**DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program**

**Funding Available: Up to $3 million**

**Description**

The New York State Department of Environmental Conservation (DEC), in conjunction with the New York State Environmental Facilities Corporation (EFC), will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to $3 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Grants of up to $100,000\(^1\) are available to finance engineering and planning services for the production of an engineering report.

The ultimate goal of the EPG program is to advance water quality projects to construction so successful applicants can use the engineering report funded by the grant to seek financing through the CWSRF program, Water Quality Improvement Project program, or other funding entities to further pursue the identified solution.

**Eligible Applicants**

- Municipalities as defined in the Definitions section of this document; and
- Median household income (MHI) of the municipality must be:
  - Equal to or less than $70,000 according to the United States Census, 2017 American Community Survey for municipalities located in Regional Economic Development Council (REDC) regions of Capital District, Southern Tier, North Country, Mohawk Valley, Central NY, Finger Lakes, or Western NY; or
  - Equal to or less than $90,000 according to the United States Census, 2017 American Community Survey for municipalities located in REDC regions of Long Island, New York City and Mid-Hudson.


- Municipalities may have no more than two active EPG awards at the same time. An active EPG award includes a project that has been awarded funding and is awaiting an executed grant agreement or currently has an executed grant agreement with EFC.

**Eligible Activities**

Funding can be used by municipalities for the preparation of an engineering report\(^2\). This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative are eligible. Design and construction costs are not eligible.

Priority will be given to municipalities proposing planning activities that are:

- required by an executed Order on Consent; or
- required by a draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or
- upgrading or replacing an existing wastewater system; or

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\(^{1}\) See the “Grant Award Details” section of this document for details of funding amounts.

\(^{2}\) See the “Definitions” section of this document for specific information on the required contents of the engineering report.
• constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
• addressing a pollutant of concern in a watershed implementation plan (i.e. Total Maximum Daily Load (TMDL), Nine Element Watershed Plan, or DEC HABs Action Plan).

Requirements
The report must follow EFC’s current Engineering Report Outline, consider storm and flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather event)\(^3\) and a comprehensive analysis of the following alternatives:

- No-action alternative
- Green infrastructure, in combination with gray infrastructure or individually, is required for projects involving stormwater, including stormwater inflow to sewer systems. A justification must be provided if a green infrastructure component is not part of the recommended alternative.
- Repair or replacement versus new construction
- Regional consolidation opportunities
- Centralized versus decentralized (for new systems), or a combination thereof (small cluster or individual systems)

Any alternatives considered technically infeasible should be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report.

Ineligible Planning Activities
- Projects that do not lead to the restoration or protection of a surface waterbody or groundwater.
- Projects that do not address improvements to a publicly-owned treatment works.\(^4\)
- Projects and scope that are listed on the 2019 CWSRF Intended Use Plan Annual Project Priority List.

Grant Awards
There are three grant award categories, as listed below, for the planning of wastewater infrastructure projects. The first two categories are for any wastewater infrastructure-related planning activity, including disinfection. The third category is limited to inflow and infiltration evaluations as a result of an Order on Consent or SPDES Permit Compliance Schedule.

**Category 1 - $30,000 Grant**

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\(^3\) Must be consistent with the NYS Community Risk and Resiliency Act.

\(^4\) In accordance with the laws, rules and regulations governing the CWSRF, projects defined in the federal Clean Water Act, Section 212 as treatment works must be publicly-owned. See the "Definitions" section of this document on what is considered an eligible publicly-owned treatment works activity.
Category 2 - $50,000 grant

Category 3 - $100,000 grant (only for inflow and infiltration projects as a result of an Order on Consent or SPDES Permit Compliance Schedule)
- Population of Municipality: no limit

Match
All grants require a local match equal to 20 percent of the requested grant amount. The match may include cash and/or in-kind services\(^5\). Other grants may not be used for local match. The applicant should identify the source of the match at the time that the application is submitted.

Grant Payment
The grant will be disbursed in two or more payments based on the municipality’s progress toward completion of an acceptable engineering report. The municipality will receive its first disbursement as an advance payment once the grant agreement is executed. The final disbursement will be made to the municipality when its engineering report has been completed and accepted by DEC and EFC.

Long Range Program Goals
The state encourages grant recipients to use the engineering report completed under this grant to seek financing through the CWSRF program, Water Quality Improvement Project program, or from other funding entities to further pursue the recommended solution.

Evaluation Criteria
Applications will be scored and selected based on the following criteria:
- Will provide a measurable improvement or protection of water quality
- Is identified in a SPDES permit, consent order, or watershed Implementation plan (i.e. Total Maximum Daily Load (TMDL), Nine Element Watershed Plan, or DEC HABs Action Plan) or is a new wastewater treatment system and/or collection system to replace or upgrade an existing system or unsewered area
- Is identified in a formally adopted plan such as a comprehensive plan, master plan, asset management plan, or local waterfront revitalization plan
- Addresses a DEC priority
- Aligns with the goals and priorities of its Regional Council Strategic Plan

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\(^5\) See the “Definitions” section of this document for specific information on what is considered in-kind services.
**Performance Measures**

| Points: 38 | Project would address a pollutant of concern in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan), CSO Long Term Control Plan or SSO plan. OR would address the discharge of a pollutant causing the impairment to a waterbody listed in the WI/PWL segment assessment as “precluded” or “impaired”. OR is to upgrade municipal systems to meet new wastewater treatment effluent disinfection requirements. |
| Points: 20 | Project would address the discharge of a pollutant causing the impairment of a waterbody listed in the WI/PWL segment assessment as “stressed” or “threatened”. |
| Points: 10 | Project would address a documented water quality impairment that is not listed in the WI/PWL segment assessment. |
| Points: 5 | Project is necessary to preserve or protect a surface waterbody; no impairment associated with wastewater discharges is listed in the WI/PWL segment assessment. |

