

Round 9 Information for Applicants

Water Quality Improvement Projects

Nonagricultural Nonpoint Source Abatement and Control

MS4 - Phase II Stormwater Implementation

Municipal Wastewater Improvement

Water Quality Management

Aquatic Habitat Restoration



George E. Pataki, Governor, State of New York

Denise M. Sheehan, Commissioner

Department of Environmental Conservation

August 2006

Application Deadline is October 20, 2006

IMPORTANT REMINDERS

- Project applicants are reminded that at least 20% of the final ranking will be based on the cost effectiveness of the project.
- Water Quality Improvement Project applications for projects submitted in April 2005 (Round 7) and March 2006 (Round 8) will be rolled over and considered in Round 9. Municipalities who submitted these applications DO NOT need to resubmit these applications.
- In the event that an MS4 is seeking funding for the installation or application of stormwater management practices AND the development of local laws, outreach, training and other stormwater permit activities, the MS4 should complete two separate applications.

Funding Categories for Round 9

Environmental Protection Fund

Water Quality Improvement Projects

The Budget for State Fiscal Year 2006 - 2007 includes \$7 million for the state share costs of wastewater treatment improvement projects undertaken by municipalities to upgrade municipal systems to meet stormwater discharge requirements with priority given to systems that are in violation of Title 8 of Article 17 of the Environmental Conservation Law and aquatic habitat restoration projects undertaken by municipalities and not-for-profit corporations for aquatic habitat restoration projects as defined in Sub-division 1 of Section 56-0101 of the Environmental Conservation Law.

Statewide Nonagricultural Nonpoint Source

The Budget for State Fiscal Year 2006 - 2007 includes \$5.5 million from the New York State Environmental Protection Fund (EPF) for nonagricultural nonpoint source abatement and control projects. These funds will be available for:

- assistance in implementing **Nonagricultural Nonpoint Source** management practices.
- assistance to regulated **Municipal Separate Storm Sewer Systems (MS4s)** in implementing Stormwater Phase II General Permit (GP-02-02) requirements.
- comprehensive watershed-based **Water Quality Management** designed to address the reduction and control of nonpoint source pollution and the improvement of water quality in waterbodies identified on the Priority Waterbodies List.

Bond Act

If Bond Act or other funds become available in State Fiscal Year 2006-07, these funds may be used for projects received in this solicitation.

EPF funding that is appropriated in the budget for State Fiscal Year 2007-08 may also be used to fund projects submitted under this call for projects.

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Water Quality Improvement Projects

Information for Applicants

Background

Under Governor George E. Pataki's 1996 Clean Water/Clean Air Bond Act and the Environmental Protection Fund, New Yorkers have worked together to restore, preserve and protect our state's valuable environmental resources by funding Water Quality Improvement Projects (WQIP). Funds are used for projects that demonstrate direct environmental benefits.

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. When preparing your application carefully check the eligibility of the applicant and project.

How to Apply for Water Quality Improvement Project Funding

Municipalities and other eligible applicants must use the *Application for State Assistance Payments - Round 9* (included with this booklet and also available from DEC regional offices) for water quality improvement projects including:

- Municipal Separate Storm Sewer Systems (MS4s) Phase II Stormwater permit implementation;
- Nonagricultural Nonpoint Source;
- Water Quality Management;
- Wastewater Treatment Improvement; and
- Aquatic Habitat Restoration.

Using the official *Application for State Assistance Payments - Round 9*, an eligible applicant must submit all of the following.

1. A cover letter requesting funding on the letterhead of the municipality, Soil and Water Conservation District or other eligible applicant.
2. The *Application for State Assistance Payments - Round 9* 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 - Round 9*. **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 Municipal Separate Storm Sewer Systems (MS4s) Phase II Stormwater permit implementation proposals. Applicants must provide a list of cooperating regulated MS4 municipalities/entities. 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

Specific information about eligibility, types of projects that will be considered, local match requirements and key program priorities can be found on the pages for each funding category. The funding sources include:

- Environmental Protection Fund - Water Quality Improvement Projects for Municipal Stormwater and Aquatic Habitat Restoration
- Environmental Protection Fund - Statewide Nonagricultural Nonpoint Source

Water Quality Improvement Project selection continues to focus on the most cost effective projects to restore water quality and aquatic habitat as identified in management plans for watersheds throughout the state. High priority and secondary priorities have been identified in the following management plan areas:

- Hudson River Swimmable Water Quality Goal of the Hudson River Estuary Plan
- Long Island Sound
- Peconic Estuary and South Shore Estuary Reserve
- New York Harbor Estuary (including Jamaica Bay)
- Lake Champlain
- New York's Great Lakes Program
- Finger Lakes
- Upper Susquehanna
- New York City Watershed
- Any Waters (statewide nonagricultural nonpoint source and statewide municipal wastewater treatment 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, 3, 4 and 5. Names and phone numbers of DEC staff who can provide additional information are provided at the end of each funding category description and on the back cover of this document.

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 and who are implementing effective stormwater management programs.

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

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

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

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:

Activities for Implementing MS4 Permit GP-02-02

- Activities to develop, adopt and/or implement the required local laws.
- Training of municipal department of public works staff, code enforcement officers, and municipal officials.
- Outreach to specific individuals/groups whose activities are affected by Stormwater Management Program (SWMP) requirements, e.g., training contractors in erosion and sediment control.
- Establishing other local government mechanisms to accomplish permit compliance.
- Installing or applying management practices, e.g., stormwater retrofits, municipal good housekeeping practices or elimination of illicit discharges. **(A separate application is needed when applying for management practices. See application for more details.)**

Establish Funding Mechanisms and Other Activities that Go Beyond Permit Requirements

- 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 SWMPs.
- 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

Non-regulated MS4s

- Non-regulated MS4s are eligible for funding to implement minimum control measures as required in GP-02-02 as outlined above.

