

**2005**  
**Water Quality Improvement Projects**  
**Information For Applicants**

**Municipal Wastewater Treatment ♦ Aquatic Habitat Restoration**  
**Nonagricultural Nonpoint Source Abatement and Control**  
**MS4 - Phase II Stormwater Implementation**



**George E. Pataki, Governor, State of New York**  
**Erin M. Crotty, Commissioner of Environmental Conservation**  
**Randy A. Daniels, Secretary of State**  
**Nathan Rudgers, Commissioner of Agriculture and Markets**  
**January 2005**

***Application Deadline is April 29, 2005***



## IMPORTANT UPDATES - 2005

### ✿ Funding Sources:

- ★ The **Peconic Estuary and South Shore Estuary Reserve** management plan area is the only area with funding remaining under the **1996 Clean Water/Clean Air Bond Act** Title 3, 56-0303 for Water Quality Improvement Projects (WQIP) to implement management programs, plans and projects.
- ★ Eligibility requirements differ slightly for the various programs. Applications will be considered for every funding source for which they are eligible. However, when submitting an application, note carefully the differences in cost share rates and eligibility of various activities. Complete the parts of the application that correspond to the funding category you are applying for.
- ★ Applications are being requested for all programs listed under Funding Categories for 2005, on the next page. Where the funding amount appropriated from State Fiscal Year 04-05 and Federal Fiscal Year '04 is known, the amount is identified in the funding category descriptions on the next page.
- ★ Additional state and federal funds may become available in State Fiscal Year 05-06 or in Federal Fiscal Year '05. Funds may also become available from additional funding sources, such as the federal Performance Partnership Grant. If so, these funds may be used to fund projects received in this solicitation.

### ✿ Application Process:

- ★ Applicants requesting funding for **Stormwater Phase II Permit Implementation** must provide a list of all cooperating regulated Municipal Separate Storm Sewer Systems (MS4s) and signed letters of intent from each of them. If funded, applicants must get a signed commitment from each participating MS4 that it will deliver its share of the outputs in the contract workplan.
- ★ **Applications from previous years will not be carried over.** You must submit a new application on the Water Quality Improvement Project (WQIP) 2005 Application Form to be considered for funding under any of the funding categories listed on the following page.
- ★ A separate call for projects was issued in August 2004 for agricultural nonpoint source projects, and submittals were due to the Department of Agriculture and Markets by October 25, 2004.



# Funding Categories for 2005

## **Peconic Estuary and South Shore Estuary Reserve**

Approximately \$6.7 million from the New York State 1996 Clean Water/Clean Air Bond Act will be available for municipal wastewater treatment plant improvement, nonpoint source abatement and control, and aquatic habitat restoration projects consistent with the Peconic Estuary Comprehensive Conservation Management Plan and the South Shore Estuary Reserve Comprehensive Management Plan.

(See pages 3 - 4)

## **Long Island Sound**

Approximately \$2.5 million from the federal Long Island Sound Restoration Act (LISRA) for Federal Fiscal Year '04 will be available for municipal wastewater treatment plant improvement, nonpoint source abatement and control, and aquatic habitat restoration projects consistent with the Long Island Sound Comprehensive Conservation Management Plan. (See page 5)

## **Statewide Nonpoint Source**

Approximately \$10.8 million of the New York State Environmental Protection Fund (EPF) has been appropriated in the budget for State Fiscal Year 2004-05 for agricultural and non-agricultural nonpoint source abatement and control projects. A separate call for projects was issued in August 2004 for the agricultural nonpoint source projects, and submittals were due to the Department of Agriculture and Markets by October 25, 2004. (See pages 6-7)

## **Municipal Separate Storm Sewer Systems (MS4s) Phase II Stormwater Permit Implementation**

A portion of the \$10.8 million from the Environmental Protection Fund (see above) will be available for assistance to regulated Municipal Separate Storm Sewer Systems (MS4s) in implementing Stormwater Phase II General Permit requirements. (See pages 8-11)

## **Hudson River Swimmable Goal**

Funds may be available from federal and state sources to fund priority activities that will help restore the water quality of the Hudson River as outlined in the Hudson River Estuary Action Plan. In his State of the State address in January, 2004, Governor George E. Pataki outlined a goal that by 2009, the Hudson River will be suitable for swimming from its source in the Adirondacks to New York City. Funding would be available for the activities to achieve the swimmable goal. (See page 12)

***Additional state and federal funds may become available in State Fiscal Year 05-06 or in Federal Fiscal Year '05. Additional funds may also become available from other funding sources. If so, these funds may be used to fund projects received in this solicitation.***



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## **Other Funding Opportunities of Interest**

### **New York State Clean Vessel Assistance Program**

The New York State Environmental Facilities Corporation has funding available through the Clean Vessel Act of 1992 for two types of projects including: 1) information and education projects relating to the use, availability and benefits of pumpout and dump station facilities used for the purpose of disposal of septic waste from recreational marine vessels and 2) construction, renovation and replacement of pumpout and dump stations and their associated appurtenances as associated with providing septic waste disposal from Type III marine sanitation devices or other such septic holding equipment onboard marine recreational vessel. Applications will be continuously accepted as long as funds are available. This program has a different application than the Water Quality Improvement Project (WQIP) application. (See pages 13-14)

### **Environmental Benefits Fund**

Approximately \$4 million is available from the Long Island Sound Newtown Creek Settlement for habitat restoration, acquisition projects, and water quality improvement projects or studies benefitting Long Island Sound and/or Jamaica Bay. For more information about this funding source, contact Karen Chytalo, New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, at 631-444-0403.

### **New York City (NYC) Watershed Protection Program Grant**

Approximately \$1 million is available for federal fiscal year 2005 from the Federal Safe Drinking Water Act's NYC Water Watershed Protection Program Grant for projects within the NYC Watershed including: Nonpoint Source Abatement and Control (demonstration projects); Assessment, Planning and Research; and Outreach and Education. Applications are being mailed to known interested parties within the NYC Watershed. The deadline for submittals is February 28, 2005. For more information, contact Bruce Mussett or Kenneth Markussen, New York State Department of Environmental Conservation, Division of Water at (518) 402-8177.

### **Clean Water State Revolving Fund (CWSRF)**

The CWSRF provides low interest loans to construct water quality protection projects. To qualify for CWSRF Financing, projects must be listed on the Intended Use Plan (IUP) Annual Project Priority List, be determined to be environmentally significant by the DEC Commissioner, and score within the fundable range of the IUP for their respective project category. Projects listed on the IUP may be eligible for both short and long-term loans under the CWSRF. CWSRF zero interest or low interest loans may be used to finance the local share of projects that will also be funded with Bond Act, Environmental Protection Fund (EPF), Performance Partnership Grant (PPG) or Long Island Sound Restoration Act (LISRA) funds. Information on the CWSRF program and assistance on how to list a project on the IUP may be obtained by calling the Environmental Facilities Corporation's toll-free information line (800) 882-9721 (within NYS only) or (518) 402-7433 or on the web at [www.nysefc.org](http://www.nysefc.org).

### **New York State Water and Sewer Co-Funding Initiative**

The New York State Water and Sewer Co-Funding Initiative assists communities in finding sources of government funding for water and sewer projects. Several sources of government funding are available to communities and projects may be eligible to receive funding from more than one source.

