entities. At the time the application is submitted, the formal municipal agreements must be in place or under development. If the project is awarded funding, the signed agreements must be submitted to DEC with the project workplans.

How are grant funds awarded?

Applications received by the WQIP Round 10 application due date go through the following review, evaluation and scoring process.

1. Project applications are checked for completeness (see *Round 10 Application for State Assistance Payments* checklist).

2. Complete project applications are reviewed for eligibility based on the definitions of eligibility for each project type.
5. Eligible applications are scored and evaluated based on the factors outlined for each project type and the scoring system described in Appendix 3.
6. Award selections will be determined by the DEC and successful applicants will be notified by DEC in writing if their project is selected to receive funding.

How does DEC determine application completeness?

The *Round 10 Application for State Assistance Payments* includes a completeness checklist. Upon receiving an application, DEC staff will check it against the list, making sure all the elements of the application have been fulfilled. Applications which do not address all elements will be deemed incomplete and will not be eligible for funding. Applicants are strongly encouraged to consult the completeness checklist before mailing their application.

What is the nature of the scoring and evaluation process?

Eligible projects are reviewed, scored and evaluated and receive both a numeric score and an evaluation factor. The numeric score indicates the environmental significance of a project based on the severity of water quality or habitat problems, the value of the resource, the nature of the problems and the potential for improvement. The evaluation factor reflects the cost-effectiveness and technical feasibility of projects as well as the urgency of need for funding and degree of coordination and local support. More detail about the scoring can be found in Appendix 3.

What is required of grant recipients to receive the awarded grant?

A successful grant recipient (grantee) must develop a workplan for their project and will be required to sign a contract with the state based on that workplan. It is imperative that the grantee complete the project as set forth in the DEC approved workplan. Failure to render satisfactory progress or to complete the project to the satisfaction of the State may be deemed an abandonment of the project and may cause the suspension or termination of any obligation of the State. Satisfactory progress toward implementation includes, but is not limited to: executing a contract, submitting payment requests in a timely fashion, retaining consultants, completing plans, designs, permit applications, reports, and construction, or other tasks identified in the workplan within the time allocated for their completion. The DEC may recapture awarded grant funding if satisfactory progress is not being made on the implementation of a grant project at any point in time. Applicants should not submit applications if they cannot expect to initiate the project within a reasonable time period after receiving a fully executed contract and be able to complete the project within the equivalent time period cited in the application. The contract term shall not exceed five years.

Is the grantee responsible for operation and maintenance of the project?

Yes. By accepting a grant, the grantee agrees that it is fully responsible for ensuring the proper and efficient monitoring, operation and maintenance of the project satisfactory to the DEC, including, but not limited to, retaining a sufficient number of qualified staff and ensuring performance of required tests and requirements. After completion of the project, the grantee shall, for a period of thirty (30) years (the useful life of the project as provided in State Finance Law §61[18]), operate the project or otherwise cause the project to be operated properly and in a sound and economical manner and shall maintain, preserve and keep the project, or cause the project to be maintained, preserved and kept, in good repair, working order and condition and shall make, or cause to be made, all necessary and proper repairs, replacements and renewals from time to time, so that at all times the project may be operated properly in a manner consistent with the performance standards for the project, with the contract and with the requirements of any related permit or other governmental approval of the project.

What is Environmental Justice (EJ) and how does it apply to my project?

Through this grant program, the DEC demonstrates a commitment to environmental justice and remedy for communities which may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

County maps can be found on the DEC website at:

<http://www.dec.ny.gov/public/899.html> to identify potential EJ areas.

Is there a list of definitions used in this document?

Appendix 1 contains a list of the terms used in this document and their definitions.

Project Type Summaries

MUNICIPAL WASTEWATER TREATMENT IMPROVEMENT FOR CITIES AND HARDSHIP COMMUNITIES

Eligible Applicants

Municipalities that meet the hardship definition as defined and determined using the procedures in the New York State Environmental Facilities Corporation (NYSEFC) “Financial Hardship Policy, New York State Clean Water State Revolving Fund (CSRWF)” effective October 1, 2006.

(or)

Cities with a population of 2 million or less and a Median Household Income (MHI) of less than \$31,000 as per the United States Census 2000³.

(or)

Cities with a population of 2 million or less and a ratio of 1% or greater of the average annual sewer use rate for residential users per resident divided by the median household income.

State Assistance Payments and Local Share

State assistance payments will fund up to 85% of the construction costs with a maximum of \$5 million for any single project. Local share can include cash contributions and in-kind services including: overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars received for the project for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used as match.

Eligible Activities

Activities are limited to construction costs of “Wastewater Treatment Improvement Projects” undertaken by municipalities to upgrade municipal systems to meet stormwater, CSO, SSO and wastewater treatment discharge requirements.

Highest Priority:

- Wastewater treatment projects that address primary pollutants for waterbodies on the 303(d) list and/or identified as precluded or impaired on the Priority Waterbodies List (PWL).

Secondary Priority:

- Wastewater treatment projects that address primary pollutants for waterbodies identified as stressed or threatened on the PWL.

³ If there is reason to believe that the census data are not an accurate representation of the MHI within the area to be served, the reasons must be documented and the applicant will furnish additional information regarding the MHI. Information will consist of reliable data from local, regional, State or Federal sources or from an income survey.

Qualifications for Consideration as Hardship Community

If a municipality has an unexpired Hardship Determination from NYSEFC, they will be considered a Hardship Community for WQIP. (NYSEFC hardship confirmations expire two years from the date they are issued. If a short-term financing is closed after the hardship confirmation is issued, the expiration date becomes the maturity of the short-term financing (3 years from closure)).

If a municipality does not have a current Hardship Determination from NYSEFC, they may submit as part of the WQIP application package a completed NYSEFC Financial Hardship Application. The Hardship Policy, as well as, the application can be found on the internet at: http://www.nysefc.org/home/index.asp?page=12&dc_id=66

In general, the Financial Hardship Application requires information related to:

- Other sources of funding for the project.
- Existing debt for the sewer system.
- The Median Household Income (MHI) for the sewer system. This can be either the MHI from the 2000 Census or the results of an income survey.
- The number of customers to be served.
- Financial data regarding the community.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Wastewater treatment projects in priority watersheds which have existing funding from the State Revolving Fund or other certified funding sources that, with additional funding, will be readily implemented will be considered when reviewing projects and incorporated into the overall evaluation for each project.

Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project. Applicants should include in their application a description of energy efficiency features considered in the design of the proposed project.

Contact Information

NYS Department of Environmental Conservation, Division of Water
Alan Fuchs (518) 402-8111

Question about the hardship criteria: NYSEFC at (800) 882-9721 (within NYS)

MUNICIPAL WASTEWATER TREATMENT IMPROVEMENT

Eligible Applicants

Municipalities.

State Assistance Payments and Local Share

State assistance payments will fund up to 85% of the construction costs with a maximum of \$5 million for any single project. Local share can include cash contributions and in-kind services including: overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars received for the project for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used as match.

Eligible Activities

Activities are limited to construction costs of “Wastewater Treatment Improvement Projects” undertaken by municipalities to upgrade municipal systems to meet wastewater treatment discharge requirements.

Highest Priority

- Upgrades to municipal wastewater treatment plants with permit or consent order requirements in place to provide seasonal disinfection in the Hudson River watershed to meet the swimmable goal identified in the Hudson River Estuary Action Agenda.
- Wastewater treatment projects that address primary pollutants for waterbodies on the 303(d) list and/or identified as precluded or impaired on the Priority Waterbodies List (PWL).

Secondary Priority

- Wastewater treatment projects that address primary pollutants for waterbodies identified as stressed or threatened on the PWL.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Wastewater treatment projects in priority watersheds which have existing funding from the State Revolving Fund or other certified funding sources that, with additional funding, will be readily implemented will be considered when reviewing projects and incorporated into the overall evaluation for each project.

Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project. Applicants should include in their application a description of energy efficiency features considered in the design of the proposed project.