For any of the categories listed above, the applicant must show knowledge of what work has already been done by/for participating MS4s towards accomplishing the activities listed. The applicant must also describe how the activities for which funds are requested will complement or build upon that work, 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 that are eligible under the Statewide Nonagricultural Nonpoint Source projects will be evaluated under that project type category.

III. State assistance payments and local share: State assistance payments from the EPF will fund up to 50 percent of the project cost. Local share may consist of cash contributions and in-kind services, including overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. 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

Highest Priority

- ◆ 90% or more of regulated MS4s in a county or Urbanized Area working on one or more of the following activities
 - adopt and implement required local laws
 - establish funding mechanisms
 - activities most critical in a given municipality(ies) to achieve full implementation of permit requirements (the applicant should reference the need in relation to the Critical Path to Compliance document - ftp://ftp.dec.state.ny.us/dow/stormdocuments/ms4/critical_path_document).
- ◆ Projects undertaken by municipalities to upgrade municipal systems to meet stormwater discharge requirements when the systems are in violation of Title 8 of Article 17 of the Environmental Conservation Law (ECL).

Secondary Priorities

- ◆ 40% or more of regulated MS4s in a county or Urbanized Area working on activities identified under Eligible Projects.
- ◆ Activities most critical in a given municipality(ies) to achieve full implementation of permit requirements (the applicant should reference the need in relation to the Critical Path to Compliance document - ftp://ftp.dec.state.ny.us/dow/stormdocuments/ms4/critical_path_document).
- ◆ Establish funding mechanisms to implement Stormwater Management Programs
- ◆ Non-regulated MS4s implementing permit requirements.

Contact:

NYS Department of Environmental Conservation, Division of Water
Susan Van Patten (518) 402-8185

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 contributions and in-kind services including: overhead, municipal supplies, materials and land acquisition. Local match must be provided between the start and completion dates of the project. 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. 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.
- V. 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, including stormwater retrofits, that are consistent with the *New York State Stormwater Management Design Manual* (Design Manual) and that substantially reduce discharges of the pollutants that caused the receiving waters to be impaired or precluded. Proposed practices must be designed in accordance with the Design Manual, except retrofit projects may omit quantity controls.
 - Onsite Systems Abatement of failing or inadequate onsite wastewater systems through the development and implementation of a voluntary septic system inspection and maintenance program, a septic system local law requiring inspection and repair, or a septic system management program by a responsible management entity.
 - Hydrologic and Habitat Modification Projects that reduce the impact of hydrologic and habitat modification caused by physical alterations to the stream channel, associated corridor, or surrounding watershed that interfere with the water cycle,

disrupt the natural flow of water, and result in a loss of suitable habitat for fish and wildlife.

Secondary Priority

- ▶ The following types of projects impacting waterbodies identified as *stressed* or *threatened* on the PWL:
 - Stormwater: Implementation of stormwater management practices, including stormwater retrofits, that are consistent with the *New York State Stormwater Management Design Manual* (Design Manual) and that substantially reduce discharges of the pollutants that caused the receiving waters to be stressed or threatened. Proposed practices must be designed in accordance with the Design Manual, except retrofit projects may omit quantity controls.
 - Onsite Systems Abatement of failing or inadequate onsite wastewater systems through the development and implementation of a voluntary septic system inspection and maintenance program, a septic system local law requiring inspection and repair, or a septic system management program by a responsible management entity.
 - Hydrologic and Habitat Modification Projects that reduce the impact of hydrologic and habitat modification caused by physical alterations to the stream channel, associated corridor, or surrounding watershed that interfere with the water cycle, disrupt the natural flow of water, and result in a loss of suitable habitat for fish and wildlife.

Secondary priority will also be given to:

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

Other 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 in the Department of State's Coastal Nonpoint Pollution Control Program.

Contact:

NYS Department of Environmental Conservation, Division of Water
Stormwater Projects - Angus Eaton (518) 402-8112
Onsite System Projects - Gerry Chartier (518) 402-8180
Hydrologic and Habitat Modification Projects - Gerry Chartier (518) 402-8180

Water Quality Management

- I. Eligible Applicants:** Regional planning and development boards, Soil and Water Conservation Districts, county planning departments, county health departments, county environmental management councils and county cooperative extensions, if meeting the definition of municipality in *Appendix 1*. In counties with county water quality coordinating committees, the committee should be consulted as part of the application development process. In these cases, a letter from the committee endorsing the project is recommended and will be considered in evaluating the project.
- II. Eligible Projects:** These funds are intended to provide reimbursement to eligible applicants to assist DEC and municipalities with water quality management activities designed to address the reduction and control of nonagricultural nonpoint source pollution and the improvement of water quality consistent with section 17-1409 1a of the ECL.

Eligible activities include:

1. Providing funding to agencies that assist permittees and municipalities (regulated and non-regulated) to meet the requirements of “SPDES General Permit for Stormwater Discharges from Municipal Stormwater Sewer Systems (MS4s)” (GP-02-02) and “SPDES General Permit for Stormwater Discharges from Construction Activity” (GP-02-01).
2. Providing funding to agencies that assist municipalities in reviewing the design, siting and installation of new onsite disposal systems and the identification and remediation of failing onsite systems.
3. Providing funding to agencies that assist landowners and municipalities in the development of hydrologic and habitat restoration projects.