The Co-Funding Initiative consists of programs administered by the following state and federal agencies: New York State Environmental Facilities Corporation, New York State Department of Health, New York State Department of State, the Governor's Office for Small Cities, New York State Department of Environmental Conservation, the United States Department of Agriculture Rural Development, and others.

For more information contact the Water & Sewer Co-Funding Coordinator at (518) 402-7438 or 1-(800)-882-9721, e-mail at [coordinator@nycofunding.org](mailto:coordinator@nycofunding.org)



# **Water Quality Improvement Projects Funded Under**

## **The 1996 Clean Water/Clean Air Bond Act Environmental Protection Fund and Other State Funds State-EPA Performance Partnership Grant Long Island Sound Restoration Act**

### **Background**

Under Governor George E. Pataki's *1996 Clean Water/Clean Air Bond Act*, New Yorkers have worked together to restore, preserve and protect our state's valuable environmental resources. Section 56-0303 of Title 3 of the Bond Act provided \$495 million to municipalities and soil and water conservation districts for water quality improvement projects, almost all of which has already been awarded. However, additional funds are available from the state Environmental Protection Fund (EPF), the federal Performance Partnership Grant (PPG), the federal Long Island Sound Restoration Act (LISRA) and other sources of state funding for qualifying projects. Collectively these funding sources are known as Water Quality Improvement Project funds.

Governor Pataki intends that Water Quality Improvement Project funds be used for projects that demonstrate direct environmental benefits. He also intends that agencies with Bond Act responsibilities work together to ensure that the application process is as simple and clear as possible. For that purpose, the Department of Environmental Conservation (DEC), the Department of State (DOS), the Department of Agriculture and Markets (Ag & Mkts) and the Environmental Facilities Corporation (EFC) have formed an interagency Bond Act implementation group to integrate their respective administrative responsibilities for funding projects under Title 3 of the Bond Act, and to coordinate related funding programs.

To make it easier for you to apply for project funding, the application, project selection, and contract administration processes are coordinated to the maximum extent possible among agencies and with existing programs. Applications will be considered for every funding category for which they are eligible.

### **How to Apply for Water Quality Improvement Projects**

Municipalities and other eligible applicants must use the *Application for State Assistance Payments* (included with this booklet and also available from your Regional DEC office) for water quality improvement projects including:

- Municipal wastewater treatment improvement;
- Nonagricultural nonpoint source abatement and control;
- Aquatic habitat restoration; and
- Phase II stormwater implementation.

Using the official *Application for State Assistance Payments*, an eligible applicant must submit all of the following.

1. A cover letter: requesting funding on letterhead of the municipality, the Soil and Water Conservation District or other eligible applicant.
2. The *Application for State Assistance Payments* form: for water quality improvement projects. This application includes a certification which must be signed by the individual authorized to do so.
3. All supporting documentation: specifically requested in the *Application for State Assistance Payments*. ***Please do not send any information that is not specifically requested.*** Unsolicited material cannot be considered and will be removed from the application prior to scoring.

Costs associated with the preparation and submission of the application and its attachments are not eligible for State assistance.

Additional documentation is required for Stormwater Phase II Implementation proposals. Applicants must provide a list of cooperating regulated MS4 municipalities/entities. Applicants must also submit a letter from each cooperating entity signifying intent to sign on to a cooperative agreement (see *Application for State Assistance Payments*). If the project is funded, a formal agreement among the cooperating entities must be established and signed by the time a contract is executed.

## **How to Use This Document**

The following pages provide specific information about management plans and programs that cover part or all of the state. The management plans and programs are:

- Peconic Estuary and South Shore Estuary Reserve
- Statewide Nonpoint Source Program and MS4 Phase II Stormwater Permit Implementation
- Long Island Sound
- Hudson River Swimmable Water Quality Goal of the Hudson River Estuary Plan

Specific information about eligibility, types of projects that will be considered, local match requirements and key program priorities can be found on the pages under each of these management plan program headings.

Additional details on eligibility can be found in the definitions provided in Appendix 1. Descriptions of scoring and evaluation factors can be found in Appendices 2 and 3. Look for the contact information provided at the end of each funding category description or on the back cover of this document for names and phone numbers of DEC staff who can provide additional information.

## Peconic Estuary and South Shore Estuary Reserve

- I. **Eligible Applicants:** Municipalities and Soil and Water Conservation Districts (See Appendix 1 for definition of “Municipality”)
- II. **Eligible Projects:** Water quality improvement projects to implement management programs, plans or projects as specified in the Bond Act. Eligible projects including: planning, design and construction of nonagricultural nonpoint source abatement and control, agriculture nonpoint source abatement and control, and aquatic habitat restoration projects; and construction of municipal wastewater treatment improvement projects. Planning and design costs will be reimbursed only if they are associated with the implementation of a Bond Act funded project.

For State Fiscal Year 2004-2005, funding is available for Peconic Estuary Comprehensive Conservation Management Plan (CCMP) implementation and South Shore Estuary Reserve Comprehensive Management Plan (CMP) implementation.

- III. **State Assistance Payments and Local Share:** State assistance payments from the Bond Act will fund a percentage of the project cost, as identified for each project type (see below). Water quality improvement project funds from the Bond Act cannot be used to purchase land. Local share can include cash contributions and in-kind services: including overhead, municipal supplies, and materials. Local share must be provided between the start and completion dates of the project. The Bond Act prohibits using other state or federal grant dollars received for the project for the local share of the project. Project costs incurred after November 6, 1996 are eligible for consideration.

Wastewater Treatment Projects: State assistance payments from the Bond Act can fund up to 85 percent of the construction costs of the project.

Agricultural Nonpoint Source Projects: State assistance payments from the Bond Act may fund up to 75 percent of the project cost, with no landowner or operator contribution, or up to 90 percent with such a contribution.

Non-Agricultural Nonpoint Source Projects: State assistance payments will fund up to 50 percent of the project cost. Local share can include land acquisition.

Aquatic Habitat Restoration Projects: State assistance payments from the Bond Act will be available to municipalities to fund up to 75 percent of the costs of non-state projects in villages, towns and cities with a population of 75,000 or less. Other projects will be funded for up to 50 percent of the project cost. Local share can include land acquisition.

#### IV. Management Plan Priorities:

##### *Priorities Identified in the Peconic Estuary Comprehensive Conservation Management Plan:*

###### Highest Priority:

- ◆ Nitrogen reduction from municipal wastewater treatment plants
- ◆ Nonpoint source pollution abatement and control
- ◆ Agricultural nonpoint source pollution abatement and control
- ◆ Aquatic habitat restoration
- ◆ Stormwater runoff abatement and control

###### Priorities:

- ◆ Mitigation of impacts from brown tide

##### *Priorities Identified in the South Shore Estuary Reserve Comprehensive Management Plan:*

###### Highest Priorities:

- ◆ Nonpoint source pollution abatement and control
- ◆ Storm water runoff abatement and control
- ◆ Aquatic habitat restoration

###### Priorities:

- ◆ Municipal wastewater treatment improvement, wherever municipal wastewater treatment systems are contributing to water quality problems in the South Shore Estuary Reserve or necessary to ensure compliance with State Pollutant Discharge Elimination System (SPDES) permit.

##### **Contact for Peconic Estuary:**

NYS Department of Environmental Conservation

Division of Water, Tony Leung, (631) 444-0405

Division Fish Wildlife and Marine Resources, Karen Chytalo, (631) 444-0430.