Contact Information

NYS Department of Environmental Conservation, Division of Water
Alan Fuchs (518) 402-8111

MUNICIPAL WASTEWATER TREATMENT IMPROVEMENT FOR COMBINED SEWER OVERFLOWS (CSO) AND SANITARY SEWER OVERFLOWS (SSO)

Eligible Applicants

Municipalities.

State Assistance Payments and Local Share

State assistance payments will fund up to 85% of the construction costs with a maximum of \$5 million for any single project. Local share can include cash contributions and in-kind services including: overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars received for the project for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used as match.

Eligible Activities

Activities are limited to construction costs of “Wastewater Treatment Improvement Projects” undertaken by municipalities to upgrade municipal systems to meet CSO and SSO discharge requirements.

Highest Priority

The following types of projects impacting waterbodies on the 303(d) list and/or identified as precluded or impaired on the Priority Waterbodies List (PWL):

- Implementation of green infrastructure practices to address Combined Sewer Overflows (CSO) that are under an approved Long Term Control Plan or for projects that the DEC has determined are consistent and compatible with the requirements for an approved Long Term Control Plan. Projects should include policies and procedures to maintain green infrastructure.
- CSO projects that have an approved Long Term Control Plan, or for projects the DEC has determined that are consistent and compatible with the requirements of a Long Term Control Plan.
- Sanitary Sewer Overflow (SSO) projects. Priority will be given to municipalities with permit or consent order requirements either proposed or in place to address SSOs.

Secondary Priority

The following types of projects impacting waterbodies identified as stressed or threatened on the PWL:

- Implementation of green infrastructure practices to address Combined Sewer Overflows (CSO) that are under an approved Long Term Control Plan or for projects that the DEC has determined are consistent and compatible with the requirements for an approved Long Term Control Plan. Projects should include policies and procedures to maintain green infrastructure.
- CSO projects that have an approved Long Term Control Plan, or for projects the DEC has determined that are consistent and compatible with the requirements of a Long Term Control Plan.
- Sanitary Sewer Overflow (SSO) projects. Priority will be given to municipalities with permit or consent order requirements either proposed or in place to address SSOs.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Wastewater treatment projects in priority watersheds which have existing funding from the State Revolving Fund or other certified funding sources that, with additional funding, will be readily implemented will be considered when reviewing projects and incorporated into the overall evaluation for each project.

Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project. Applicants should include in their application a description of energy efficiency features considered in the design of the proposed project.

Contact Information

NYS Department of Environmental Conservation, Division of Water
Alan Fuchs (518) 402-8111

STATEWIDE NONAGRICULTURAL NONPOINT SOURCE ABATEMENT AND CONTROL

Eligible Applicants

Municipalities, municipal corporations and Soil and Water Conservation Districts.

State Assistance Payments and Local Share

State assistance payments will fund up to 75% of the project cost. Local share can include cash contributions and in-kind services including: overhead, municipal supplies, materials and land acquisition. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars received for the project for the local share of the project. State and Federal loans can be used for local match. WQIP funds cannot be used to purchase land.

Eligible Projects

Projects for nonagricultural nonpoint source abatement and control through the implementation of best management practices. Stormwater abatement projects, both in permitted and unpermitted areas are eligible for funding.

Planning and design costs for nonpoint source abatement and control will only be considered eligible for grant funding if they are associated with an implementation project that receives nonpoint source funding.

Highest Priority

The following types of projects impacting waterbodies on the 303(d) list and/or identified as precluded or impaired on the Priority Waterbodies List (PWL):

- Stormwater Implementation of stormwater management practices, including stormwater retrofits (priority will be given to projects that install green infrastructure and have policies and procedures to maintain green infrastructure), and the elimination of illicit discharges. These projects may include elements of training and stakeholder and community involvement.
- Onsite Systems Abatement of failing or inadequate onsite wastewater systems through the development and implementation of a voluntary septic system inspection and maintenance program, a septic system local law requiring inspection and repair, or a septic system management program by a responsible management entity.

- Hydrologic and Habitat Modification Projects that reduce the impact of hydrologic and habitat modification caused by physical alterations to the stream channel, associated corridor, or surrounding watershed that interfere with the water cycle, disrupt the natural flow of water, and result in a loss of suitable habitat for fish and wildlife.

Secondary Priority

The following types of projects impacting waterbodies identified as stressed or threatened on the PWL:

- Stormwater Implementation of stormwater management practices, including stormwater retrofits (priority will be given to projects that install green infrastructure and have policies and procedures to maintain green infrastructure), and the elimination of illicit discharges. These projects may include elements of training and stakeholder and community involvement.
- Onsite Systems Abatement of failing or inadequate onsite wastewater systems through the development and implementation of a voluntary septic system inspection and maintenance program, a septic system local law requiring inspection and repair, or a septic system management program by a responsible management entity.
- Hydrologic and Habitat Modification Projects that reduce the impact of hydrologic and habitat modification caused by physical alterations to the stream channel, associated corridor, or surrounding watershed that interfere with the water cycle, disrupt the natural flow of water, and result in a loss of suitable habitat for fish and wildlife.

Secondary priority will also be given to:

- Groundwater Correction of sources of groundwater contamination from improper salt storage where either a public or private drinking water supply has been contaminated (e.g., exceeds chloride standards) and there is documentation of a connection between the uncovered salt storage and the well contamination.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project.

Pollutant Reduction Estimate

Applicants that receive an award will be required to provide an estimate of pollutant reduction for their project as part of their contractual approval process.

Contact Information

NYS Department of Environmental Conservation, Division of Water

Stormwater Projects: Angus Eaton (518) 402-8123

Onsite System Projects: Fran Zagorski (518) 402-8111

Hydrologic and Habitat Modification Projects: Fran Zagorski (518) 402-8111

NONAGRICULTURAL NONPOINT SOURCE ABATEMENT AND CONTROL PROJECTS IN COASTAL AREAS FOCUSING ON ADDRESSING NITROGEN AND/OR PATHOGENS

Eligible Applicants

Municipalities, municipal corporations and Soil and Water Conservation Districts.

State Assistance Payments and Local Share

State assistance payments will fund up to 75% of the project cost. Local share can include cash contributions and in-kind services including: overhead, municipal supplies, materials and land acquisition. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used for local match.

A total minimum amount of \$371,482 may be made available for eligible projects.

Eligible Projects

Nonagricultural nonpoint source abatement or reduction projects in coastal areas of the state that focus on addressing nitrogen and/or pathogens through the implementation of best management practices. Stormwater abatement projects, both in permitted and unpermitted areas are eligible for funding.

For this project type, coastal waters include New York waters within the study areas of the following management conferences:

Peconic Estuary Program;
Long Island South Shore Estuary Program;
Long Island Sound Study; and
New York-New Jersey Harbor Estuary Program (core area).

Planning and design costs for nonpoint source abatement and control will only be considered for grant funding if they are associated with an implementation project that receives nonpoint source funding.

Highest Priority

Projects that will lead or contribute to restoring beneficial uses in waterbodies on the 303(d) list and/or identified as precluded or impaired on the Priority Waterbodies List (PWL) due to nitrogen and/or pathogens:

- Abatement development and implementation of programs and best management practices to reduce nonpoint source loadings of nutrients and pathogens (or both) to reduce their effects on impacted waterbodies.

- Stormwater Implementation of stormwater management practices, including stormwater retrofits (priority will be given to projects that install and have policies and procedures to maintain green infrastructure), and the elimination of illicit discharges.
- Onsite Systems Abatement of failing or inadequate onsite wastewater systems through the development and implementation of a voluntary septic system inspection and maintenance program, a septic system local law requiring inspection and repair, or a septic system management program by a responsible management entity.