**Strategies**

| Points: 22 | The planning project is required by a draft or final SPDES Permit or Order on Consent, including the preparation of a flow management plan; or is identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan). |
| Points: 12 | The planning project is for a new wastewater treatment and/or collection system to replace or upgrade an existing system, but is not required by a draft or final SPDES Permit or Consent Order. This includes regionalization projects. |
| Points: 6 | The planning project is for a new wastewater treatment and/or collection system for a currently unsewered area. |

**Vision**

| Points: 10 | Project is in a formally adopted plan AND Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation. |
| Points: 5 | Project is in a formally adopted plan OR Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation. |
| Points: 0 | Project is not in a formally adopted plan AND Applicant has not demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation. |

**Agency Priority**

| Points: 5 | Planning projects that are: • required by an executed Order on Consent; or • required by a draft or final SPDES permit (e.g. Project to upgrade or replace an existing wastewater system. |
| Points: 0 | Project does not align with DEC and EFC priorities. |

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6 Formally adopted plans include comprehensive plans, master plans, asset management plans, local waterfront revitalization plans, and other land use planning type plans. Unacceptable plans include: annual system reports; consent orders, REDC strategies; TMDLs; TMDL implementation plans; watershed implementation plans; and watershed action agendas.
disinfection, nitrification, etc.); or

- constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or

- identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Plan or DEC HABs Action Plan); or

- submitted by an applicant who qualifies as a hardship community in the 2018 CWSRF Intended Use Plan.

### Regional Economic Development Priority

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Applications will receive a final score and be selected for grant funding from the highest down to the lowest ranked scores.

In case of a tie, DEC will look at individual scoring categories in the following order to determine a grant award:

1. Performance Measures  
2. Strategies  
3. Vision  
4. Agency priorities  
5. REDC  
6. Tie breaker: date and time received

DEC and EFC will consider regional distribution in the determination of awards, to the extent practicable.

**Multiple Application Submissions**  
EFC/DEC reserve the right to limit the number of awards per municipality to one per Round. If an applicant chooses to submit multiple applications for their municipality, please prioritize the applications. Please note, municipalities may only have two active EPG awards.

**Successful Applicant Requirements**

**Documentation:** Successful applicants must enter into a grant agreement to receive grant funds. Documentation for the following requirements must be submitted prior to the execution of the grant agreement.

1. Detailed final budget and plan of finance including all third-party funding agreements, and satisfaction of the minimum 20 percent local match requirement.
2. Board resolution authorizing and obligating local match funds.
3. Board resolution declaring State Environmental Quality Review Act (SEQR) findings or determinations for the planning activities associated with the grant.
4. Legal right to own, operate and maintain the project for the duration of its useful life.
5. Executed Engineering Agreement that complies with NYS Minority/Woman-owned Business Enterprises (MWBE) and Service Disabled Veteran-Owned Business (SDVOB) Program, and Equal Employment Opportunity (EEO) requirements.
6. Completed Smart Growth Assessment Form.
7. Board resolution for designation of an Authorized Representative for the project.

The grant agreement must be executed within 12 months of grant award.

Definitions

**Engineering Report** - means the document or documents, which determines the technical feasibility and estimated cost of a CWSRF eligible project. [21 NYCRR 2602.2(a)(22) New York State Clean Water Revolving Fund Regulations]

**In-Kind Services** - means services performed by capable and qualified employees of the grant recipient for technical and administrative force accounts that are directly related to and in support of the development of the Engineering Report and are deemed reasonable by the Environmental Facilities Corporation.

**Municipality** - means any county, city, town, village, district corporation, county or town improvement district, Indian reservation wholly within New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York State which is empowered to construct and operate a project, or any two or more of the foregoing which are acting jointly in connection with a project. [21 NYCRR 2602.2(a)(49) New York State Clean Water Revolving Fund Regulations]

**Planning** - means the orderly development of a project concept from the original statement of need or purpose through the evaluation of alternatives to a final recommendation on a course of action and measures to implement the selected alternative, including completion of the environmental review process. [21 NYCRR 2602.2(a)(51) New York State Clean Water Revolving Fund Regulations]

**Treatment Works (Publicly-Owned)** – Includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances, only if they convey wastewater to a publicly owned treatment plant, and combined storm water and sanitary sewer systems. [Section 212 (2) (A) & (B) of the Federal Clean Water Act].


**Additional Resources**

- NYS EFC engineering report guidelines: [https://www.efc.ny.gov/EPG](https://www.efc.ny.gov/EPG)
- DECinfo Locator (most up to date source of WI/PWL segment assessments): [https://www.dec.ny.gov/pubs/109457.html](https://www.dec.ny.gov/pubs/109457.html)

• The **New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act**: [https://www.dec.ny.gov/energy/102559.html#Implementation](https://www.dec.ny.gov/energy/102559.html#Implementation)

• For more information, visit [http://www.dec.ny.gov/pubs/81196.html](http://www.dec.ny.gov/pubs/81196.html) or [www.efc.ny.gov/epg](http://www.efc.ny.gov/epg)