##### **Contact for South Shore Estuary Reserve:**

NYS Department of State, Coastal Zone and Waterfront Revitalization

Michael Corey, (518) 474-6000

Kenneth Smith, (518) 474-6000

# Long Island Sound

- I. Eligible Applicants:** Municipalities and Soil and Water Conservation Districts; the State is also eligible for aquatic habitat restoration projects. (See Appendix 1 for definition of “Municipality”).
- II. Eligible Projects:** Water quality improvement projects to implement the Long Island Sound Comprehensive Conservation Management Plan (CCMP), including: planning, design and construction of nonpoint source abatement and control and aquatic habitat restoration projects; and construction of municipal wastewater treatment improvement projects. Planning and design costs will be reimbursed only if they are associated with the implementation of a Long Island Sound Restoration Act (LISRA) funded project.
- III. State Assistance Payments and Local Share:** State assistance payments will fund a percentage of the project cost, as identified for each project type. Local share can include cash contribution 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 may not use other federal grant dollars received for the project for the local share of the project. Water quality improvement project funds under LISRA can not be used to purchase land.

Municipal Wastewater Treatment Improvement: State assistance payments will fund up to 85 percent of construction costs.

Nonpoint Source Abatement and Control: State assistance payments will fund up to 50 percent of the project cost.

Aquatic Habitat Restoration Projects: will be funded up to 75 percent for costs of non-state projects in villages, towns and cities with a population of 75,000 or less.

**IV. Management Plan Priorities:**

Priorities Identified in the Long Island Sound CCMP include:

Highest priority:

◆ Nitrogen reduction from municipal wastewater treatment plant improvements consistent with the waste load allocations identified in the approved Long Island Sound Total Maximum Daily Load (TMDL) document.

Secondary priorities:

- ◆ Aquatic habitat restoration
- ◆ Stormwater runoff abatement and control
- ◆ Abatement of combined sewer overflows
- ◆ Sediment remediation

**Contacts:**

NYS Department of Environmental Conservation  
Division of Water, Dick Draper (518) 402-8111

## **Statewide Nonpoint Source Abatement and Control**

- I. Eligible Applicants:** Municipalities, Municipal Corporations and Soil and Water Conservation Districts. (See Appendix 1 for definition of “Municipality”)
- II. Eligible Projects:** Projects for nonagricultural nonpoint source abatement. (See Appendix 1 for definitions of “Water Quality Improvement Projects”). A separate call for projects was issued in August 2004 for agricultural nonpoint source projects, and submittals were due to the Department of Agriculture and Markets by October 25, 2004.

Implementation activities that meet the above definitions are eligible for nonpoint source funding. Planning and design costs for nonpoint source abatement and control will only be considered for reimbursement if they are associated with an implementation project that receives nonpoint source funding.

- III. State Assistance Payments and Local Share:** State assistance payments will fund up to 50 percent 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. The nonpoint source funding limits using other state or federal grant dollars received for the project for the local share of the project; see definition of “Cost” in Appendix 1. Water quality improvement project funds under the Environmental Protection Fund or Performance Partnership Grants can not be used to purchase land.
- IV. Statewide Nonpoint Source Program Priorities:**

For purposes of this funding opportunity, emphasis is being placed on the following types of nonpoint source abatement projects:

Highest Priority:

- ▶ The following types of projects impacting waterbodies on the **303(d) list**:
  - Stormwater: Implementation of stormwater management practices that are consistent with New York State technical standards (*New York Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual*) and the NYS Department of Environmental Conservation’s *Catalogue of Management Practices*.
  - Onsite Systems: Abatement of failing or inadequate onsite wastewater systems through the implementation of a municipal management program pursuant to local law or special improvement district that provides for system inspections, system maintenance and system replacement or upgrade.
  - Hydrologic and Habitat Modification: Abatement of hydrologic and habitat modification (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 priority management practices:
  - Stormwater: Implementation of stormwater management practices
    - Installation of parking lot retrofits tributary to separate sewers in municipalities, designed and installed in accordance with the *New York State Stormwater Management Design Manual*. The preferred stormwater management practice would be bioretention.
    - Installation of highway/roadway retrofits, e.g. converting ditches to swales designed in accordance with the *New York State Stormwater Management Design Manual*.
  - Swimmable Hudson: Abatement of pathogens and floatables in the Hudson River.
  - Groundwater: Correction of sources contributing to groundwater impairments where the health department has closed a public drinking water supply well or clusters of private wells.
  - Onsite Systems: Abatement of failing or inadequate onsite wastewater systems through the implementation of a municipal management program pursuant to local law or special improvement district that provides for system inspections, system maintenance, and system replacement or upgrade.
  - Hydrologic and Habitat Modification: Abatement of hydrologic and habitat modification (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):
    - Removal or mitigation of stream barriers to fish passage that prevent the return of migratory fish in priority watersheds; and
    - Installation of stream buffers or restoration of stream channels in watersheds that influence downstream waterbodies that appear on the 303(d) list or where a Total Maximum Daily Load document has been developed.

Other Priorities:

- Other Best Management Practices: Best Management Practices identified in the NYS Department of Environmental Conservation's *Catalogue of Management Practices*, but not specifically mentioned above.

**V. Pollutant Reduction Estimate:** Successful applicants will be required to provide an estimate of pollutant reduction for their project as part of the work plan approval process. Specific guidance will be furnished in the “next steps” letter after the award of state assistance.

**Contact:**

NYS Department of Environmental Conservation, Division of Water  
Onsite wastewater system projects and hydrologic habitat modification projects:  
Gerry Chartier (518) 402-8180

## **Municipal Separate Storm Sewer Systems (MS4s) Phase II Stormwater Permit Implementation**

- I. 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 with implementing effective stormwater management programs.

Funding will be considered for proposals submitted on behalf of multiple regulated MS4s in groups of four or more. Preference will be given to proposals representing county-wide or multi-county level cooperation. Successful applicant cooperative groups from 2003 Water Quality Improvement Project funding are encouraged to work together again, although new and/or expanded groupings are welcome.

To be eligible, all included MS4s must be in compliance with the Phase II General Permit.

Applicants requesting funds must provide a list of cooperating MS4s and signed letters of intent from each of them. If funded, applicants must get a signed commitment from each participating MS4 that it will deliver its share of the outputs in the contract workplan.

- II. Eligible Projects:** For purposes of this funding opportunity, emphasis is being placed on projects that adopt and/or implement local laws in support of stormwater management programs. Eligible projects fall into three categories. Applicants may apply for any combination or all of the categories.
- 1. Implement Required Local Laws:** Up to \$3,000 per MS4 is available for projects that fulfill the Phase II permit requirements for adoption and implementation of local laws to:
    - ◆ prohibit illicit discharges as required in GP-02-02 Part IV.C.3.c
    - ◆ control erosion/sedimentation/stormwater runoff from construction activities as required in GP-02-02 Part IV.C.4.b) i
    - ◆ address post-construction runoff from new development and redevelopment as required in GP-02-02 Part IV. C.5.a) ii

Local laws must fulfill the requirements of the GP-02-02. Local laws should reference NYS technical standards: *New York Standards and Specifications for Erosion and Sediment Control* (also known as “The Blue Book”), *New York State Stormwater Management Design Manual*, and other appropriate guidance on the MS4 permit program.