- III. State Assistance Payments and Local Share:** State assistance payments will fund up to 75 percent of the project cost. Local share can include cash contributions and in-kind services including: overhead, municipal supplies, materials, and land acquisition. Local match must be provided between the start and completion dates of the project. 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. Water Quality Management Program Priorities:** For purposes of this funding opportunity, emphasis is being placed on the following types of Water Quality Management projects:

Highest priority:

- ◆ Projects impacting waterbodies on the **303(d) list** and/or identified as *precluded* or *impaired* on the Priority Waterbodies List (PWL). Activities to implement the highest priority activities identified in an approved watershed management plan or County Water Quality Strategy.

Secondary Priority:

- ◆ Projects impacting waterbodies identified as *stressed* or *threatened* on the PWL. Activities to implement activities identified in an approved watershed management plan or County Water Quality Strategy.

Contact:

NYS Department of Environmental Conservation, Division of Water
Susan Van Patten (518) 402-8185

Municipal Wastewater Treatment

I. Eligible Applicants: Municipalities. (See Appendix 1 for definition of “Municipality.”)

II. Eligible Projects: Wastewater Treatment Improvement Projects (see definition in Appendix 1).

Projects are to implement the management plans for the Hudson River Estuary, Long Island Sound, Peconic and South Shore Estuaries Reserves, New York Harbor Estuary and Lake Champlain, plus other approved projects for the New York State’s Great Lakes Program, Upper Susquehanna, New York City Watershed, Finger Lakes and Any Waters.

III. State Assistance Payments and Local Share: State assistance payments will fund up to 85% of the construction costs. Local share can include cash contributions and in-kind services including: overhead, municipal supplies and materials. Local match must be provided between the start and completion dates of the project. Applicants may not use other federal grant dollars received for the project for the local share of the project.

IV. Management Plan Priorities:

Priorities are listed by Management Plan Area in the matrix starting on page 10.

Contact:

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

Aquatic Habitat Restoration

- I. **Eligible Applicants:** Municipalities, Soil and Water Conservation Districts and Not-for-profit corporations. (See Appendix 1 for definition of “Municipality” and “Not-for-profit corporation.”)

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

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

- III. **State Assistance Payments and Local Share:** State assistance payments will be available to municipalities to 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. Applicant may not **use other state or federal grant dollars for the local share of the project.**

- IV. **Management Plan Priorities:**
Priorities are listed by Management Plan Area in the matrix starting on page 10.

Management Plan Priorities

Management Plan Area	Highest Priorities	Secondary Priorities	Contact
Hudson River Estuary Swimmable Goal	<ul style="list-style-type: none"> ◆ Upgrades to municipal wastewater treatment plants to provide seasonal disinfection 	<ul style="list-style-type: none"> ◆ 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 	<p>NYS Department of Environmental Conservation, Division of Water - Shayne Mitchell (518) 402-8111</p> <p>Hudson River Program - Fran Dunwell (845) 256-3016</p>
Long Island Sound Comprehensive Conservation and Management Plan (CCMP)	<ul style="list-style-type: none"> ◆ 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. 	<ul style="list-style-type: none"> ◆ Aquatic habitat restoration ◆ Stormwater runoff abatement and control ◆ Abatement of combined sewer overflows ◆ Sediment remediation 	<p>NYS Department of Environmental Conservation, Division of Water - Alan Fuchs (518) 402-8111</p> <p>Division of Fish, Wildlife and Marine Resources - Karen Chytalo (631) 444-0430</p>

Management Plan Area	Highest Priorities	Secondary Priorities	Contact
Peconic Comprehensive Conservation and Management Plan (CCMP)	<ul style="list-style-type: none"> ◆ Nitrogen reduction from wastewater treatment plants ◆ Shellfish and eelgrass restoration. ◆ Agriculture sources ◆ Aquatic habitat restoration, acquisition and protection ◆ Stormwater abatement 		<p>NYS Department of Environmental Conservation, Division of Water - Tony Leung (631) 444-0415</p> <p>Division of Fish, Wildlife and Marine Resources - Karen Chytalo (631) 444-0430</p>
South Shore Estuary Reserve Conservation Management Plan (CMP)	<ul style="list-style-type: none"> ◆ Nonpoint source pollution (particularly storm water runoff) abatement and control. ◆ Habitat restoration and protection. 	<ul style="list-style-type: none"> ◆ Wastewater treatment improvement wherever wastewater treatment systems are causing documented water quality problems in the South Shore Estuary or as necessary to ensure compliance with SPDES permit. 	<p>NYS Department of Environmental Conservation, Division of Water, Tony Leung (631) 444-0415</p> <p>Division of Fish, Wildlife and Marine Resources, Karen Chytalo (631) 444-0430</p> <p>New York State Department of State, Coastal Division - Ken Smith (518) 473-3373</p>

Management Plan Area	Highest Priorities	Secondary Priorities	Contact
New York Harbor Estuary Comprehensive Conservation and Management Plan (CCMP)	<ul style="list-style-type: none"> ◆ Aquatic habitat restoration, including sediment remediation. 	<ul style="list-style-type: none"> ◆ Mitigation of impacts to resources caused by toxics, dredged material, pathogens, floatables and nitrogen. 	<p>NYS Department of Environmental Conservation, Division of Water - Alan Fuchs (518) 402-8111</p> <p>Division of Fish, Wildlife and Marine Resources, Karen Chytalo (631) 444-0430</p>
Lake Champlain Comprehensive Conservation and Management Plan (CCMP)	<ul style="list-style-type: none"> ◆ Phosphorus reduction ◆ Prevention and control of persistent toxics ◆ Protecting human health ◆ Management of nuisance non-indigenous aquatic species 	<ul style="list-style-type: none"> ◆ Restoration of fish and wildlife habitat ◆ Protection and enhancement of wetlands ◆ Preservation of vulnerable habitat corridors 	<p>NYS Department of Environmental Conservation, Division of Water, Ron Entringer (518) 402-8176</p>
New York City Watershed	<ul style="list-style-type: none"> ◆ Phosphorus reduction as required in approved TMDL 	<ul style="list-style-type: none"> ◆ Protect, restore, enhance, or reduce impairments to aquatic habitat ◆ Nonpoint source program implementation of stormwater practices. 	<p>NYS Department of Environmental Conservation, Division of Water, Ken Kosinski (518) 402-8185</p>