Secondary Priority

Projects that will lead or contribute to or significantly reducing impacts to waterbodies identified as stressed or threatened on the PWL due to nitrogen and/or pathogens:

- Abatement development and implementation of programs and best management practices to reduce nonpoint source loadings of nutrients and pathogens (or both) to reduce their effects on impacted waterbodies.
- Stormwater Implementation of stormwater management practices, including stormwater retrofits (priority will be given to projects that install and have policies and procedures to maintain green infrastructure), and the elimination of illicit discharges.
- Onsite Systems Abatement of failing or inadequate onsite wastewater systems through the development and implementation of a voluntary septic system inspection and maintenance program, a septic system local law requiring inspection and repair, or a septic system management program by a responsible management entity.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

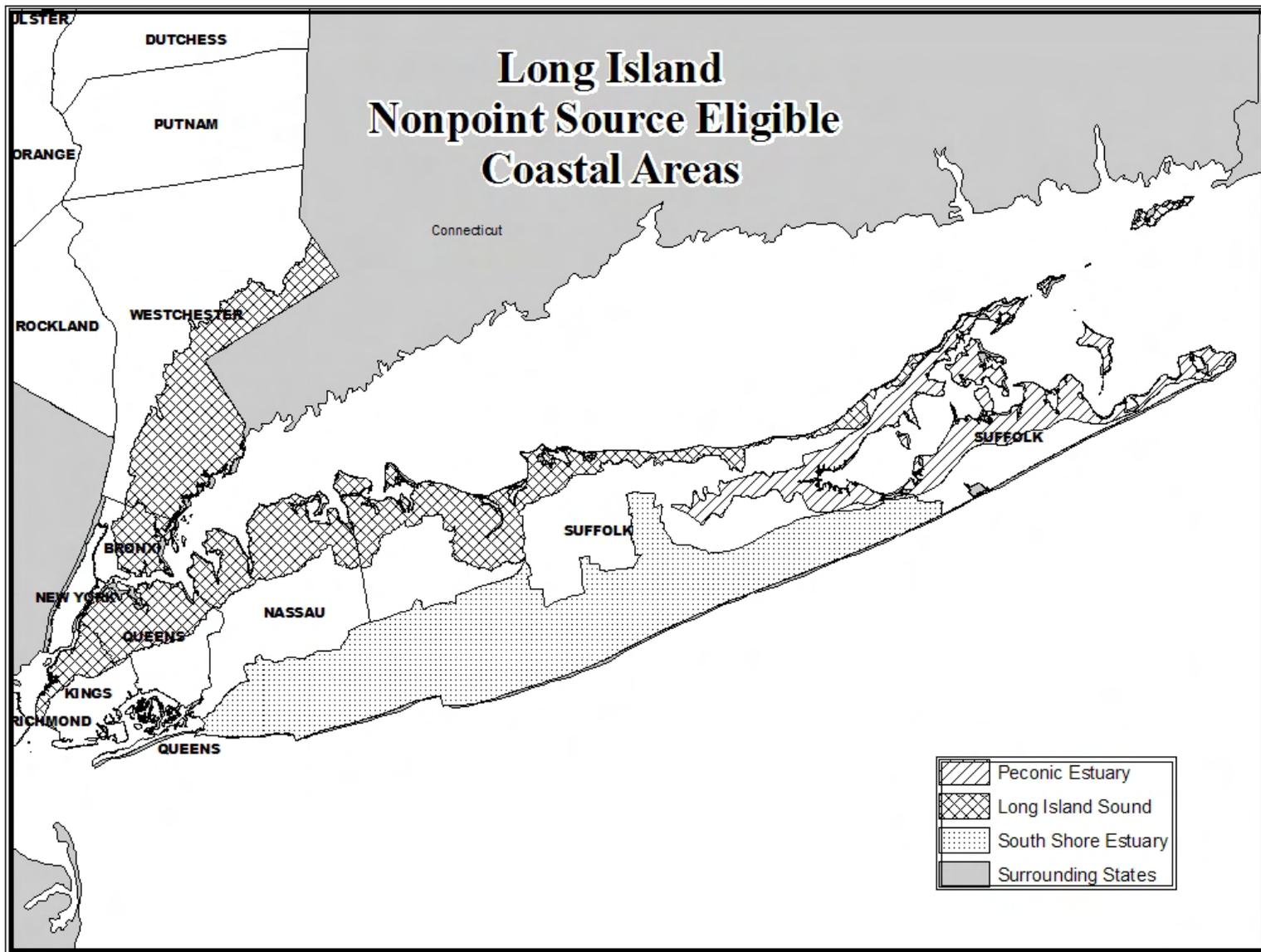
Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project.

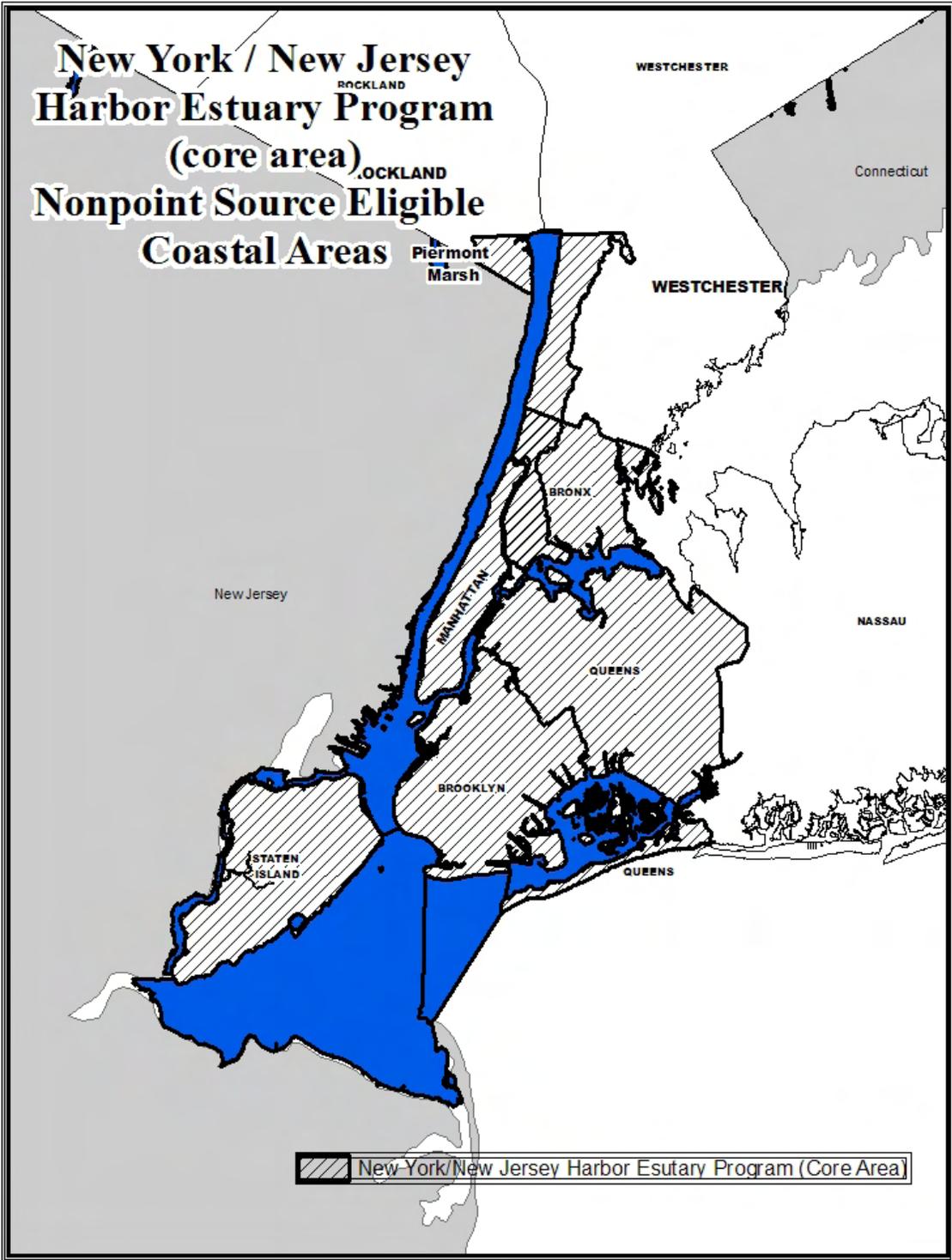
Pollutant Reduction Estimate

Successful applicants will be required to provide an estimate of pollutant reduction for their project as part of the workplan approval process.