2. **Provide for additional watershed protection when implementing required MS4 local laws.** When adopting the required local stormwater laws, a community should consider the following additional steps to improve water quality and flood protection. Up to \$2,500 per MS4 is available for projects that adopt and implement a local law to accomplish one or more of the following purposes (maximum total, \$7,500 per MS4):

◆ Onsite System Inspections – As part of Minimum Measure 3, Identification and Elimination of Illicit Discharges, communities should consider the need to address onsite wastewater systems. At the time a property is sold or transferred, the municipality requires inspection of onsite waste disposal systems. Inspection of onsite systems must follow the protocol and use the inspection form developed by the NY Onsite Wastewater Training Network (OTN) for statewide consistency. The local law must require the repair or replacement of failed or deficient systems.

◆ Special Districts, Cluster Subdivision and Low Impact Development – As part of Minimum Measure 5, Post Construction Stormwater Management, communities should consider changes in land use patterns that will help preserve the water quality of their communities while maintaining natural watershed hydrology and avoiding flooding. Local land use laws (zoning, subdivision, site plan review) can be amended to encourage reducing, to the maximum extent practicable, the impacts of development and land use on stormwater runoff through one or more of the following mechanisms:

- **Zoning overlay districts, special districts or special use permits** that place conditions on certain uses in a sensitive area. For example, to reduce erosion and sedimentation into a stream during construction, a stream corridor overlay district may restrict land uses within a specified distance from the stream. The provisions of special districts and uses may be amended to require review and approval of Stormwater Pollution Prevention Plans (SWPPPs) to ensure that they meet special district conditions.
- **Cluster subdivisions or Conservation subdivisions** can be used to reduce the percentage of impervious surface and provide open space and natural areas that are useful for managing stormwater runoff.
- **Low-impact development** is a new concept in site planning that may be used to complement other land use tools. Low-impact development integrates site design and planning techniques such as narrower streets, rain gardens and bioretention areas, and riparian buffer zones into existing subdivision law or site plan review law provisions in order to conserve hydrologic functions and natural systems on a site and reduce stormwater runoff from the site.

Projects in this category should demonstrate that the proposed land use law or ordinance amendments are based on a natural resource inventory of the municipality and community priorities for natural resource protection.

◆ Integration of Stormwater and Floodplain Management – There has been increasing interest in integrating floodplain management with stormwater management. As part of Minimum Control Measure 5, Post Construction Stormwater Management, communities can adopt or amend a local law or some other mechanism to ensure any or all of the following activities occur and serve both the stormwater and floodplain management programs:

- Require floodplain administrators to be trained and certified for Certified Professional in Erosion and Sediment Control (CPESC) and Certified Professional in Storm Water Quality (CPSWQ) and Certified Floodplain Manager (CFM);
- Require that municipally owned land within the floodplain be sold with a deed restriction stating that any development of the property must be in compliance with local and state floodplain and stormwater management requirements; and
- Apply post-construction stormwater requirements to all floodplain areas within the municipality's jurisdiction.

3. **Establish Funding Mechanisms:** Up to \$5,000 per MS4 is available for projects accomplishing the legal adoption of funding mechanisms, such as Stormwater Management Districts or municipality-wide stormwater permit fees. Projects must include legal adoption of permanent, long-term mechanisms to generate funding for the continuing development and implementation of MS4 Stormwater Management Programs (SWMP). These mechanisms can include but are not limited to: stormwater drainage districts, municipality-wide stormwater permit fees, budget line items.

For any of the three categories above the applicant must show knowledge of what work has already been done by/for participating MS4s towards accomplishing the activities listed and how the activities for which you are requesting funds will complement or build upon that work. E.g. When a municipality has already completed some of the work for developing local laws or an entity has received mini grant funding for part of the work.

The following activities mark significant stages in implementation of local laws. Payments will be made to grant recipients in four installments when evidence of acceptable completion of each of these stages is submitted to the Department:

- ◆ Gap analysis– review of existing municipal laws and regulations to determine what is need to develop Phase II-compliant local laws.
- ◆ Development of draft ordinance/law language and a strategy to accomplish adoption of the law
- ◆ Adoption of the new or revised law by the municipality.
- ◆ Development of mechanisms for effective implementation (including assigning and training responsible parties) and procedures for enforcement.

Gap analysis and language development for the construction and post construction requirements should be consistent with the process detailed in *Stormwater Management Guidance for Local Officials - Construction and Post Construction Runoff Management*.

Contracts must be completed by the close of the General Permit-02-02 permit cycle in March 2008 in order to be paid. No contracts from this portion of the 2004 WQIP will be extended beyond 2008.

**III. State assistance payments and local share:** State assistance payments from the Environmental Protection Fund (EPF) will fund up to 50 percent of the project cost. Local share may consist of cash contribution and in-kind services, including overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. The EPF limits using other state or federal grant dollars received for the project for the local share of the project, see definition of “Cost” in Appendix 1.

**IV. Highest Priorities**

Intermunicipal cooperation

200 points – 90% or more of regulated MS4s in county working together

100 points – 40-89% of regulated MS4s in county working together

25 points – < 40% regulated MS4s in county working together

**Contact:**

NYS Department of Environmental Conservation, Division of Water

Lois New (518) 402-8151

## **Hudson River Swimmable Water Quality Goal & The Hudson River Estuary Action Plan**

- I. Eligible Applicants:** Municipalities and municipal corporations. (See Appendix 1 for definition of “Municipality”)
  
- II. Eligible Projects:** Projects that improve the water quality of the Hudson River from its source in the Adirondacks to New York City including: disinfection of municipal waste water treatment plant (WWTP) effluent, elimination of sanitary sewer overflows (SSOs), implementation of Phase II long term control plans (LTCP) for combined sewer overflows (CSO), and implementation of stormwater management practices for municipalities implementing a stormwater management program. These projects are among priority projects identified in the Hudson River Estuary Action Plan.
  
- III. State Assistance Payments and Local Share:** State assistance payments will fund up to 85 percent of the construction cost of municipal wastewater treatment projects (e.g. WWT, SSO, CSO projects) and up to 50 percent of stormwater management practices including planning and design costs associated with those practices. Local share may consist of cash contribution 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 may not use other state or federal grant dollars received for the project for the local share of the project.
  
- IV. Priorities Identified to Reach the Swimmable Goal:** The Hudson River Estuary Action Plan identifies a goal of increased contact recreation in the Hudson River. In his 2004 State of the State address, Governor George E. Pataki set out an objective of ensuring that by 2009 the water quality of the Hudson River would be suitable for swimming from the source in the Adirondacks to New York City.

Highest Priority:

- Upgrades to municipal wastewater treatment plants to provide seasonal disinfection

Secondary Priorities:

- Elimination of sanitary sewer overflows
- Implementation of LTCP for CSOs that reduce or eliminate the discharge of pathogens and/or floatables
- Implementation of stormwater management practices to reduce or eliminate the discharge of pathogens and/or floatables

**Contact:**

NYS Department of Environmental Conservation, Division of Water  
Dick Draper, 518-402-8111

## **NYS Clean Vessel Assistance Program Pumpout and Dump Stations**

- I. Eligible Applicants:** Private marina owners, municipalities (See Appendix 1 for definition of “Municipality”), New York State agencies involved in waterfront projects and not-for-profit organizations.
- II. Eligible Projects:** Facilities and activities eligible for the New York State Clean Vessel Act (CVA) Assistance Program include construction, renovation and replacement of pumpout and dump stations and their associated appurtenances as associated with providing septic waste disposal from Type III marine sanitation devices or other such septic holding equipment on board marine recreational vessel. Funding is available for:
- stationary or portable pumpout/dump station units;
  - mobile pumpout vessels (if their sole purpose is pumping out Type III marine sanitation devices);
  - floating restrooms in the water, not connected to land or structures connected to the land, used solely by boaters;
  - equipment associated with the eligible facility, such as equipment for rinsing boat holding tanks and attachments (e.g. wands) for pumping out portable toilets;
  - activities necessary to hold and transport marine vessel sewage to sewage treatment plants, such as holding tanks and piping;
  - activities necessary to get sewage treatment plants to accept marine vessel sewage, such as installing bleed-in facilities;
  - engineering costs associated with the eligible facility, including planning, design, construction supervision and inspection; and
  - other costs directly associated with the eligible facility, including administrative (including permits), legal and use of municipal forces.