Management Plan Area	Highest Priorities	Secondary Priorities	Contact
Great Lakes	<ul style="list-style-type: none"> ◆ Control of persistent, bioaccumulative toxics from point and nonpoint sources, including implementation of Pollution Minimization Plans (PMPs) ◆ Restoration, protection and enhancement of aquatic habitat ◆ Invasive species 		<p>NYS Department of Environmental Conservation, Division of Water, Don Zelazny (716) 851-7220</p>
Upper Susquehanna	<ul style="list-style-type: none"> ◆ See Statewide Nonpoint Source Needs ◆ See Statewide Wastewater Needs ◆ Phosphorus reduction ◆ Nutrient removal 	<ul style="list-style-type: none"> ◆ See Statewide Nonpoint Source Needs ◆ See Statewide Wastewater Needs 	<p>NYS Department of Environmental Conservation, Division of Water, Ron Entringer (518) 402-8176</p>
Finger Lakes	<ul style="list-style-type: none"> ◆ See Statewide Nonpoint Source Needs ◆ See Statewide Wastewater Needs ◆ Phosphorus reduction ◆ Nutrient removal 	<ul style="list-style-type: none"> ◆ See Statewide Nonpoint Source Needs ◆ See Statewide Wastewater Needs 	<p>NYS Department of Environmental Conservation, Division of Water, Ron Entringer (518) 402-8176</p>

Management Plan Area	Highest Priorities	Secondary Priorities	Contact
Any Waters (Statewide Nonpoint Source Needs)	<p>Projects impacting waterbodies on the <u>303(d) list</u> and/or identified as <i>precluded</i> or <i>impaired</i> on the Priority Waterbodies List (PWL). For the purpose of this funding opportunity, emphasis is being placed on the following types of nonpoint source abatement projects:</p> <ul style="list-style-type: none"> Stormwater Onsite Systems Habitat Modification 	<p>Projects impacting waterbodies on the <u>303(d) list</u> and/or identified as <i>stressed</i> or <i>threatened</i> on the PWL. For the purpose of this funding opportunity, emphasis is being placed on the following types of nonpoint source abatement projects:</p> <ul style="list-style-type: none"> Stormwater Onsite Systems Habitat Modification 	<p>NYS Department of Environmental Conservation Division of Water - Gerry Chartier (518) 402 - 8180</p>
Any Waters (Statewide Municipal Wastewater Treatment Needs)	<ul style="list-style-type: none"> ◆ Raw discharges/failing onsite systems in either hardship communities and/or where there is a high cost to individual homeowners. ◆ TMDL, permit or consent order-mandated changes (e.g. changes in limits, upgrades) where there are documented water quality issues (e.g., Priority Waterbodies List) and/or an exceedance of water quality- or technology based limits or other permit non-compliance 	<ul style="list-style-type: none"> ◆ Aging infrastructure <ul style="list-style-type: none"> a.) Hardship communities with an aging municipal wastewater treatment plant and/or an aging collection system. b.) Non-hardship communities with an aging municipal wastewater treatment plant and/or an aging collection system. 	<p>NYS Department of Environmental Conservation Division of Water - Dick Draper (518) 402-8111</p>

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.

“Not-for-profit corporation” means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code.

“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. ¹

“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,

¹Eligible cost is limited to construction activity

migratory, nesting, breeding, or foraging environment for fish and wildlife and other biota.

“Pollution prevention project” means the planning, design, construction, improvement, maintenance or acquisition of facilities, production processes, equipment or buildings owned or operated by municipalities for the reduction, avoidance, or elimination of the use of toxic or hazardous substances or the generation of such substances or pollutants so as to reduce risks to public health or the environment, including changes in production processes or raw materials; such projects shall not include incineration, transfer from one medium of release or discharge to another medium, off-site or out-of-production recycling, end-of-pipe treatment or pollution control.

An example of a pollution prevention project is the use of ultraviolet disinfection in place of chlorination.

“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. ²

Definitions set forth in Article 17, Title 14 in the Environmental Conservation Law § 17-1409

The project 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

²For wastewater treatment improvement projects, the eligible cost is limited to construction expenses.

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 an 8 - digit number. There are 54 eight (8) digit HUCS in New York State. These sub-basins are further divided into watersheds which are identified by an 11 digit HUC.

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.

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.