Contact Information

NYS Department of Environmental Conservation, Division of Water
Nonpoint Source Projects: Fran Zagorski (518) 402-8111





MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) PHASE II STORMWATER IMPLEMENTATION

Eligible Applicants

Municipalities (counties, cities, towns and villages or an entity designated on their behalf) and Soil and Water Conservation Districts on behalf of a municipal corporation as defined in Article 17, Title 14 of the Environmental Conservation Law (ECL). See Appendix 1 for specific definitions.

These funds are intended to assist regulated Municipal Separate Storm Sewer Systems (MS4s) who have obtained appropriate permit coverage and who are implementing effective stormwater management programs.

For any of the activities listed as Eligible Projects, the applicant must show knowledge of what work has already been done by/for participating MS4s towards accomplishing the activities listed. The applicant must also describe how the activities for which funds are requested will complement or build upon that work.

Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Preference will be given to proposals representing cooperation among MS4s.

Applicants requesting funds must provide a list of cooperating MS4s. If funded, applicants must certify that they have a signed intermunicipal agreement that clearly identifies activities covered by the agreement and parties responsible for those activities. The intermunicipal agreement must cover, at a minimum, the activities in the application.

Applicants may apply for any combination or all of the activities.

State Assistance Payments and Local Share

State assistance payments will fund up to 75% of the project cost. Local share may consist of cash contributions and in-kind services, including overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used for local match.

Eligible Projects

The following types of projects are activities associated with implementing SPDES General Permit for Stormwater Discharge from MS4s:

- Stormwater Retrofits - Implementation of stormwater retrofits. Priority will be given to projects that install green infrastructure and have policies and procedures to maintain green infrastructure.
- Local Laws - Review and modification of local laws to encourage application of green infrastructure and smart growth principles.

- Sewer Mapping - Mapping sewer systems in accordance with established guidance. Priority will be given to applicants that have demonstrated in-house resources and purchase software and equipment to build capacity to map systems and update the system maps as necessary.
- Outreach Material - Develop outreach material for the general public that can be used statewide. For example, preparation of stormwater television spots that encourage application of low impact development and smart growth principles where the television spots are generic and can be used by other municipalities public access television. This activity is capped at \$75,000 per application, MS4 coalition or MS4 inter-municipal agreement. Material must be useable statewide and applicant will provide DEC with an electronic version of the final production suitable for reproduction. Material may be posted on the DEC website.
- Other Activities - Other activities that go beyond permit requirements and offer additional watershed protection when implementing required MS4 local laws and/or provide connection to other local water quality and quantity programs are also eligible.

Highest Priority

- 90% or more of regulated MS4s in a county or urbanized area working on one or more of the activities for eligible projects.
- Review and modification of local laws to encourage application of green infrastructure and smart growth principles.

Secondary Priority

- 40% or more of regulated MS4s in a county or urbanized area working on activities identified under Eligible Projects.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project.

Contact Information

NYS Department of Environmental Conservation, Division of Water
Angus Eaton (518) 402-8123

WATER QUALITY MANAGEMENT

Eligible Applicants

Municipalities designated on behalf of a County Water Quality Coordinating Committees (CWQCC) or Soil and Water Conservation Districts designated on behalf of a CWQCC.

State Assistance Payments and Local Share

State assistance payments will fund up to 75% of the project cost. Local share can include cash contributions and in-kind services including: overhead, municipal supplies, materials. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used for local match.

Eligible Projects

Funding is available for each CWQCC to develop a county-based Annual Report for 2010 and 2011. CWQCC are eligible to request up to \$4,500 (\$2,250 per Annual Report).

The Annual Report will include (1) the CWQCC's mission, (2) identification of members of the CWQCC committee, (3) critical water quality issues that the county is facing, (4) priority projects or programs that may need additional assistance (this can include the top funding needs), and (5) a summary of the activities that the CWQCC is working on. These reports will identify both the activities of individual partners, as well as, the activities of the CWQCC as a whole. Upon completion of the Annual Report, a written copy, along with an oral presentation of the report shall be presented to the county legislative body and/or the Board of Supervisors.

During the oral presentation, the CWQCC is encouraged to include explanations of different water quality concerns when necessary.

It is recommended that a copy of the Annual Report be provided to each town and village within the county.

Within 12 months and 24 months of the date the award was announced, send:

- A hard copy and an electronic copy of the CWQCC Annual Report. These reports may be posted on the DEC web site.
- A list of all agencies, organizations and individuals that participated in development of the report.
- A copy of the legislative or board minutes reflecting the presentation date and time.

Highest Priority

- CWQCC with waterbodies on the 303(d) list and/or identified as precluded or impaired on the Priority Waterbodies List (PWL) for nonpoint source.

Secondary Priority

- CWQCC with waterbodies identified as stressed or threatened on the PWL for nonpoint sources.

Contact Information

NYS Department of Environmental Conservation, Division of Water
Susan Van Patten (518) 402-8267

AQUATIC HABITAT RESTORATION

Eligible Applicants

Municipalities, Soil and Water Conservation Districts and Not-for-profit corporations.

State Assistance Payments and Local Share

State assistance payments will be available to municipalities to fund up to 75% of the project cost. Local share can include cash contribution and in kind services, including overhead, municipal supplies, materials, and land acquisition. Local match must be provided between the start and completion dates of the project. Applicants cannot use other state or federal grant dollars received for the project for the local share of the project. WQIP funds cannot be used to purchase land. State and Federal loans can be used as match.

Eligible Projects

Aquatic habitat restoration projects that involve planning, design, construction, management, maintenance, reconstruction, revitalization, or rejuvenation activities intended to improve the waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, or foraging environment for fish and wildlife and other biota.

Examples include projects that restore spawning habitat, wetlands (including open water marsh management), marine submerged aquatic vegetation, stream banks and beds (including stabilization), fish passages (including fish ladders) and shellfish beds.

For purposes of this funding opportunity, emphasis is being placed on the types of aquatic habitat restoration projects listed below. In addition, priority will be given to projects in the coastal area of Lake Ontario.

Highest Priority

- Projects that meet the highest priority needs for aquatic habitat restoration identified within an established watershed management plan for the area.
- Aquatic habitat restoration projects that implement the management and restoration recommendations included in the “Comprehensive Wildlife Conservation Strategy” (Statewide Conservation Priorities and Conservation Recommendations by Watershed Basins) for both statewide and individual watershed basins (Strategy can be found on the DEC Website).
- Projects involving the mitigation of barriers where fish movement within the watershed, stream channel or river system has been precluded or impaired by a structure or via hydrologic modification (may be identified on a Priority Waterbodies List (PWL) or by a professional resource manager).

- Lacking an established watershed management plan, aquatic habitat restoration projects that will address precluded or impaired use as identified on a Priority Waterbodies List (PWL) or have been identified as high priority by Central Office or Regional DEC Resource Managers.
- Aquatic habitat restoration projects that target waterbodies identified within the Department of Health fish consumption guideline.
- Aquatic habitat restoration projects involving salt marsh restoration.

Secondary Priority

- Aquatic habitat restoration projects involving the mitigation of barriers where fish movement within the watershed, stream channel or river system has been stressed or threatened by a structure or via hydrologic modification (can be identified on a Priority Waterbodies List (PWL) or by a professional resource manager).
- Projects that meet the secondary priority needs for aquatic habitat restoration identified within an established watershed management plan for the area.
- Lacking an established watershed management plan, aquatic habitat restoration projects that will address stressed or threatened use as identified on a Priority Waterbodies List (PWL) or have been identified as high priority by Central Office or Regional DEC Resource Managers.
- Aquatic habitat restoration projects in support of or consistent with the New York State Seagrass Task Force goals and New York Seagrass Experts Meeting Proceedings and Priority Recommendations.

Other Considerations

Project readiness is a criterion of the evaluation and selection process. Having necessary permits, agreements and approvals in place and being ready to start the project is important and will be considered during the project evaluation process. Priority consideration will be given to projects that demonstrate that eligible work would start within six months of a project award. Applicants seeking funding from outside funding sources for a given project should apply for WQIP funding once the other sources of funding have been secured.

Energy efficiency and smart growth will be considered when reviewing projects and incorporated into the overall evaluation for each project.