Facilities designed to include purposes other than those eligible under the Act shall have the costs prorated equitably among the various purposes. Assistance funds shall be used only for the part of the activity related to the CVA.

- III. State Assistance Payments and Local Share:** Grants are awarded on a reimbursement basis for up to 75 percent of project eligible costs with a maximum award per project of \$35,000. The source of the local share of the funding cannot be from a federal source. Local share, when properly documented, may include force account labor, materials and equipment and for not-for-profit organizations may include contributed labor and materials.
- IV. Program Priorities:** Program priorities includes areas that remain in need of additional facilities as identified by the Clean Vessel Act State Plan, August 1996, in order of need: South Shore Long Island, New York City, Long Island Sound and the Peconic Bays. In addition to coastal waterbodies identified in the plan, there is a priority for projects on inland waterbodies, including the New York State Canal System and isolated lakes that support larger vessels requiring pumpouts. Areas desiring to designate No Discharge Zones or with a particular environmental concern such as shell fishing grounds, drinking water intakes or endangered species are also considered a priority. Applications are being continuously accepted as long as funds are available.

**Contact:**

NYS Environmental Facilities Corporation  
Lisa E. Van Alstyne (518) 402-7461 or 1-800-882-9721 (within NYS)

## **NYS Clean Vessel Assistance Program Local Information & Education Grants**

- I. Eligible Applicants:** Municipalities (See Appendix 1 for definition of “Municipality”), and not-for-profit organizations.
- II. Eligible Projects:** Information and education projects relating to the use, availability and benefits of pumpout and dump station facilities used for the purpose of disposal of septic waste from recreational marine vessels. The intent of this program is to allow for efforts to be made to increase awareness on the local level. Eligible projects include, but are not limited to written publications for distribution, newspaper and magazine materials, advertisements, signs for posting, website design and publishing, hosting of workshops for marinas and/or boaters, television spots, and any other projects that fulfill the intent of the program and are eligible under program guidelines.
- III. State Assistance Payments and Local Share:** Grants are awarded on a reimbursement basis for up to 75 percent of project eligible costs with a maximum award per project of \$5,000. The source of the local share of the funding cannot be from a federal source. Local share can include force account labor, materials and equipment and for not-for-profit organizations may include contributed labor and materials.
- IV. Program Priorities:** Program priorities include projects that intend to inform and educate boaters and those serving boaters in areas that have a high boater population, areas where sensitive environmental issues exist and/or areas with recreational or geographical concerns. Applicants will be asked to identify any studies or publications that are related to the issue of concern. There need not be a high priority environmental issue in order to apply. The program intends to be proactive as well and welcomes applicants that wish to educate boaters in the proper disposal of septic waste prior to it becoming problematic. Applications are continuously being accepted as long as funds are available.

**Contact:**

NYS Environmental Facilities Corporation,

Lisa E. Van Alstyne (518) 402-7461 or 1-800-882-9721 (within NYS)

e-mail: [CVAP@nysefc.org](mailto:CVAP@nysefc.org); website: [www.nysefc.org](http://www.nysefc.org)

## Appendix 1-- Definitions

### Definitions as set forth in §56-0101 of Environmental Conservation Law

“Municipality” means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof. In the case of aquatic habitat restoration projects, the term municipality shall include the state.

“Water quality improvement project” means:

- (a) wastewater treatment improvement projects;
- (b) nonpoint source abatement and control program projects developed pursuant to section eleven-b of the soil and water conservation districts law, title 14 of article 17 of this chapter, section 1455b of the federal coastal zone management act, or article forty-two of the executive law;
- (c) aquatic habitat restoration projects; and
- (d) pollution prevention projects.

“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. <sup>1</sup>

“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.

“Cost” means the cost of an approved project, which shall include appraisal, surveying, engineering and architectural services, plans and specifications, consultant and legal services, construction and other

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<sup>1</sup> Eligible cost is limited to construction activity.

direct expenses incident to such project less any federal or state funds, other than those provided pursuant to this article, for such project received or to be received. <sup>2</sup>

## **Definitions set forth in Article 17, Title 14 in the Environmental Conservation Law**

### **§ 17-1409**

Project proposed for funding under the Environmental Protection Fund must be proposed for implementation by a municipal corporation, or by a district at the formal request of such corporation.

### **§ 17-1403.**

Municipal corporation means a county, city, town or village or an entity designated to act on behalf of such.

District means a county soil and water conservation district created pursuant to section five of the soil and water conservation districts law.

## **Other Definitions**

“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 a 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.

A “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.

Agricultural Nonpoint Source Abatement and Control Project Type includes:

Projects that will reduce, abate, control, or prevent nonpoint source pollution from agricultural activities through implementation of best management practices (BMPs).

Nonagricultural Nonpoint Source Abatement and Control Project Type includes:

Municipal nonagricultural nonpoint source abatement and control projects developed in accordance with Title 14 of Article 17 of ECL (Nonpoint Source Water Pollution Control); Public Law 104-134 (1996 federal appropriations act); Section 1455b of Coastal Zone Management Act of 1972 (Coastal Nonpoint Pollution Control Program); or Article 42 of NYS Executive Law (Waterfront Revitalization of Coastal Areas and Inland Waterways).

## **Legal References for Nonpoint Source Program**

Nonpoint Source Water Pollution Control: Article 17, Title 14 Environmental Conservation Law

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<sup>2</sup> For wastewater treatment improvement projects the eligible cost is limited to construction expenses.

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

Waterfront Revitalization of Coastal Areas and Inland Waterways: NYS Executive Law Article 42

1996 Federal Appropriations Act: Public Law 104-134

## **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.

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.

## Appendix 2 - Project Evaluation

- I. Selection Process and Priority Ranking System:** The Department of Environmental Conservation (DEC), Department of State (DOS), Department of Agriculture and Markets (Ag & Mkts) and the Environmental Facilities Corporation (EFC) are working together to administer state and federal funding opportunities for water quality improvement projects. Periodically, a call for projects will be issued. The agencies will solicit public input and will work together to review and evaluate proposed projects.
1. Project applications will be checked for completeness, sorted into funding categories and grouped by project type.
  2. Project applications will be reviewed for eligibility based on the definitions of eligibility for each project type and funding category. Applications deemed eligible will be evaluated based on the factors outlined for each project type in this Appendix and scored using the system described in Appendix 3.
  3. A draft list of projects will be prepared for each funding category, after considering the evaluation and scoring of projects, consistency with state policies and requirements, and an assessment of what combination of projects best meets the goals of each funding category.
  4. Award decisions will be made.
- II. Evaluation Factors:** In determining eligibility and evaluating applications, due consideration will be given to:
1. Suitability and feasibility of the project in relation to the goals of the respective funding category. Factors that will be considered include:
    - 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.
    - Whether the proposed project implements a recommended action to restore water quality or aquatic habitat.
  2. Priority of the project in relation to other projects proposed under the funding category.
    - Highest priority shall be given to projects which provide the greatest reduction in pollutants or most significant habitat improvement and are identified as priorities in the respective management program, plan or project referenced above.
  3. Performance of the applicant in carrying out previously-funded projects.
  4. Availability of matching funds on the part of the applicant, where applicable.
  5. Urgency of need for funds based on availability of other funding sources.