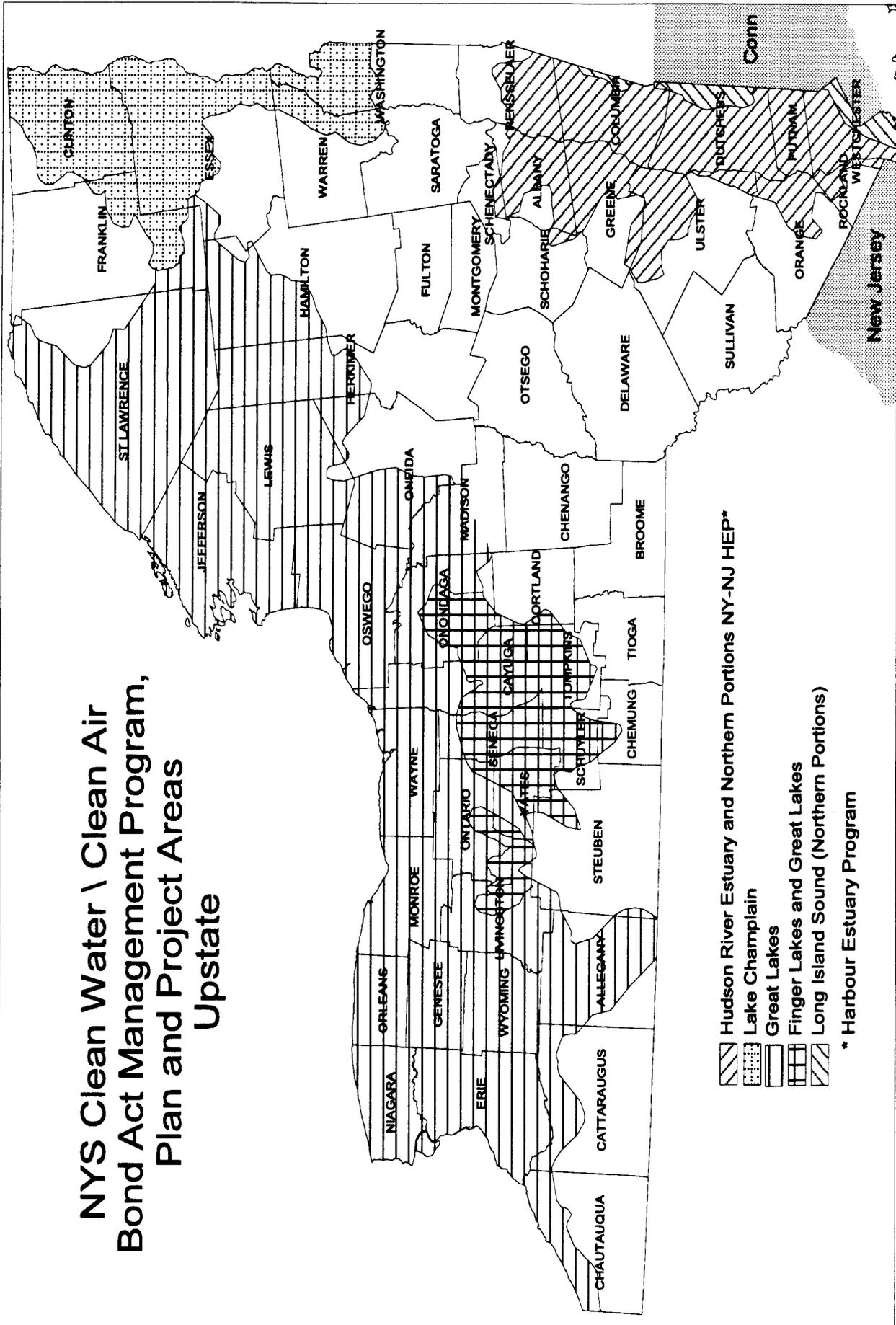
For purposes of the Bond Act, a project would be considered to be in a National Estuary Program area if it is located in the tidally influenced portions of rivers and streams entering New York Harbor, Long Island Sound or the Peconic Estuary.

Appendix 2

Maps of Clean Water/Clean Air Bond Act Management Program, Plan and Project Areas

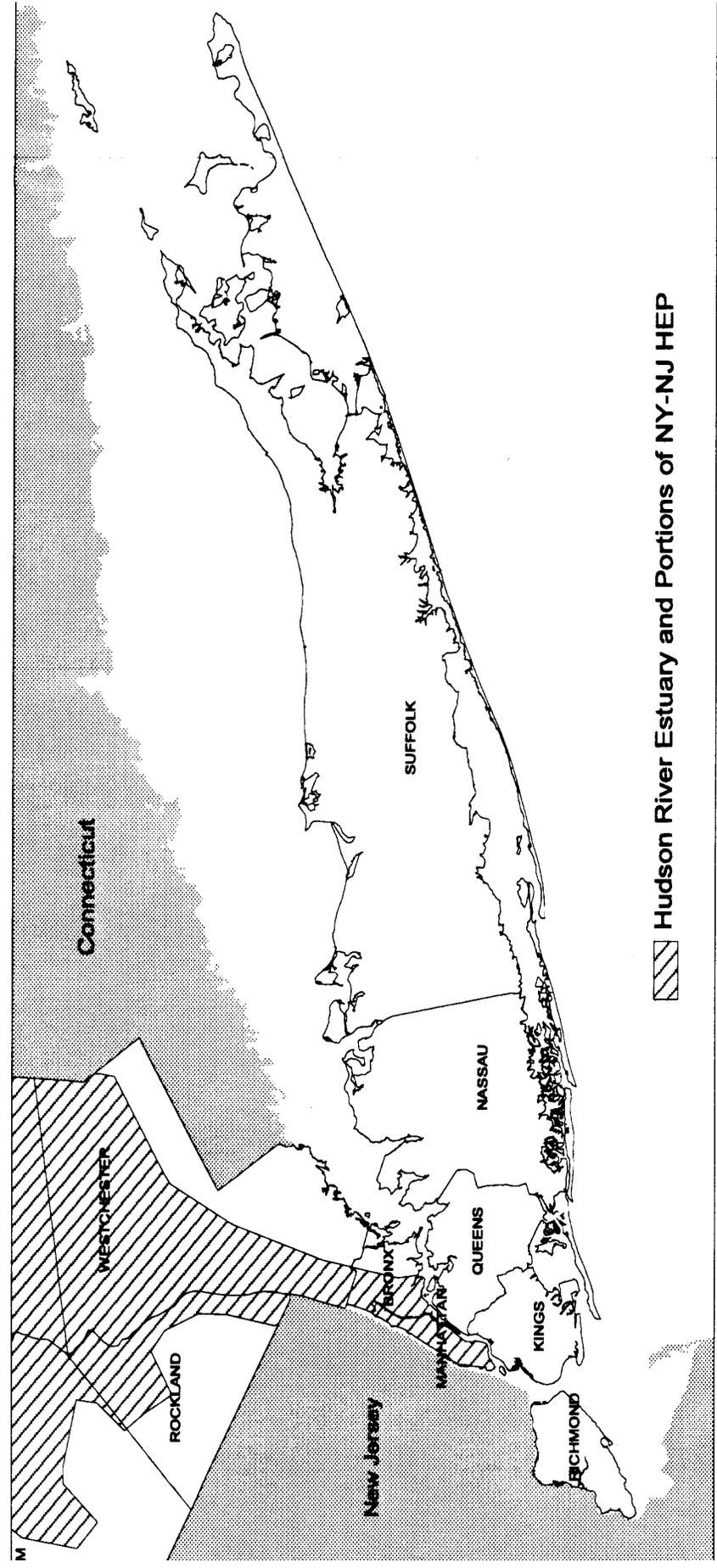
The following maps only provide a general picture of the location of management plan areas. The DEC will develop a set of maps based on precise hydrologic information. Proposed Bond Act projects will be checked against these more detailed maps to verify their location within a given management plan area.