Contact Information

New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, Jack Cooper (518) 402-8904

APPENDICES

APPENDIX 1

Definitions

Aquatic habitat restoration project means the planning, design, construction, management, maintenance, reconstruction, revitalization, or rejuvenation activities intended to improve the waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, or foraging environment for fish and wildlife and other biota. (as defined in Environmental Conservation Law §56-0101)

Best management practices means the methods, measures or practices determined to be the most practical and effective in preventing or reducing the impact of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of this article. Best management practices include, but are not limited to, structural and nonstructural controls and operations and maintenance procedures. Best management practices can be applied before, during and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters. (as defined in Environmental Conservation Law § 17-1403)

Better Site Design (BSD) Better Site Design incorporates non-structural and natural approaches to new and redevelopment projects to reduce impacts on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment. Better site design is a form of Green Infrastructure and is similar to Low Impact Development (LID). See also Green Infrastructure and Low Impact Development.

Cost means the cost of an approved project, which shall include engineering and architectural services, plans and specifications, consultant and legal services, and other direct expenses incident to such project less any federal assistance received or to be received and any other assistance from other parties.⁴ (as defined in Environmental Conservation Law §54-0101)

District means a county soil and water conservation district created pursuant to section five of the soil and water conservation districts law. (as defined in Environmental Conservation Law § 17-1403)

Drainage Basin is a large watershed that catches precipitation and drains it over or below the earth's surface to a specific water body. A basin is defined by the higher areas that bound and separate watersheds rather than by political boundaries.

⁴ For wastewater treatment improvement projects, the eligible cost is limited to construction expenses.

Federal Assistance means funds available, other than a loan, from the federal government, either directly or through allocation by the state for construction or program purposes pursuant to any federal law or program. (as defined in Environmental Conservation Law §54-0101)

Green Infrastructure Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. On a regional scale, green infrastructure is the preservation of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed. See also Low Impact Development and Better Site Design.

Hydrologic Unit Code (HUC) New York State is divided into 17 hydrologic units, or drainage basins, which are identified with a six (6) digit number, or hydrologic unit code (HUC). These watersheds are further divided into smaller units, called sub-basins, which are identified by an 8 - digit number. There are 54 eight (8) digit HUCS in New York State. These sub-basins are further divided into watersheds which are identified by an 11 digit HUC.

Low Impact Development (LID) is a site design strategy with a goal of maintaining or replicating the predevelopment hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed microscale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable (mature) trees, flood plains, woodlands and highly permeable soils. LID principles are based on controlling stormwater at the source by the use of microscale controls that are distributed throughout the site. This is unlike conventional approaches that typically convey and manage runoff in large facilities located at the base of drainage areas. See also Green Infrastructure and Better Site Design.

Municipal Corporation means a county, city, town or village or an entity designated to act on behalf of such. (as defined in Environmental Conservation Law § 17-1403)

Municipality means a local public authority or public benefit corporation, a county, city, town, village, or Indian tribe or nation residing within New York state, or any combination thereof. For the purposes of title 5 and title 9 of this article, municipality shall also include state agencies, state public authorities and state public benefit corporations. For the purposes of title 7 and title 9 of this article, the term municipality

shall also include a school district and a supervisory district. (as defined in §54-0101 of Environmental Conservation Law)

Nonpoint Source means any source of water pollution or pollutants which is not a discrete conveyance or point source permitted pursuant to title seven or eight of this article. (as defined in Environmental Conservation Law § 17-1403)

Nonpoint Source Abatement and Control Program means a program of activities and projects for the abatement and reduction of nonpoint source pollution through the implementation of best management practices. (as defined in Environmental Conservation Law § 17-1403)

Not-for-profit Corporation means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code. (as defined in Environmental Conservation Law §54-0101)

Retrofit means modifying or adding to existing infrastructure for the purpose of reducing pollutant loadings. Examples, some of which may not be effective for all pollutants, include the following:

- Better site design approaches such as roof top disconnection, diversion of runoff to infiltration areas, soil de-compaction, riparian buffers, rain gardens, cisterns
- Rehabilitation of existing storm sewer system by installation of standard stormwater treatment systems (ponds, wetlands, filtering, infiltration) or proprietary practices
- Conversion of dirt parking lots to pervious pavement, grassed or stone cover
- Conversion of dry detention ponds to extended detention or wetland treatment systems
- Retrofit by converting abandon buildings to stormwater treatment systems
- Retrofit road ditches to enhance open channel design
- Control the downstream effects of runoff from existing paved surfaces resulting in flooding and erosion in receiving waters
- Control stream erosion by plunge pool, velocity dissipaters, and flow control devices for discharges to streams
- Upgrade of an existing conveyance system to provide water quality and /or quantity control within the drainage structure
- Reforestation

Smart Growth Smart growth is planned growth that balances the need for economic development with concerns about quality-of-life, such as preserving the natural and built environment (*April 17, 2008 press release from Governor Patterson announcing Smart Growth funding*).

Urbanized Area a land area comprising one or more places — central place(s) — and the adjacent densely settled surrounding area — urban fringe — that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. (U.S Bureau of Census)

Wastewater Treatment Improvement Project means the planning, design, construction, acquisition, enlargement, extension, or alteration of a sewage treatment plant to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants in treatment plant effluent or to create mechanisms to transport wastewater to a treatment plant, including permanent or pilot demonstration wastewater treatment, outfall and dispersal apparatus, pumping stations integral to such plants or sewers, sewer pipes, combined sewer overflow abatement, stormwater collecting systems, vessel pumpout stations, or equipment or furnishings thereof. ⁵ (as defined in Environmental Conservation Law §56-0101)

Definition of National Estuary Program

In New York State three “Estuaries of National Significance” are designated under the U.S. Environmental Protection Agency’s (EPA) National Estuary Program. The purpose of the “National Estuary Program” is to promote the development of comprehensive management plans for estuaries of national significance threatened by pollution, development, or overuse. The National Estuary Program was established in the 1987 amendments to the Clean Water Act.

The areas covered by the National Estuary Program in New York State include three National Estuary Program designated areas:

NY/NJ Harbor Estuary - The New York New Jersey Harbor Estuary encompasses the waters of New York Harbor and the tidally influenced portions of all rivers and streams that empty into the Harbor. There is a core area which includes the tidal waters of the Hudson-Raritan Estuary from Piermont Marsh in New York State to an imaginary line at the mouth of the Harbor which connects Sandy Hook, New Jersey and Rockaway Point, New York. This imaginary line is known as the Harbor Transect.

Long Island Sound - Long Island Sound is bounded on the west at the Battery on Manhattan and on the east at the Race off Orient Point. This includes the land area on Long Island to the Harbor Hill moraine and the Long Island Sound watershed areas of the Bronx and Westchester Counties.

Peconic Estuary - The study area includes the entire estuary (Flanders Bay, Great Peconic Bay, Little Peconic Bay, Shelter Island Sound, Gardiners Bay), the Peconic River, and their groundwater contributing areas. The eastern boundary is an imaginary line between the eastern tip of Plum Island and Montauk Point through Block Island Sound. The western boundary is at the headwaters of the Peconic River.

⁵ Eligible cost is limited to construction activity.

For purposes of the Bond Act, a project would be considered to be in a National Estuary Program area if it is located in the tidally influenced portions of rivers and streams entering New York Harbor, Long Island Sound or the Peconic Estuary.

Legal References for the Water Quality Improvement Program

Nonpoint Source Water Pollution Control: New York State Environmental Conservation Law § 17-1403

Environmental Protection Fund: New York State Environmental Conservation Law §54-0101

Clean Water/Clean Air Bond Act of 1996: New York State Environmental Conservation Law §56-0301

1965 Pure Waters Bond Act: New York State Environmental Conservation Law §17-1901

Environmental Quality Bond Act of 1972: New York State Environmental Conservation Law §51-0303

State Pollutant Discharge Elimination System (SPDES): New York State Environmental Conservation Law §17-0817

Coastal Nonpoint Pollution Control Program: Coastal Zone Management Act of 1972 Section 1455b

Waterfront Revitalization of Coastal Areas and Inland Waterways: New York State Executive Law Article 42

APPENDIX 2

Review Process

I. **Selection Process and Priority Ranking System**

Applications that are received by the due date will go through the following process.