### III. Special Evaluation Factors by Project Type

#### Wastewater Treatment Special Evaluation Factors:

Provide information on the:

- Source of pollution which causes impairments
- Value of the water quality resources to be protected, enhanced or improved, based on the state assigned classification
- Identified impairments, based on the New York State DEC's Priority Waterbodies List
- Probable results of the proposed project(s)
- Cost-effectiveness of the proposed project(s)

#### Agricultural Nonpoint Source Special Evaluation Factors:

- Address a significant identified need or opportunity
- Provide evidence of local support for the project (e.g. endorsed by the County Water Quality Coordinating Committee)
- Demonstrate the cost-effectiveness and feasibility of the project
- Document significant landowner, operator or other local contributions to the project
- Address public drinking water quality impairments
- Show that watershed analysis has already been conducted to document the pollutants of concern and likely nonpoint sources of that pollution in the watershed
- Demonstrate the consistency of the project with other activities in the project area
- Assist in meeting federal and state water quality program requirements
- Implement best management practices
- The State Soil & Water Conservation Committee, along with the Department of Agriculture and Markets, shall give preference to projects located within priority water bodies as identified by the Commissioner of Environmental Conservation pursuant to §17-1407 of the Environmental Conservation Law.

#### Non-Agricultural Nonpoint Source Special Evaluation Factors:

- Implement management practices
- Present economically, technically viable and cost-effective solutions to water quality problems
- Contribute to a comprehensive and coordinated approach to solving water quality problems that can be implemented and maintained
- Address problems identified in the New York State DEC's Priority Waterbodies List and/or protect groundwater in a wellhead protection area, or in an unconsolidated primary or principal aquifer, or in areas where groundwater protection has been identified as a priority in a management plan
- Are consistent with water quality policies in Local Waterfront Revitalization Programs and/or County Water Quality Strategies

Aquatic Habitat Restoration Special Evaluation Factors:

1. Provide significant habitat improvement for eligible projects described above
2. Provide matching funds, or, in the case of state sponsored projects, provide widespread public benefit
3. Use proven technology or approved innovative technology
4. Promote the multiple use of the aquatic resources targeted for restoration
5. Use economically and technically viable and cost-effective solutions for restoration of habitat
6. Show experience and ability by the applicant and project staff to undertake and maintain the proposed project
7. Restore habitats identified in habitat restoration plans conducted under the priority programs/plans (e.g., Long Island Sound Study Bi-State Habitat Restoration Initiative)

**IV. Evaluation Factors Associated with Specific Funding Types**

Stormwater Phase II Implementation - MS4

1. Projects that adopt and/or implement local laws in support of stormwater management programs:
  - a. Projects that implement required local laws that fulfill the Phase II permit requirements
    - prohibit illicit discharges as required in GP-02-02 Part IV.C.3.c
    - control erosion/sedimentation/stormwater runoff from construction activities as required in GP-02-02 Part IV.C.4.b) i
    - address post-construction runoff from new development and redevelopment as required in GP-02-02 part IV.C.5.a) ii
  - b. Projects that provide for additional watershed protection when implementing required MS4 local laws
    - Onsite system inspections
    - Special districts, cluster subdivision and low impact development
    - Integration of stormwater and floodplain management
  - c. Projects that establish funding mechanisms, such as Stormwater Management Districts
2. Intermunicipal cooperation evidenced by multiple regulated MS4s being party to the application
  - a. Priority will be given to applications as follows:
    - 200 points – 90 % or more of regulated MS4s in county working together
    - 100 points – 40 - 89 % of regulated MS4s in county working together
    - 25 points – < 40 % of regulated MS4s in county working together
  - b. All included MS4s must be in compliance with the Phase II General Permit (GP-02-02).

- c. The number of county, city, town or village MS4s included in the proposal will determine the amount of money for which a proposal is eligible.

### **Appendix 3 --Water Quality Improvement Project Scoring**

1996 Clean Water/Clain Air Bond Act Title 3 Section 56-0303 Management Programs, Plans and Projects -Water Quality Improvement Projects, and EPF Article 17-14 and PPG Public Law 104-134 Nonagricultural Nonpoint Source Projects. The project scoring system described below is one part of the evaluation process that will lead to selection of projects for funding. The emphasis of the scoring system is to evaluate projects in terms of their potential impact on water quality and aquatic habitat 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 and aquatic habitat priorities identified in the management plans. Other parts of the evaluation process, not included in the scoring, assess project feasibility, technical capability, funding suitability, etc. Projects will then be evaluated for consistency with state policies and requirements and an assessment of what combination of projects best meets the goals of each management plan area. Together, these evaluations will provide a basis for a final determination of the projects that will best fulfill the goals of the management programs and plans as identified in the Bond Act.

#### **Project Scoring System**

The numerical scores in the Water Quality Improvement Project scoring system are based on the following:

- A. The existing source of pollution or disturbance that causes or caused a problem.
- B. The water quality or aquatic habitat improvement.
- C. The priorities identified in the Management Programs, Plans and Projects identified by the Bond Act, Section 56-0303 of the ECL or priorities identified by the source of the funding.

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

The project score(s) will be computed based on information in the *Application for State Assistance Payments* for water quality improvement projects under the 1996 Clean Water/Clain Air Bond Act, Title 3, -- Section 56-0303, Management Programs, Plans and Projects; EPF Nonagricultural Nonpoint Source Projects under Article 17-14; PPG Nonagricultural Nonpoint Source Projects under Public Law 104-134; and other information available to the Department. The resulting scores are just one element of the overall evaluation process.

## A. Existing Source

The proposed project receives a score based on whichever 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. In the case of aquatic habitat disturbance, impairment shall refer to the ability of a aquatic habitat to support spawning, nursery, wintering, migratory, nesting, breeding, feeding, or foraging environment for fish and wildlife and other biota as defined in 56-0101(1) of the ECL (see Appendix 1).

### 1. A critical source of pollutant or disturbance -- 50 points

- a. 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, OR
- b. A *disturbance* that *precludes or impairs* the ability of an *aquatic habitat* to support a use defined in 56-0101(1) as described above, OR
- c. A source from which *toxic contaminants of concern* could be *reduced or eliminated*.

### 2. An important source of pollutant or disturbance -- 25 points

- a. A 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 “*stressed*” or “*threatened*” or is *likely* to result in *degradation of surface and/or groundwater quality*, OR
- b. A *disturbance* that *stresses or threatens* the ability of an aquatic habitat to support one of the uses contained in 56-0101(1) defined above, OR
- c. A source from which pollutants *other than toxic contaminants of concern* could be *reduced or eliminated*.

### 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

## **B. Water Quality 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. The value of habitat to be restored will be evaluated within the same classification system.