NYS Clean Water \ Clean Air Bond Act Management Program, Plan and Project Areas Upstate

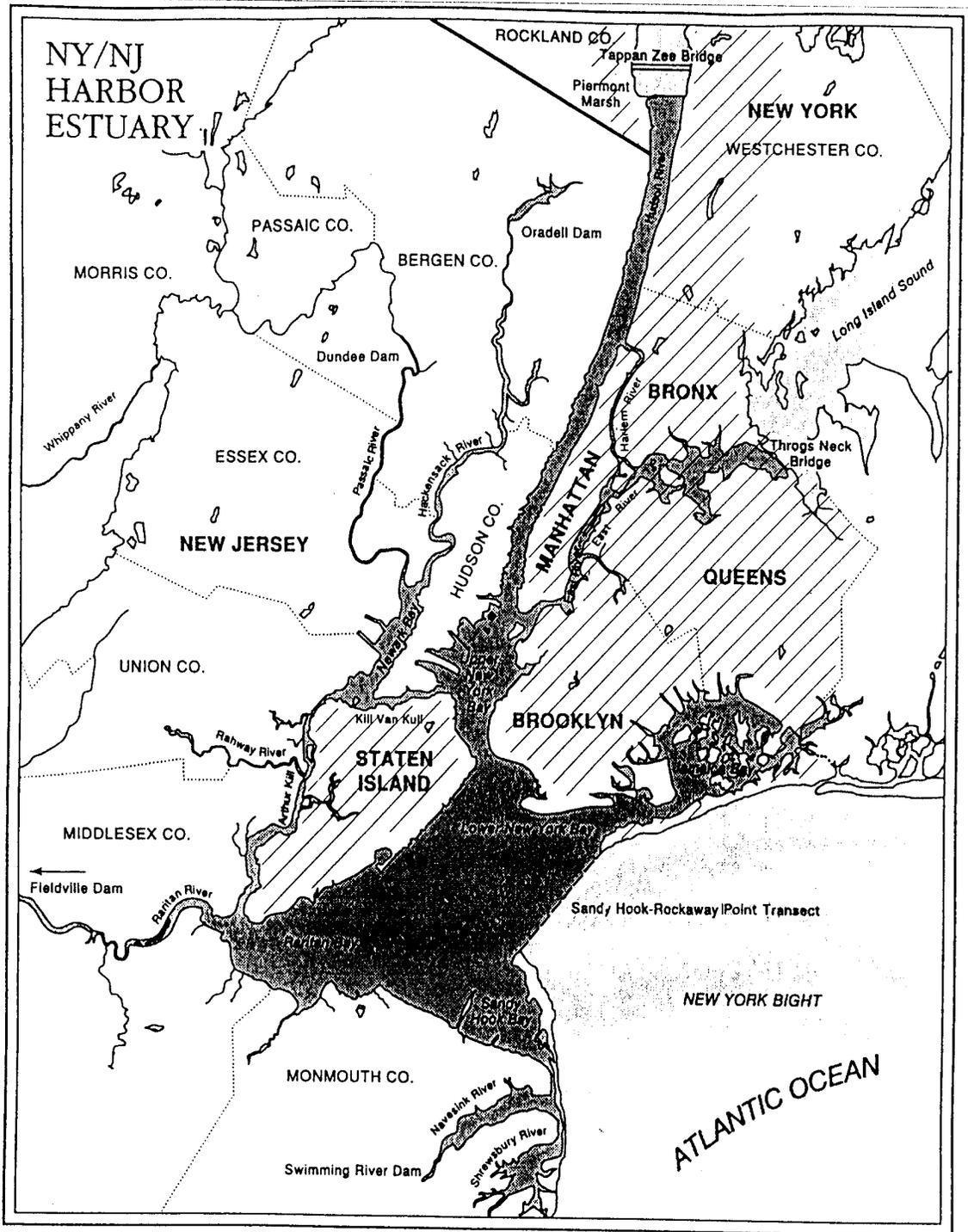


-  Hudson River Estuary and Northern Portions NY-NJ HEP*
-  Lake Champlain
-  Great Lakes
-  Finger Lakes and Great Lakes
-  Long Island Sound (Northern Portions)
-  * Harbour Estuary Program