1. Project applications are checked for completeness. (see *Round 10 Application for State Assistance Payments* for checklist)
2. Complete project applications are reviewed for eligibility based on the definitions of eligibility for each project type.
3. Eligible applications are scored and evaluated based on the factors outlined for each project type and the scoring system described in Appendix 3.
4. Award decisions are determined by the DEC, and successful applicants will be notified in writing if their project is selected to receive funding.

II. **Evaluation Factor**

In determining eligibility and evaluating applications, due consideration will be given to:

- Suitability and feasibility of the project in relation to the goals of the respective project type. Factors that will be considered include:
 - a) Whether the proposed project addresses an identified water quality impairment, a high priority pollutant or disturbance causing impairments, or a source of priority pollutants or disturbances.
 - b) Whether the proposed project implements a recommended action to restore water quality.
- Priority of the project in relation to other projects proposed under the project type.
 - a) Highest priority shall be given to projects which provide the greatest reduction in pollutants and are identified as priorities in the respective management program.
- Urgency of need for funds based on availability of other funding sources. Additional consideration will be given to wastewater projects that are listed in the *Clean Water State Revolving Fund, Intended Use Plan* in Category D "Hardship".

- Project readiness; required permits are in place (e.g., land ownership/use issues, plans and specifications, SEQR status) municipal agreements are in place, etc.
- If the project has environmental justice issues (positive or negative) they will be considered.
- Performance of the applicant in carrying out previously funded projects.
- Availability of local matching funds on the part of the applicant.
- Energy efficiency and/or smart growth.

IV. **Scoring by Project Type**

See Appendix 3.

V. **Ranking of Projects**

After applications have been scored and evaluated, they will be ranked based on an assessment of the combination of projects that are considered to be the most cost effective and best meet the water quality goals identified within each major drainage basin of the State.

APPENDIX 3

Description of Project Scoring

The project scoring system described below is one part of the evaluation process that will lead to the selection of projects for funding. The emphasis of the scoring system is to evaluate projects in terms of their potential impact on water quality by assessing the severity of the problem, the value of the resource, the nature of the impairment, and the potential for improvement. The scoring also assesses projects in terms of the water quality priorities identified in the Project Type Summaries. Other parts of the evaluation process are described in Appendix 2.

Project Scoring System

The scores are calculated according to points awarded for the degree to which the project is related to the severity of a problem, value of a resource and priority identified in the Project Type Summaries. Specifically:

- Criterion A is the **severity of the source of pollution**
- Criterion B is the **water quality or habitat improvement**, it is calculated by multiplying the following three factors [B1 x B2 x B3]:
 - B1 - Classification (value) of the water body or habitat
 - B2 - Impairment (threat or damage) of the water body or habitat
 - B3 - Likelihood of improvement if the project is implemented
- Criterion C is the relationship of the project to fulfilling the **priorities in the Project Type Summaries**.

The total score for the project is calculated by adding the scores of criteria A + B + C.

The project scores will be computed based on information in the *Round 10 Application for State Assistance Payments*.

Scoring for
Nonagricultural Nonpoint Source Abatement and Control,
Wastewater Treatment Improvement and
Aquatic Habitat Restoration

Criterion A: Existing Source (Severity of Source of Pollution)

The proposed project receives a score based on which of the factors (1 - 4) listed below best describes the most critical source of pollution or disturbance associated with the impairment of use which will be resolved by the proposed project.

1. **A critical source of pollutant or disturbance -- 50 points**
A raw, partially treated or intermittent point or nonpoint source causing or significantly contributing to a priority water problem which has been identified on the Priority Waterbodies List (PWL) as “precluded” or “impaired” or is resulting in documented degradation of surface and/or groundwater quality.

2. **An important source of pollutant or disturbance -- 25 points**
A partially treated or intermittent point or nonpoint source causing or significantly contributing to a priority water problem which has been identified on the PWL as “stressed” or “threatened” or is likely to result in degradation of surface and/or groundwater quality.

3. **A potential source of pollutant or disturbance -- 10 points**
A project necessary to maintain or protect existing facilities or conditions

4. **None of the above -- 0 points**

Criterion B: Water Quality or Habitat Improvement (WQI)

Water Quality Improvement (WQI) will be evaluated based on three factors:

1. Classification Points Factor (CPF)

Points are allotted to a project on the basis of the state-assigned classification of the receiving water at the point of discharge, or where higher, the classification of downstream surface waters, the use of which is impaired by the existing discharge.

See Table 1a. Water Quality Classification Points Factor (CPF) for Nonpoint Source Abatement and Control and Wastewater Treatment Improvement projects.

See Table 1b. Aquatic Habitat Value Classification Points Factor (CPF) for Aquatic Habitat Restoration projects.

2. Impairment Factor (IF)

Points are allotted to a project based on the severity of impairment of the desired best usage of the affected water, as indicated in the PWL, or a groundwater assessment report. See Table B2. Impairment Factor (IF).

3. Potential Improvement Factor (PIF)

Points are allotted to a project based on the potential for the proposed project to improve water quality so that the affected stretch of water or aquatic habitat moves to a less impaired status on the PWL.

In assessing potential improvement, consideration will be given to:

- the extent that a proposed project contributes to a comprehensive and coordinated approach to solving water quality problems that reflects local needs and enhances the ability of local officials to address the other nonpoint source problems contributing to the impairment of the waterbody; and
- whether the proposed project specifically targets the priorities identified in such a coordinated approach, the relative proportion of a pollutant or disturbance (cause) being reduced or eliminated, and whether other pollutant sources or conditions remaining after project construction would prevent long-term improvements to a waterbody.

Water Quality Improvement (WQI) is calculated using the following equation:

$$\text{CPF} \times \text{IF} \times \text{PIF} = \text{WQI}$$

Criterion B: Water Quality or Habitat Improvement (WQI) (continued)

1a. Water Quality Classification Points Factor (CPF) for Nonpoint Source Abatement and Wastewater Treatment Improvement Projects

<u>Classification</u>	<u>Description</u>	<u>Points</u>
AA, SA, GA (primary water supply aquifer), AA special	Specially protected high quality drinking water and shellfish waters	8
A, A special, GA (other), GSA	Other drinking water	6
B, SB, C(T), C(TS)	Contact recreation, trout and trout propagation	4
C, SC, I	Other fishing	3
D, SD, GSB	Other water uses	2
No resource is impaired		0

Criterion B: Water Quality or Habitat Improvement (WQI) (continued)

1b. Aquatic Habitat Value Classification Points Factor (CPF) for Aquatic Habitat Restoration Projects

<u>Category</u>	<u>Description</u>	<u>Points</u>
A	Area is currently providing or has provided documented, historic aquatic habitat for shellfish; endangered, threatened and special concern species; and/or species of greatest conservation need. Once restored, the area would support a diverse plant and animal community. Area would provide critical life stage habitat for above species.	8
B	The area has potential for high aquatic habitat value in the context of the surrounding landscape (e.g., regulated freshwater wetlands, NWI wetlands, area that could expand or enhance existing range/population for managed species (e.g., species protected under migratory bird treaty act or fishery management plans); is an important and viable isolated remnant, or will connect spawning, nursery, breeding, feeding areas).	6
C	The area has potential for increasing usable aquatic habitat for spawning, nursery, feeding, breeding, wintering, and foraging.	4
D	The area is isolated and would provide only local benefits, not regional resource benefits.	3
E	The area is a DEC managed, owned or regulated aquatic habitat (protected under the ECL) that does not meet one of the above factors.	2
F	The project will provide no demonstrable improvement in aquatic habitat value or function; or no demonstrated need for restoration.	0

Criterion B: Water Quality or Habitat Improvement (WQI) (continued)

B2. Impairment Factor (IF)