### **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 Priority Waterbodies List (PWL), or a groundwater assessment report or documented impact on aquatic habitat that is to be restored.

### **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 Priority Waterbodies List (PWL) or other acceptable indicator of impairment status.

In assessing potential improvement, consideration will be given to:

- 1) 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
- 2) 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 or aquatic habitat.

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

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

**B. Water Quality Improvement (WQI) (continued)**

**1a. Water Quality Classification Points Factor (CPF) for Wastewater Treatment Improvement, Nonpoint Source Abatement 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) <sup>3</sup> , C(TS) <sup>1</sup>	Contact recreation, trout and trout propagation	4
C <sup>2</sup> , SC, I	Other fishing	3
D, SD, GSB	Other water uses	2
No resource is impaired		0

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<sup>3</sup> (T) and (TS) indicate the application of standards to protect trout and trout spawning, respectively.

<sup>2</sup>Classification C without (T) or (TS) appended

**B. Water Quality 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 had provided documented, historic aquatic habitat for shellfish; endangered, threatened and special concern species; and/or managed species (e.g., species protected under migratory bird treaty act or fishery management plans). 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., could expand or enhance existing range/population, 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

**B2. Impairment Factor (IF)**

<b><u>Impairment</u></b>	<b><u>Priority Waterbodies List (PWL) and Aquatic Habitat Definition</u></b>	<b><u>Points</u></b>
Precluded	A use is not possible -- for example: <ul style="list-style-type: none"><li>- swimming is banned by the local health department</li><li>- consumption of fish, shellfish or wildlife is banned</li><li>- 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</li></ul>	6
Impaired	A use cannot be fully met -- for example: <ul style="list-style-type: none"><li>- fishing is possible, but consumption is restricted</li><li>- area provides limited aquatic habitat function for spawning, nesting, breeding, feeding or foraging, with clear evidence of cause of impairment</li></ul>	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"><li>- a stream runs turbid with sediment after rainfall</li><li>- an area provides aquatic habitat function with evidence of degradation, but no clear cause of degradation</li></ul>	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

**C. Management Programs, Plans and Projects**

Points are assigned to projects on the basis of priorities identified in the management programs, plans and projects, as specified in the 1996 Clean Water/Clain Air Bond Act, Title 3--Section 56-0303 or priorities identified by the source of the funding. A project receives points for the one factor below (1-3) that best applies.

<u>Priority Within Management Programs, Plans and Projects</u>	<u>Points</u>
1. Project significantly addresses <i>highest priority</i> problem or solution identified in the management plan referred to in Section 56-0303 of the ECL or identified in the description of the funding category (p.3 - 16).	200
2. Project significantly addresses <i>secondary or priority</i> problem or solution identified in the management plan referred to in Section 56-0303 of the ECL or identified in the description of the funding category (p.3 - 16).	100
3. Proposal is <i>consistent with water quality policies or recommendations</i> in Local Waterfront Revitalization Plans, New York State Nonpoint Source Management Plan, in an approved watershed or habitat management plan, in a county water quality strategy or the State’s Open Space Conservation Plan.	25

4. None of the above

0

**Water Quality Improvement Projects  
Score Sheet**

**A. Existing Sources**

**A.** \_\_\_\_\_

**B. Water Quality Improvement Criterion (WQI)**

Receiving Water Name \_\_\_\_\_

Classification (CPF) (0 to 8) \_\_\_\_\_

Impairment Factor (IF) (1 to 6) \_\_\_\_\_

Potential Improvement Factor (PIF) (1 to 4) \_\_\_\_\_

WQI = (CPF x IF x PIF)

**B.** \_\_\_\_\_

**C. Management Programs, Plans and Projects**

**C.** \_\_\_\_\_

**TOTAL PROJECT SYSTEM SCORE (A + B + C):**

\_\_\_\_\_

## **Appendix 4 --Municipal Separate Storm Sewer Systems (MS4s) Phase II Stormwater Permit Implementation Scoring**

### **Environmental Protection Fund ECL Article 17-14**

The scoring system described below is one part of the evaluation process that will lead to selection of projects for funding. The scoring system evaluates projects in terms of the potential to eliminate pollutants from stormwater discharges to the maximum extent practicable by assessing the focus on pollutants of concern, use of priority activities for environmental benefits and use of intermunicipal cooperation agreements. The scoring also assesses projects in terms of how the applicant's SWMP meets the requirements in the Six Minimum Control Measures. Other parts of the evaluation process, not included in the scoring are project feasibility, technical capability, funding suitability, etc. Projects will then be evaluated for consistency with state policies and requirements and an assessment of what combination of projects best meets the goals of each funding category. Together, these evaluations will provide a basis for a final determination of the projects that will best fulfill the goals of reducing or protecting pollution from stormwater runoff.

### **Project Scoring System**

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

4. Pollutant of Concern Associated with Stormwater
5. Water Quality Improvement Factor
6. 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 score(s) will be computed based on information in the Application for State Assistance Payments for water quality improvement projects under the Clean water/Clean Air Bond Act, Title 3, – Section 56-0303, Management Programs, Plans and Projects; EPF Nonagricultural Nonpoint Source Projects under Article 17-14; PPG Nonagricultural Nonpoint Source Projects under Public Law 104-134; and other information available to the Department.

**A. Pollutant of Concern Associated with Stormwater**

pathogens  
sediment/nutrients  
temporal flow

The proposed project receives a score based on whichever of the factors (1-4) best describes which of the pollutant(s), as listed above, it addresses.

1. Addresses all three pollutants of concern through adoption of local laws to control illicit discharges, construction runoff and post-construction conditions -- **50 points**
2. Addresses two of the above -- **25 points**
3. Addresses one of the above -- **10 points**
4. None of the above -- **0 points**

**B. Water Quality Improvement Factor (WQI)**

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

**1. Impairment Factor (IF)**

Points are allotted to a project based on the impairments associated with pollutants of concern that it addresses:

pathogens  
sediment/nutrients  
temporal flow

Addresses impairments associated with all three pollutants -- **8 points**

Addresses impairments associated with two of the pollutants -- **6 points**

Addresses impairments associated with one of the pollutants -- **4 points**

**2. Stormwater Management Scope Factor (SC)**

Points are allotted to a project based on how it meets or reaches beyond permit requirements to adopt and implement local laws supporting stormwater management:

- local laws required by the permit
- on-site inspection programs
- special districts, cluster subdivision and low impact development
- integration of stormwater and floodplain management
- establish funding mechanisms

Program greatly reaches beyond permit requirements (addresses all five items above)

**-- 8 points**

Program reaches beyond permit requirements -- **6 points**  
(addresses the local laws required by the permit plus 1-3 additional items from the list above)

Program meets minimum permit requirements -- **4 points**

Program only partially meets permit requirements -- **1 point**

**3. 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 to control stormwater discharges.

In assessing potential improvement, consideration will be given to:

1) 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.