**NYS Clean Water \ Clean Air
Bond Act Management Program,
Plan and Project Areas
Downstate, map 1 of 3**

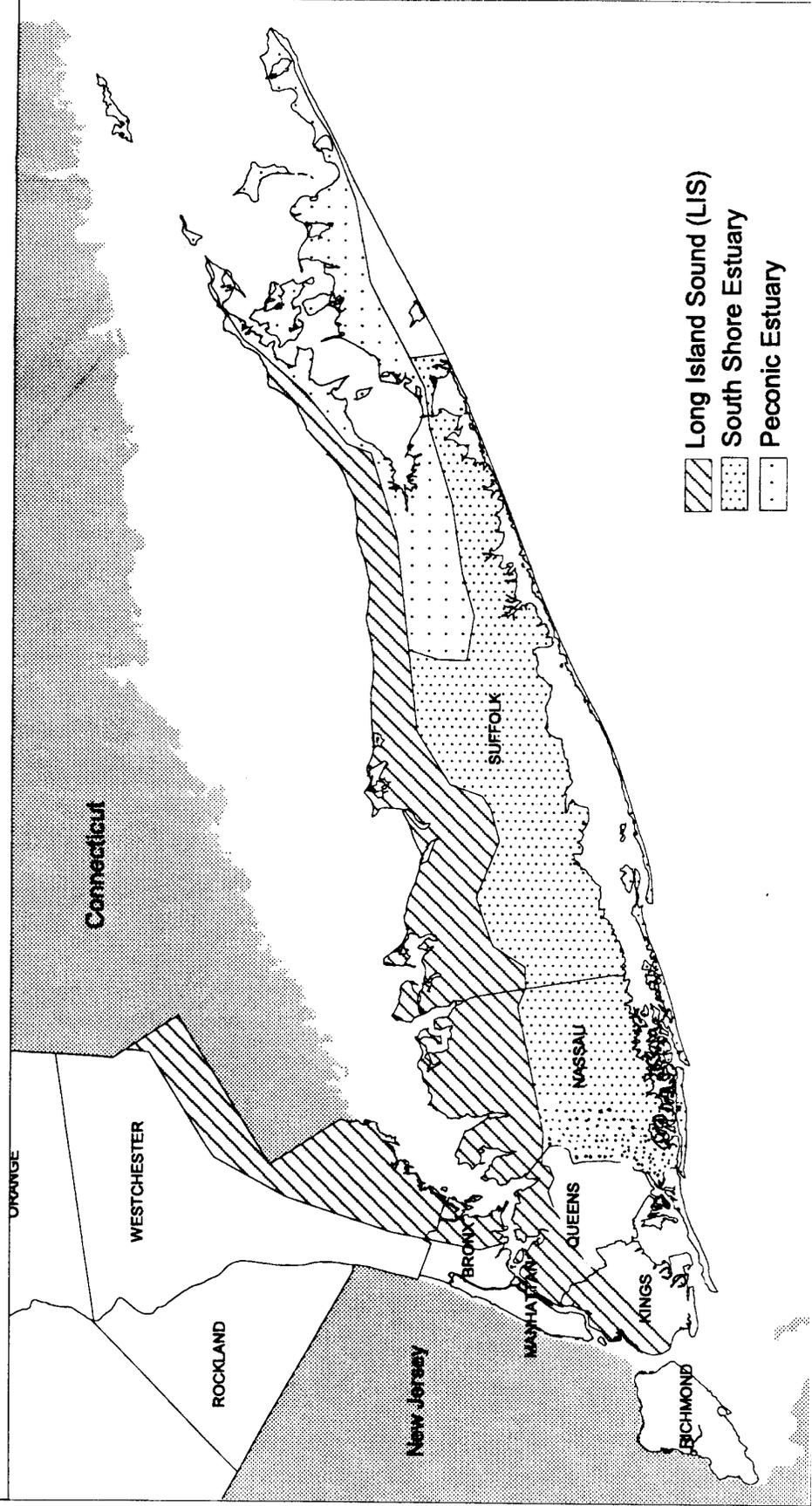


**NYS Clean Water\Clean Air
Bond Act Management Program,
Plan and Project Areas
Downstate, map 2 of 3**



 NY-NJ Harbor Estuary Program (HEP)

NYS Clean Water \ Clean Air
 Bond Act Management Program,
 Plan and Project Areas
 Downstate, map 3 of 3



Appendix 3

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 the combination of projects that 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:

- 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.
- 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.
- Performance of the applicant in carrying out previously funded projects.
- Availability of matching funds on the part of the applicant, where applicable.
- 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. Activities most needed to ensure compliance with the SPDES Phase II General Permit (GP-02-02).

Aquatic Habitat Restoration Special Evaluation Factors:

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

Water Quality Management Special Evaluation Factors:

1. Present economically, technically viable and cost-effective solutions to water quality problems.
2. Contribute to a comprehensive and coordinated approach to solving water quality problems that can be implemented and maintained.
3. Address problems identified in the New York State DEC's Priority Waterbodies List.
4. Are consistent with water quality policies in Local Waterfront Revitalization Programs and/or County Water Quality Strategies.
5. Show experience and ability by the applicant and project staff to undertake and maintain the proposed project.
6. Project offers a unique opportunity to advance water quality in New York State.

Wastewater Treatment Special Evaluation Factors:

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

IV. Scoring by Project Type

See Appendices 3, 4 & 5.

V. Ranking of Projects

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

In addition for projects funded by the Environmental Protection Fund - Water Quality Improvement Projects, priority will be given to wastewater treatment improvement projects undertaken by municipalities to upgrade municipal systems to meet stormwater discharge requirements for systems in violation of Title 8 of Article 17 of the Environmental Conservation Law.

Appendix 4

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 scores will be computed based on information in the *Application for State Assistance Payments – Round 9* 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. See Table 1a. Water Quality Classification Points Factor (CPF) for Nonpoint Source Abatement Projects.