<u>Impairment</u>	<u>Priority Waterbodies List (PWL) and Aquatic Habitat Definition</u>	<u>Points</u>
Precluded	A use is not possible – for example: <ul style="list-style-type: none"> - swimming is banned by the local health department - consumption of fish, shellfish or wildlife is banned - the area is prevented from providing aquatic habitat function for spawning, nursery, wintering, migratory, nesting, breeding, feeding or foraging, and evidence and cause of preclusion is clear 	6
Impaired	A use cannot be fully met – for example: <ul style="list-style-type: none"> - fishing is possible, but consumption is restricted - area provides limited aquatic habitat function for spawning, nesting, breeding, feeding or foraging with clear evidence of cause of impairment 	4
Stressed	A water quality or aquatic habitat problem is evident, but impairment is not clearly demonstrated – for example: <ul style="list-style-type: none"> - a stream runs turbid with sediment after rainfall - an area provides aquatic habitat function with evidence of degradation, but no clear cause of degradation 	2
Threatened or none	There is a threat to future water quality or aquatic habitat but no existing evidence of impairment	1

B3. Potential improvement factor (PIF)

<u>Improvement Factor</u>	<u>Points</u>
Degree of impairment reduced by <i>three</i> levels (e.g. from “precluded” to “threatened” or “none”)	4
Degree of impairment reduced by <i>two</i> levels (e.g. from “precluded” to “stressed”)	3
Degree of impairment reduced by <i>one</i> level (e.g. from “precluded” to “impaired”)	2
No reduction in impairment level	1

Criterion C: Project Type Priorities

Points are assigned to projects on the basis of priorities identified in the Project Type Summaries. A project receives points for the one factor below that best applies.

<u>Priorities within Project Type Description</u>	<u>Points</u>
Project significantly addresses <i>highest priority</i> problem or solution identified in the Project Type Summary.	200
Project significantly addresses a <i>secondary priority</i> problem or solution identified in the Project Type Summary.	100
Proposal addresses other best management practices as identified in the New York State Nonpoint Source Management Plan or the Department of State’s Coastal Nonpoint Source Pollution Control Program or aquatic habitat restoration projects that address Central Office or Regional DEC Resource Manager’s high priority issues.	25
None of the above.	0

**Water Quality Improvement Projects
Score Sheet**

Criterion A: Existing Sources (0 – 50 pts.) **A.** _____

Criterion B: Water Quality Improvement (WQI)
Receiving Water Name:
1. Classification (CPF) (0 – 8 pts.)
2. Impairment Factor (IF) (1 – 6 pts.)
3. Potential Improvement Factor (PIF)
(1 – 4 pts.)
WQI = (CPF x IF x PIF) **B.** _____

Criterion C: Project Type Priorities **C.** _____
(0 – 200 pts.)

TOTAL PROJECT SCORE (A + B + C):

Scoring for Municipal Separate Storm Sewer Systems (MS4s)

Project Scoring System

The numerical score in the Municipal Separate Storm Sewer Systems Phase II Stormwater Implementation scoring system are based on the following:

- A. Pollutants of Concern Associated with Stormwater
- B. Water Quality Improvement Factor
- C. MS4 Implementation Program Priorities – Intermunicipal Cooperation

The total numerical score for the project or project segment is the sum of the scores for A, B, and C.

The project scores will be computed based on information in the *Round 10 Application for State Assistance Payments*.

A. Pollutants of Concern Associated with Stormwater

The proposed project receives a score based on the Pollutants of Concern parameters addressed by the project. Parameters associated with stormwater runoff include:

- Pathogens
- Sediment
- Nutrients
- Water Quantity Parameter

<u>Pollutants of Concern</u>	<u>Points</u>
Project addresses all four of the parameters listed above	50
Project addresses at least two of the parameters listed above	25
Project addresses one of the parameters listed	10
None of the above	0

B. Water Quality Improvement Factor (WQI)

Water Quality Improvement Factor will be evaluated based on three factors:

- B1. Program Scope Factor (SF)
- B2. Impairment Factor (IF)
- B3. Quantity/Quality Improvement Factor (QIF)

$$WQI = SF \times IF \times QIF$$

B1. Program Scope Factor

Points are allotted to a project based on how well it supports a Stormwater Management Program Plan (SWMP) that meets and/or exceeds MS4 permit requirements especially in the promotion and use of green infrastructure, smart growth and low impact development (LID) methods or in producing a product that is applicable statewide.

<u>Program Scope</u>	<u>Points</u>
Program exceeds permit requirements and promotes green infrastructure, smart growth and/or LID or in producing a product that is applicable statewide	8
Program meets permit requirements and promotes green infrastructure, smart growth and/or LID or in producing a product that is applicable statewide	6
Program meets permit requirements	4
Program only partially meets permit requirements	1

B2. Impairment Factor (IF)

Points are allotted to a project based on the impairments associated with pollutant of concern parameters that it addresses.

Pathogens
Sediment
Nutrients
Water Quantity Parameter

<u>Impairment Factors Addressed</u>	<u>Points</u>
Addresses impairments associated with all four parameters	6
Addresses impairments associated with three parameters	4
Addresses impairments associated with two parameters	2
Addresses impairments associated with one parameter	1
None of the above	0

B3. Quality/Quantity Improvement Factor (QIF)

Points are allotted to a project based on the amount of water quality and quantity improvement and/or protection anticipated to result from the proposed activities.

In assessing potential improvement, consideration will be given to:

- the extent that a proposed project contributes to a comprehensive and coordinated approach to solving water quality problems that reflects local needs and enhances the ability of local officials to address all relevant pollutants contributing to the impairment of the waterbody.
- whether the proposed project specifically targets the priorities identified in such a coordinated approach, the relative proportion of pollutant or disturbance (cause) being reduced or eliminated, and whether other pollutant sources or conditions remaining after project construction would prevent long term improvements to a waterbody or aquatic habitat.

Projected amount of quality/quantity improvement:

Large 4 points
Moderate 3 points
Minimal 2 points
None 1 point

Water Quality Improvement is calculated using the following equation:

$$IF \times SF \times QIF = WQI$$

C. MS4 Implementation Program Priorities – Intermunicipal Cooperation

Points are assigned to projects on the basis of priorities identified by the available source of the funding. A project receives points for the one factor below that best applies.

<u>Priority on Intermunicipal Cooperation</u>	<u>Points</u>
90% or more of regulated MS4s in a county or Urbanized Area working on one or more of the following activities identified under Eligible Projects	200
Review and modification of local laws to encourage application of green infrastructure and smart growth principles.	200
40% or more of regulated MS4s in a county or Urbanized Area working on activities identified under Eligible Projects	100
Other	25

**MS4
Score Sheet**

Criterion A: Pollutant of Concern (0 – 50 pts.) **A.** _____

Criterion B: Water Quality Improvement Factor (WQIF)

- 1. Program Scope Factor (PSF) (1 – 8 pts.)
- 2. Impairment Factor (IF) (0 – 6 pts.)
- 3. Quality/Quantity Improvement Factor (QIF) (1 – 4 pts.)

WQI = (SF x IF x QIF) **B.** _____

Criterion C: Water Quality Management Program Priorities (25 – 200 pts.) **C.** _____

TOTAL PROJECT SCORE (A + B + C):

Scoring for Water Quality Management

Project Scoring System

The numerical score in the Water Quality Management scoring system are based on the following:

- A. Regulatory/Management Focus Factor
- B. Water Quality Improvement Factor
- C. Water Quality Management Program Priorities

The total numerical score for the project or project segment is the sum of the scores for A, B, and C.

The project scores will be computed based on information in the *Round 10 Application for State Assistance Payments*.

A. Regulatory/Management Focus Factor (RFF)

Points are allotted to a project based on the level of impairment of waters within the County.

<u>Waters With Special Regulatory/Management Focus</u>	<u>Points</u>
Counties with waterbodies listed on the 303(d) list and/or identified as <i>precluded</i> or <i>impaired</i> on the Priority Waterbodies List (PWL).	50
Counties with waterbodies identified as <i>stressed</i> or <i>threatened</i> on the PWL.	25

B. Water Quality Improvement Factor (WQI)

Water Quality Improvement Factor will be evaluated based on three factors:

- B1. Classification Factor (CF)
- B2. Program Scope Factor (PSF)
- B3. Quantity/Quality Improvement Factor (QIF)

$$WQI = CF \times SF \times QIF$$

B1. Classification Factor (CF)

Points are assigned based on the most stringent classification assigned to waters within the County.

