

Round 8
Water Quality Improvement Projects
Environmental Protection Fund
Information for Applicants

Nonagricultural Nonpoint Source Abatement and Control
MS4 - Phase II Stormwater Implementation



George E. Pataki, Governor, State of New York
Denise M. Sheehan, Commissioner
Department of Environmental Conservation

December 2005

Application Deadline is March 31, 2006

IMPORTANT UPDATES - 2005 Round 8

- Applications for **Statewide Nonpoint Source Abatement and Control - Nonagricultural Projects** submitted in April, 2005 (Round 7) will be rolled over and considered in Round 8.
- Applications for **Municipal Separate Stormwater Sewer Systems (MS4s) Stormwater Phase II Permit Implementation** projects submitted in April, 2005 (Round 7), will be rolled over and considered in Round 8.
- MS4 applicants from Round 7 may request additional funding in Round 8. This may take the form of:
 1. Amendments to the activities submitted in Round 7
 2. New activities not requested in Round 7
 3. Withdrawing Round 7 application and submitting a replacement application for Round 8

Use the *Application for State Assistance Payments - Round 8* for any of the above situations.

- Applicants requesting funding for **Municipal Separate Stormwater Sewer Systems (MS4s) Stormwater Phase II Permit Implementation** must provide a list of all cooperating MS4s. 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.
- Project Applicants are reminded that at least 20% of the final ranking will be based on the cost effectiveness of the project.

Funding Categories for Round 8

Statewide Nonpoint Source

Approximately \$11.7 million of the New York State Environmental Protection Fund (EPF) has been appropriated in the budget for State Fiscal Year 2005-06 for agricultural and nonagricultural nonpoint source abatement and control projects. EPF funding that is appropriated in the budget for State Fiscal Year 2006-07 may also be used to fund projects submitted under this call for projects. EPF funding will support projects in three categories.

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

A portion of the \$11.7 million from the Environmental Protection Fund will be available for assistance to regulated Municipal Separate Storm Sewer Systems (MS4s) in implementing Stormwater Phase II General Permit (GP-02-20) requirements. Use the *Application for State Assistance Payments - Round 8* to apply for this funding.

2. ***Nonagriculture Nonpoint Source Abatement and Control Practices***

A portion of the \$11.7 million from the Environmental Protection Fund will be available for assistance in implementing nonagriculture nonpoint source abatement and control practices. Use the *Application for State Assistance Payments - Round 8* to apply for this funding.

3. ***Agriculture Nonpoint Source Abatement and Control Practices***

A portion of the \$11.7 million from the Environmental Protection Fund will be available for assistance in implementing agriculture nonpoint source abatement and control practices. A separate call for projects was issued in August 2005 for the agricultural nonpoint source projects, and submittals were due to the Department of Agriculture and Markets by October 24, 2005.

Additional state and federal funds may become available in State Fiscal Year 2006-07. Additional funds may also become available from other funding sources. In either case, these funds may be used to fund projects received in this solicitation.

Water Quality Improvement Projects Funded Under the Environmental Protection Fund

Background

Under Governor George E. Pataki's leadership, New Yorkers have worked together to restore, preserve and protect our state's valuable environmental resources. Through various funding sources, including the 1996 Clean Water/Clean Air Bond Act, the State Environmental Protection Fund, and the Clean Water State Revolving Fund, New York State has provided more than \$9.6 billion for Water Quality Improvement Projects.

To make it easier for municipalities 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 – Round 8*. The application is available from:

- DEC Regional office, or
- [DEC website at http://www.dec.state.ny.us/website/bondact/bamenu.html#wqipapp](http://www.dec.state.ny.us/website/bondact/bamenu.html#wqipapp)

Using the official *Application for State Assistance Payments – Round 8*, 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*. 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. If the project is funded, the lead applicant must certify that a formal agreement among the cooperating entities has been established by the time a contract is executed.

How to Use This Document

The following pages provide specific information about the Statewide Nonpoint Source Program (p.3) and MS4 Phase II Stormwater Permit Implementation program (p.5) including eligibility, types of projects that will be considered, local match requirements and key program priorities.

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.

Statewide Nonpoint Source Abatement and Control Nonagricultural Projects

- 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). Stormwater abatement projects, both in permitted and unpermitted areas, are eligible for funding.