2. Impairment Factor (IF)

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

3. Potential Improvement Factor (PIF)

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

In assessing potential improvement, consideration will be given to:

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

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

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

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) ¹ , C(TS)	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

¹ (T) and (TS) indicate the application of standards to protect trout and trout spawning respectively

² 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

B. Water Quality Improvement (WQI) (continued)

B2. Impairment Factor (IF)

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

B3. Potential improvement factor (PIF)

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

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 5

MS4 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:

- Pollutant of Concern Associated with Stormwater
- Water Quality Improvement Factor
- Management Program Priorities

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

The project scores will be computed based on information in the Application for State Assistance Payments for EPF nonagricultural nonpoint source projects under Article 17-14.

A. Pollutant of Concern Associated with MS4 Implementation

Water Quality Parameters

- pathogens
- sediment
- nutrients

Water Quantity Parameter

The proposed project receives a score based on the parameters addressed by the project

<u>Pollutants of Concern Addressed</u>	<u>Points</u>
Addresses all three water quality parameters and the water quantity parameter	50
Addresses at least two of the parameters listed above	25
Addresses one of the parameters listed 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. Program Scope Factor (SF)

Points are allotted to a project based on how well it supports implementation of a SWMP that addresses MS4 permit requirements

<u>Program Scope</u>	<u>Points</u>
SWMP greatly exceeds permit requirements	8
SWMP exceeds permit requirements	6
SWMP meets permit requirements	4
SWMP only partially meets permit requirements	1

2. Impairment Factor (IF)

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

Water Quality Parameters

- pathogens
- sediment
- nutrients

Water Quantity Parameter

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

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.

In assessing potential improvement, consideration will be given to:

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

Projected amount of quality/quantity improvement:

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

Water Quality Improvement is calculated using the following equation:

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

C. Water Quality Management Program Priorities

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>
90% or more of regulated MS4s in a county or Urbanized Area working on one or more of the following activities <ul style="list-style-type: none"> - adopt and implement required local laws - establish funding mechanisms - activities most critical in a given municipality(ies) to achieve full implementation of permit requirements (the applicant should reference the need in relation to the Critical Path to Compliance document - ftp://ftp.dec.state.ny.us/dow/stormdocuments/ms4/critical_path_document). 	200
Projects undertaken by municipalites to upgrade municipal systems to meet stormwater discharge requirements when the systems are in violation of Title 8 of Article 17 of the Environmental Conservation Law (ECL).	200
40% or more of regulated MS4s in a county or Urbanized Area working on activities identified under Eligible Projects.	100
Activities most critical in a given municipality(ies) to achieve full implementation of permit requirements (the applicant should reference the need in relation to the Critical Path to Compliance document - ftp://ftp.dec.state.ny.us/dow/stormdocuments/ms4/critical_path_document).	100
Establish funding mechanisms to implement Stormwater Management Programs	100
Non-regulated MS4 implementing permit requirements.	100
Other	25

**MS4
Score Sheet**

A. Pollutant of Concern

A. _____

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

Scope Factor (SF) (1 - 8) _____

Impairment Factor (IF) (0 - 6) _____

Quality/Quantity
Improvement Factor (QIF) (1 - 4) _____

WQI = IF x SF x QIF

B. _____

**C. Water Quality Management
Program Priorities**

C. _____

**TOTAL PROJECT SYSTEM
SCORE**

(A+B+C) _____

Appendix 6

Water Quality Management 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 Water Quality Management Programs. Other parts of the evaluation process are described in Appendix 2.

Project Scoring System

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

- Pollutant of Concern Associated with Water Quality Management Program
- Water Quality Improvement Factor
- Management Program Priorities

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

The project scores will be computed based on information in the Application for State Assistance Payments for EPF nonagricultural nonpoint source projects under Article 17-14.

A. Pollutant of Concern Associated with Water Quality Management

Water Quality Parameters

- pathogens
- sediment
- nutrients

Water Quantity Parameter

The proposed project receives a score based on the parameters addressed by the project

<u>Pollutants of Concern Addressed</u>	<u>Points</u>
Addresses all three water quality parameters and the water quantity parameter	50
Addresses at least two of the parameters listed above	25
Addresses one of the parameters listed 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. Program Scope Factor (SF)

Points are allotted to a project based on how well it supports permittees, municipalities and landowners meeting and exceeding permit requirements, standards of practice or existing regulatory guidance.

<u>Program Scope</u>	<u>Points</u>
Program greatly exceeds permit requirements, standards of practice or existing regulatory guidance.	8
Program exceeds permit requirements, standards of practice or existing regulatory guidance.	6
Program meets permit requirements, standards of practice or existing regulatory guidance.	4
Program only partially meets permit requirements, standards of practice or existing regulatory guidance.	1

2. Impairment Factor (IF)

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

Water Quality Parameters

- pathogens
- sediment
- nutrients

Water Quantity Parameter

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

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.

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:

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

Water Quality Management Program Priorities

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>Priorities</u>	<u>Points</u>
Project addresses highest priorities identified in appropriate watershed management plans and the DEC Priority Waterbodies List (PWL)	200
Project addresses secondary priorities identified in appropriate watershed management plans and the DEC Priority Waterbodies List (PWL)	100
Other	25

**Water Quality Management
Score Sheet**

A. Pollutant of Concern

A. _____

B. Water Quality Improvement Factor (WQI)

Impairment Factor (IF)	0-6	_____
Scope Factor (SF)	1-8	_____
Quality/Quantity Improvement Factor (QIF)	1-4	_____

$WQI = IF \times SF \times QIF$

B. _____

C. Water Quality Management Program Priorities

C. _____

TOTAL PROJECT SYSTEM SCORE (A+B+C)

Appendix 7

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 to the Regional Permit Administrator.

Project Work Plan

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

Minority and Women-Owned Business Enterprises (M/WBE)/Equal 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 8

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 9 -- 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.