2) 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	<b>4 points</b>
Moderate	<b>3 points</b>
Minimal	<b>2 points</b>
None	<b>1 point</b>

Water Quality Improvement is calculated using the following equation:

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

**C. Stormwater Management Program Priorities – Intermunicipal Cooperation**

Points are assigned for meeting the priorities listed below:

90% or more of regulated MS4s in county working together	<b>200 points</b>
40-89% of regulated MS4s in county working together	<b>100 points</b>
< 40% regulated MS4s in county working together	<b>25 points</b>

**MS4 Phase II Stormwater  
Score Sheet**

**A. Pollutant of Concern Associated with Stormwater** A. \_\_\_\_\_

**B. Water Quality Improvement Factor (WQI)**

Impairment Factor (IF)	4-8	_____
Scope Factor (SF)	1-8	_____
Quality/Quantity Improvement Factor (QIF)	1-4	_____

$WQI = IF \times SF \times QIF$

B. \_\_\_\_\_

**C. Stormwater Management Program Priorities** C. \_\_\_\_\_

**TOTAL PROJECT SYSTEM SCORE (A+B+C)** \_\_\_\_\_

## **Appendix 5-- Contract Information**

Once an application has been selected for funding, the appropriate agency (DEC, DOS or Ag & Mkts) 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.

### **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 Opportunity (EEO)**

Pursuant to article 15-A of the Executive Law, and any applicable regulations promulgated thereunder, successful applicants for State assistance programs must implement a comprehensive Minority and Women-Owned Business Enterprises- Equal Employment Opportunity (M/WBE-EEO) program. Details will be provided to successful applicants.

Additionally, applicants must ensure to the fullest extent possible that the Affirmative Action (A.A.) 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. Note: There are no monetary thresholds for the implementation of an M/WBE-EEO program when the State assistance program is partially or wholly Federally funded.

## Appendix 6 -- Municipal Resolution

### 1996 Clean Water/ Clean Air Bond Act -- Title 3 Section 56-0303 Water Quality Improvement Projects and Environmental Protection Fund Article 17-14 Environmental Conservation Law; Performance Partnership Grant Public Law 104-134 Nonagricultural Nonpoint Source Projects Municipal Resolution

Resolution authorizing the items listed below pursuant to the Clean Water / Clean Air Bond Act of 1996.

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, Article 56 of the Environmental Conservation Law 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 Article 56, Title 3. 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 together with the *Application for State Assistance Payments*;
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 7 -- Six Minimum Measures Required Activities

### Stormwater Phase II General Permit for MS4s - Six Minimum Control Measures - Required Activities

#### **Public Outreach & Education on Stormwater Impacts**

1. Plan and conduct an ongoing public education and outreach program designed to describe:
  - the impacts of stormwater discharges on waterbodies
  - the pollutants of concern and their sources
  - steps contributors of stormwater and non-stormwater dischargers can take to reduce pollution
  - steps contributors of non-stormwater discharges can take to reduce pollutants
2. Develop measurable goals and select appropriate education and outreach activities to:
  - Identifies key individuals and groups, public and private, who are interested in or affected by the stormwater permitting program
  - Identifies the types of input an MS4 would seek from them to support development and implementation of the program and how it is used
  - Describes the public involvement/participation activities the MS4 will undertake to provide program access to those who want it and gather needed input.
3. Identify and publish the name of a contact person for the Stormwater Management Program.
4. Prior to submitting the annual report, present a draft annual report at a meeting that is open to the public. Make public the agenda of the meeting, the opportunity for public comment, the date and time of the meeting, and the availability of the draft report for prior review.
5. Include a summary of comments and the MS4's intended response in the annual report and make the final report available for public inspection.
6. Develop measurable goals and select appropriate public involvement activities to ensure the reduction of all the pollutants of concern in stormwater discharges to the maximum extent practicable.

#### **Public Involvement/Participation**

1. Comply with State and local public notice requirements and provisions of the Clean Water Act when implementing a public involvement/participation program
2. Design and conduct a public involvement/participation program that:
  - Identifies key individuals and groups, public and private, who are interested in or affected by the stormwater permitting program
  - Identifies the types of input an MS4 would seek from them to support development and implementation of the program and how it is used
  - Describes the public involvement/participation activities the MS4 will undertake to provide program access to those who want it and gather

needed input.

3. Identify and publish the name of a contact person for the Stormwater Management Program. Prior to submitting the annual report, present a draft annual report at a meeting that is open to the public. Make public the agenda of the meeting, the opportunity for public comment, the date and time of the meeting, and the availability of the draft report for prior review.
4. Include a summary of comments and the MS4's intended response in the annual report and make the final report available for public inspection.
5. Develop measurable goals and select appropriate public involvement activities to ensure the reduction of all the pollutants of concern in stormwater discharges to the maximum extent practicable.

#### **Illicit Discharge Detection and Elimination**

1. Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4.
2. Develop and maintain a map showing the location of all outfalls and the names and location of all waters of the U.S. that receive discharges from those outfalls.
3. Prohibit, through an ordinance or other regulatory mechanism, illicit discharges into the storm sewer system.
4. Develop and implement a plan to detect and address non-stormwater discharges including illegal dumping to the system.
5. Inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste.
6. Address the non-stormwater discharges listed in IV.C.3.f of the permit as necessary.
7. Develop measurable goals and select appropriate management practices to ensure the reduction of all pollutants of concern from illicit discharges to the stormwater system to the maximum extent practicable.

### **Construction Site Stormwater Runoff Control**

1. Develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of one acre or more.
2. Include construction activities on less than one acre in the program if: 1) it is part of a larger common plan of development or 2) if controlling such activities in a particular watershed is required by the DEC.
3. Develop a program that, at a minimum, provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities.
4. Develop a program that includes the development and implementation of:
  - \* an ordinance or other regulatory mechanism to require erosion and sediment controls
  - \* requirements for construction site operators to implement erosion and sediment control management practices
  - \* sanctions to ensure compliance
  - \* requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality procedures
  - \* procedures for site plan review which incorporate consideration of potential water quality impacts and review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements
  - \* procedures for receipt and consideration of information submitted by the public
  - \* procedures for site inspections and enforcement of control measures
  - \* provide education and training measures for construction site operators about requirements
5. Develop measurable goals and select appropriate management practices to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent practicable.

### **Post-Construction Stormwater Management**

1. Develop and implement strategies which:
  - \* include a combination of management practices that will reduce the discharge of pollutants to the maximum extent practicable from new development, redevelopment and existing conditions.
  - \* adopts an ordinance or other regulatory mechanism to address post-construction runoff from development and redevelopment
  - \* ensure adequate long-term operation and maintenance of management practices including monitoring
2. Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb one or more acres that discharge into your small MS4.

3. Include construction activities on less than one acre in the program if:
  - 1) it is part of a larger common plan of development or sale or 2) if it has been designated by the DEC to protect water quality.
4. Ensure that controls are in place to protect water quality and reduce the discharge of pollutants to the maximum extent practicable.
5. Develop, implement, and provide adequate resources for a program to inspect development and re-development sites and to enforce and penalize violators
6. Develop measurable goals and select appropriate management practices to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent practicable.

### **Pollution Prevention/Good Housekeeping for Municipal Operations**

1. Develop and implement an operation and maintenance program that is designed to reduce and prevent the discharge of pollutants to the maximum extent practicable from municipal activities such as park and open space maintenance, fleet and building maintenance, roadway maintenance, hydrologic habitat modification, and marine operations.
2. Include a training component in the operation and maintenance program
3. Follow management practices identified in the *NYS Management Practices Catalogue for Nonpoint Source Pollution Prevention* or other equivalent guidance materials available from the EPA, New York State, Tribe or other organization
4. Develop measurable goals and select appropriate management practices to ensure the reduction of all pollutants of concern in stormwater discharges to the maximum extent practicable.





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