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 cannot 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** and/or identified as precluded or impaired on the Priority Waterbodies List (PWL):
 - 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 types of projects impacting waterbodies identified as stressed or threatened on the PWL:
 - 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 will also be given to:

- Swimmable Hudson Abatement of pathogens and floatables in the Hudson River.
- Groundwater Correction of sources contributing to groundwater impairments where either a public or private drinking water supply has been investigated and there is documentation of a connection between the salt pile and high sodium levels in the well(s).

Other Priorities:

- Other Best Management Practices Best Management Practices not included above but identified in the NYS Department of Environmental Conservation's *Catalogue of Management Practices*, or the Department of State's Coastal Nonpoint Pollution Control Program.

Contact:

NYS Department of Environmental Conservation, Division of Water

Onsite wastewater system projects and hydrologic habitat modification projects:

Gerry Chartier (518) 402-8180

Stormwater Projects: Angus Eaton (518) 402-8112

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. Preference will be give to proposals representing county-wide or multi-county level cooperation.

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

These funds may also be used to assist non-regulated MS4s to implement minimum control measures as identified in the MS4 general permit (GP-02-02).

Applicants requesting funds must provide a list of cooperating MS4s. If funded, applicants must certify that they have 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: implementation of local laws, creation of funding sources, and other activities to implement the MS4 permit. 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 each of three Phase II required local laws (maximum total is \$9,000 per MS4):
 - a. prohibit illicit discharges as required in GP-02-02 Part IV.C.3.c
 - b. control erosion/sedimentation/stormwater runoff from construction activities as required in GP-02-02 Part IV.C.4.b) I
 - c. 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. **Establish Funding Mechanisms:** Up to \$5,000 per MS4 is available for projects leading to 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 (SWMPs). These mechanisms can include but are not limited to: stormwater drainage districts, municipality-wide stormwater permit fees, budget line items.
3. **Other Activities For Implementing the MS4 Permit:** Up to \$7,500 per MS4 is available for municipal activities to implement GP-02-02 as follows:
 - ◆ Up to \$4,500 per MS4 is available for activities that are necessary to meet permit requirements other than those listed in category 1, including training of municipal DPW staff, code enforcement officers, and municipal officials; training to support illicit discharge detection and elimination program and pollution prevention practices; outreach to specific individuals/groups whose activities are affected by SWMP requirements; and establishing other local government mechanisms to accomplish permit compliance. Funding for stormwater system mapping is a lower priority.
 - ◆ An additional \$3,000 per MS4 is available for 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.
4. **Non-regulated MS4:** Non-regulated MS4s are eligible for funding to implement minimum control measures as required in GP-02-02 at the rates outlined above.

For any of the four 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 funds are requested 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 minigrant funding for part of the work.

Projects to implement stormwater management practices are eligible under the Statewide Nonpoint Source Abatement and Control Nonagricultural Projects (p.3).

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. Stormwater Management Program Priorities – Intermunicipal Cooperation:

Highest Priority: 90% or more of regulated MS4s **plus** activities that adopt and implement required local laws and/or establish funding mechanisms.

Secondary Priority: 40% or more of regulated MS4s **plus**
activities that implement required local laws,
activities that establish funding mechanisms,
activities that implement other permit requirements, and/or
activities that go beyond permit requirements.
Non regulated MS4s implementing permit requirements.

Other: < 40% regulated MS4s in county working together

Contact:

NYS Department of Environmental Conservation, Division of Water
Lois New (518) 402-8185

Appendix 1-- Definitions

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.

The project must propose to implement best management practices.

Notwithstanding any other provision of law to the contrary, storm water discharges of a municipality permitted pursuant to title seven or eight of this article shall be treated as a non-agricultural nonpoint source for the purpose of qualifying for funding pursuant to this section.

§ 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.

Best management practices means 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.

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.

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.

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.

“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 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. ¹

Legal References for Nonpoint Source Program

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

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.

Appendix 2 - Project Evaluation

I. Selection Process and Priority Ranking System

Periodically, a call for projects will be issued.

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 Factor

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.
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 and are identified as priorities in the respective management program.
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. Additional Evaluation Factors by Project Type

Nonagricultural Nonpoint Source Special Evaluation Factors:

1. Implement management practices
2. Present economically, technically viable and cost-effective solutions to water quality problems
3. Contribute to a comprehensive and coordinated approach to solving water quality problems that can be implemented and maintained
4. 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
5. Are consistent with water quality policies in Local Waterfront Revitalization Programs and/or County Water Quality Strategies

Stormwater Phase II Implementation - MS4 Special Evaluation Factors

1. Projects that adopt and/or implement local laws in support of stormwater management programs
2. Intermunicipal cooperation evidenced by multiple regulated MS4s being party to the application
3. All included MS4s must be in compliance with the Phase II General Permit (GP-02-02).