<u>Classification</u>	<u>Points</u>
AA, SA, GA (primary water supply aquifer), AA special -- Specially protected high quality drinking water and shellfish waters.	8
A, A special, GA (other), GSA -- Other drinking water	6
B, SB, C(T), C(TS) -- Contact recreation, trout and trout spawning	4
C, SC, I -- Other fishing	3
D, SD, GSB -- other water uses	2

B2. Program Scope Factor (PSF)

Points will be awarded based on whether the applicant proposes to prepare and present the Annual Report in one, two or additional years.

<u>Program Scope Factor</u>	<u>Points</u>
Applicant will prepare and present Annual Reports in 2010 and 2011 and plans to continue making reports using the templates and protocols established in the first two years.	6
Applicant will prepare and present Annual Reports in 2010 and 2011	4
Applicant will prepare and present an Annual Report in either 2010 or 2011	2

B3. Quality/Quantity Improvement Factor (QIF)

Points are allotted to a project based on the amount of water quality and quantity improvement and/or protection anticipated to result from the proposed activities.

In assessing potential improvement, consideration will be given to:

- the extent that a proposed project contributes to a comprehensive and coordinated approach to solving water quality problems that reflects local needs and enhances the ability of local officials to address all relevant pollutants contributing to the impairment of the waterbody.
- whether the proposed project specifically targets the priorities identified in such a coordinated approach, the relative proportion of pollutant or disturbance (cause) being reduced or eliminated, and whether other pollutant sources or conditions remaining after project construction would prevent long-term improvements to a waterbody or aquatic habitat.

Projected amount of quality/quantity improvement:

Large	4 points
Moderate	3 points
Minimal	2 points
None	1 point

Water Quality Improvement is calculated using the following equation:

$$CF \times PSF \times QIF = WQI$$

Water Quality Management Program Priorities

Points are assigned to projects on the basis of priorities identified in the project type summary. A project receives points for the one factor below that best applies.

<u>Priorities</u>	<u>Points</u>
Project significantly addresses <i>highest priority</i> problem or solution identified in the Project Type Summary.	200
Project significantly addresses a <i>secondary priority</i> problem or solution identified in the Project Type Summary.	100

APPENDIX 4

Contract Information

Once an application has been selected for funding, DEC will notify the applicant of the need to provide the information necessary to complete the contract.

Municipal Resolutions

The applicant must submit a formal resolution of the governing body designating by title (Mayor, Town Supervisor, etc.) the representative authorized to act on behalf of the municipality in all matters related to financial assistance. The resolution must authorize the representative to execute the State Assistance Contract, and otherwise act for the governing body in all State assistance related matters. A sample form of the resolution is provided in Appendix 5 of this document. The resolution must be accompanied by a Certificate of Recording Officer with an original signature.

State Environmental Quality Review (SEQR)

A New York State contract for a Water Quality Improvement Project cannot be executed until the applicant, as sponsoring agency, has complied with the State Environmental Quality Review Act (6NYCRR, Part 617).

Applicants will need to submit documentation that the requirements of SEQR for the project have been met. If it is determined that the project is classified as Type II, submit a letter stating this determination to the Regional Permit Administrator. If it is determined that the project will not have a significant adverse impact on the environment (negative declaration), submit the negative declaration document to the Regional Permit Administrator. If an environmental impact statement was prepared for the project, submit a copy of the SEQR findings statement to the Regional Permit Administrator.

Project Work Plan

The project work plan will form the basis for a contract between the applicant and the appropriate agency that allows for payment for eligible project costs. The project work plan also provides a mechanism for tracking and evaluating progress of project implementation. The project work plan will require more detailed information than the project application submitted previously. Final approval of the contract for the selected project will be based on the completed project work plan.

**Minority and Women-Owned Business Enterprises (M/WBE)
/Equal Employment Opportunity (EEO)**

Pursuant to Article 15-A of the Executive Law, and any applicable regulations promulgated there under, applicants for state assistance programs must implement a comprehensive Minority and Women-Owned Business Enterprises-Equal Employment Opportunity (M/WBE-EEO) program when the requested assistance amount equals or exceeds \$25,000 for equipment, services and supplies; or if the requested assistance amount equals or exceeds \$100,000 for the acquisition, construction, major repair or renovation of real property.

Additionally, applicants will ensure to the fullest extent possible that the Affirmative Action and EEO requirements of Title VI of the Civil Rights Act of 1964 and any applicable federal rules and regulations are applied to federal funds for prime contracts or subcontracts for construction, equipment, supplies and services. The M/WBE-EEO goals are required to be placed on the entire project cost, not only on the State/Federal assistance being provided. All contracts that are funded with Federal monies are required to have M/WBE-EEO goals regardless of the expected value.

A list of Certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <http://205.232.252.35/>.

The following M/WBE-EEO “Fair Share” goals have been established as follows:

Minority Business Enterprise (MBE) Participation Goals

<u>Location/Commodity Group</u>	<u>MBE Goals</u>
New York City Region (DEC Regions 1 & 2)	
Construction/Engineering	21.5%
Commodities	18.8%
Services/Technologies	18.8%
Upstate Region (DEC Regions 3-9)	
Construction/Engineering	6.0%
Commodities	8.8%
Service/Technologies	8.8%

Women’s Business Enterprise (WBE) Participation Goals

<u>Location/Commodity Group</u>	<u>WBE Goals</u>
New York City Region (DEC Regions 1 & 2)	
Construction/Engineering	13.7%
Commodities	20.5%
Services/Technologies	20.5%

Upstate Region (DEC Region 3-9)	
Construction/Engineering	6.0%
Commodities	8.8%
Services/Technologies	8.8%

Equal Employment Opportunity (EEO) Participation Goals

EEO Minority Workforce Participation Goals

(DEC Regions 1- 9) 10%

EEO Female Workforce Participation Goals

(DEC Regions 1-9) 10%

Affirmative Action Representative

The local government is responsible for administering a comprehensive M/WBE-EEO program and must designate someone to serve as the Affirmative Action (A.A.) representative. The governing body should make the designation through resolution or other official means.

Project Description

The program applicant is to identify the nature of work involved in the project funded by the state assistance contract. A brief description of the component parts of the project to be funded will satisfy this element of the project workplan. It is important that the Engineering/Construction components be included in the project description.

Contact Person

Juan Abadia
Affirmative Action Administrator 3
NYS Department of Environmental Conservation
Bureau of Affirmative Action and Minority/Women’s Business Program
625 Broadway, 10th Floor
Albany, New York 12233-5028
Phone: (518) 402-9311
Fax: (518) 402-9023

APPENDIX 5

Municipal Resolution

Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects Municipal Resolution

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS,

(Legal Name of Municipality)

herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY

(Governing Body of Municipality)

1. That

(Name and Title of Designated Authorized Representative)

or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation
4. That this Resolution take effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly

adopted at a legally convened meeting of the

(Name of Governing Body of

Applicant)

duly held on the _____ day of _____, _____; and further that such Resolution

has been fully recorded in the _____ in my office.

(Title of Record Book)

In witness thereof, I have hereunto set my hand this _____ day of

_____, _____.

Signature of Recording Officer

If the Applicant has an Official Seal, Impress here.

Title of Recording Officer

APPENDIX 6
Regional Water Contacts

Region	Contact	Office	Phone
1	Tony Leung	Stony Brook	(631) 444-0415
2	Selvin Southwell	Long Island City	(718) 482-4881
3	Natalie Browne	White Plains	(914) 428-2505 ext. 354
4	Andrea Dzierwa	Schenectady	(518) 357-2377
5	Bill Wasilauski	Warrensburg	(518) 623-1200
6	Steve Botsford	Watertown	(315) 785-2513
7	Jim Burke	Syracuse	(315) 426-7500
	Scott Cook	Syracuse	(315) 426-7502
8	Dixon Rollins	Avon	(585) 226-5468
	Nancy Rice	Avon	(585) 226-5453
9	Gerry Palumbo	Buffalo	(716) 851-7070

DEC Regions