IV. Scoring by Project Type

See Appendices 3 & 4

V. Ranking of Projects

After they have been scored and evaluated, projects will be ranked based on an assessment of what combination of projects 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 - Project Scoring

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 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 management plans. Other parts of the evaluation process are described in Appendix 2.

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 improvement.
- C. The priorities identified in the management programs 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 – Round 8* for EPF nonagricultural nonpoint source projects under Article 17-14.

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.

- 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**

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.

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.

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).

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:

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

B. Water Quality Improvement (WQI) (continued)

1a. Water Quality Classification Points Factor (CPF) for 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) ² , C(TS) ¹	Contact recreation, trout and trout propagation	4
C ² , SC, I	Other fishing	3
D, SD, GSB	Other water uses	2
No resource is impaired		0

² (T) and (TS) indicate the application of standards to protect trout and trout spawning, respectively.

²Classification C without (T) or (TS) appended

B. Water Quality Improvement (WQI) (continued)

B2. Impairment Factor (IF)

<u>Impairment</u>	<u>Priority Waterbodies List (PWL) Definition</u>	<u>Points</u>
Precluded	A use is not possible -- for example: - swimming is banned by the local health department - consumption of fish, shellfish or wildlife is banned	6
Impaired	A use cannot be fully met -- for example: - fishing is possible, but consumption is restricted	4
Stressed	A water quality or aquatic habitat problem is evident, but impairment is not clearly demonstrated -- for example: - a stream runs turbid with sediment after rainfall	2
Threatened or none	There is a threat to future water quality 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

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

<u>Priority Within Management Programs</u>	<u>Points</u>
1. Project significantly addresses <i>highest priority</i> problem or solution identified in the description of the funding category.	200
2. Project significantly addresses a <i>secondary priority</i> problem or solution identified in the description of the funding category	100
3. 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.	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

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 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 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 effective implementation of the Stormwater Phase II Program. Other parts of the evaluation process are described in Appendix 2.

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:

1. Pollutant of Concern Associated with Stormwater
2. Water Quality Improvement Factor
3. 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 EPF nonagricultural nonpoint source projects under Article 17-14.

A. Pollutant of Concern Associated with Stormwater

- pathogens
- sediment
- nutrients

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

<u>Pollutants of Concern Addressed</u>	<u>Points</u>
Addresses all three pollutants of concern through adoption of local laws to control illicit discharges, construction runoff and post-construction conditions	50
Addresses two of the above	25
Addresses one of the above	10
None of the above	0

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

<u>Impairment Factors Addressed</u>	<u>Points</u>
Addresses impairments associated with all three pollutants	8
Addresses impairments associated with two of the pollutants	6
Addresses impairments associated with one of the pollutants	4
None of the above	0

2. Stormwater Management Scope Factor (SF)

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
- establish funding mechanisms
- other activities to meet permit requirements
- activities that provide additional watershed protection such as:
 - on-site inspection programs
 - special districts, cluster subdivision and low impact development
 - integration of stormwater and floodplain management

<u>Program Scope</u>	<u>Points</u>
Program greatly reaches beyond permit requirements(addresses all items listed above)	8
Program reaches beyond permit requirements (addresses the local laws required by the permit plus 1-3 additional watershed protection items from the list above)	6
Program meets minimum permit requirements	4
Program only partially meets permit requirements	1

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:

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

Stormwater Management Program Priorities – Intermunicipal Cooperation

Points are assigned to projects on the basis of priorities identified by the 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>
Intermunicipal cooperation at 90% or more of regulated MS4s plus activities that adopt and implement required local laws and/or establish funding mechanisms.	200
Intermunicipal cooperation at 40% or more plus activities that implement required local laws, activities that establish funding mechanisms, activities that implement other permit requirements, or activities that go beyond permit requirements.	100
Non regulated MS4 implementing permit requirements.	100
Other	25

**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, 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 6 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

Environmental Protection Fund Article 17-14 Environmental Conservation Law Nonagricultural Nonpoint Source Projects Municipal Resolution

Resolution authorizing the items listed below pursuant to the Environmental Protection Fund (EPF) funding.

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, ECL Article 17-14 authorizes State assistance to municipalities 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 17-14 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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