



# NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT APPLICATION INSTRUCTIONS CLEAN WATER ROUND 2

## A. APPLICANT

Please provide the name, Federal I.D. number and location of the municipality that is seeking the NYS Water Grant (referred to as the Applicant). If this application is on behalf of a special district (e.g., sewer district), the information included in this application should reflect the public entity issuing debt, generally the municipality (not the district).

**DUNS Number:** Provide the applicant's Data Universal Numbering System (DUNS) Number. Any institution applying for federal grant money must have a DUNS Number. Information regarding the Dun & Bradstreet DUNS Number is provided at <http://fedgov.dnb.com/webform>.

**Authorized Representative:** Provide the contact information for the individual authorized by the municipality to act on its behalf.

**Daily Contact Name:** If the daily contact person for the project is different than the Authorized Representative, provide contact information in this section.

## B. GENERAL INFORMATION

**Project Name:** In the box provided, indicate the specific name of the project for which you are applying for grant assistance.

**Project Location:** List the municipalities in which the project is located.

**Service Area:** Note the specific project service area if not the entire municipality (e.g. sewershed, sewer district or sewer extension, etc).

**Population of Project Area:** Provide the population of the project area, if only a portion of the municipality.

**Legislative Districts:** List the legislative districts in which the project is located. Some projects may be within two districts, if so, list both.

**Estimated Flow of Project Area Served:** Provide the estimated flow (average daily flow, MGD) of the project area served. For example, if the project is replacing a portion of the sewer system, provide the flow specific to the project area and not the entire system. If the project is conveying flow to a treatment plant, only provide the affected flow and not the capacity of the receiving plant.

**Treatment Works Permitted Flow:** Provide the permitted flow of the treatment works that serves the project.

**SPDES Permit Number:** Provide the SPDES permit number for the treatment works.



**Treatment Works Receiving Waterbody:** Note the receiving waterbody of the treatment works that serves the project.

**Receiving Waterbody affected by project, if different than above:** If the project is addressing impacts to a waterbody different than the receiving waterbody of the treatment plant, note the waterbody in the box provided and provide location of discharge. This should match the DEC Priority Waterbodies Listing.

**Location of Discharge to Receiving Waterbody:** Provide the longitude and latitude in degrees for the location of the outfall/discharge to the Receiving Waterbody affected by the project.

**Total Estimated Project Cost:** Provide the estimated total project cost. The total project cost should reflect all costs associated with the entire project, including costs known or anticipated to be funded by other sources. Note that in addition to this question, the applicant may also need to complete a Plan of Finance (Exhibit 1) to provide further information if not seeking CWSRF financial assistance.

**Construction Start and End Dates:** Provide construction start and end dates for the proposed project. Indicate whether target or actual dates. These dates should reflect the start date (notice to proceed) for the first construction contract and the end date for the final construction contract. Please note that if the construction end date is before October 1, 2015, your project is not eligible for a NYS Water Grant.

### C. PROJECT INFORMATION

1. **Project Description:** Provide a brief project description if your project is not currently listed on the 2016 Intended Use Plan (IUP) Annual CWSRF Project Priority List.
2. **CWSRF Project Number:** Indicate whether or not your project is currently listed on the IUP. If it is listed, provide the CWSRF Project Number, which is located with your project listing in the IUP.
3. Indicate whether an enforcement action such as a consent order, compliance schedule, or DEC-approved Long Term Control Plan, is required for the project. Provide an executed copy of the document with the application.
4. Indicate in the checkbox whether the project is a CSO, SSO, both or none.
5. According to DEC Regulation 6 NYCRR Section 750-2.7: Operating in Accordance with a SPDES Permit - Incident Reporting, the permittee must notify the Regional Water Engineer of certain bypasses, upsets, or other incidents. Indicate how many times a documented bypass, upset, or other incident resulting in a discharge has occurred and been reported to DEC from January 1, 2015 to June 1, 2016 and the affected receiving waterbody or area. The receiving waterbody should match the DEC Priority Waterbodies Listing.

For more information on the DEC regulations regarding this requirement visit [www.dec.ny.gov/regs/4584.html](http://www.dec.ny.gov/regs/4584.html).

6. Indicate whether there are any critical community resources, sensitive



environmental habitats or other areas where a public health threat could be created in the event of a CSO or SSO event. The applicant should describe whether any areas have historically been effected or whether there is a potential for an overflow.

7. Indicate whether or not the proposed project will reduce flood damage risk and vulnerability or enhance resiliency. If yes, please explain how.
8. Indicate whether the project is located in a flood zone and is vulnerable to damage or loss of treatment in the event of a flood. Provide a copy of a Federal Emergency Management Agency (FEMA) Flood Map as applicable. Projects will be expected to use the best available flood hazard data identified by the FEMA, where applicable, to guide decision-making. Best available flood data should be used to determine design elevation and construction requirements for grant-funded projects. "Best Available Flood Hazard Data" is derived from the most current of either a:
  - FEMA Flood Insurance Rate Map;
  - A FEMA Advisory Base Flood Elevation Map;
  - A FEMA publically released working map; or
  - A FEMA preliminary Flood Insurance Rate Map.

FEMA's Best Available Flood Hazard Data is available at <http://fema.maps.arcgis.com/home/>. Existing and preliminary FEMA Flood Insurance Rate Maps are available at <http://msc.fema.gov/portal/> Refer to FEMA Flood Map Service Center for assistance at <http://msc.fema.gov/portal/>.

9. Indicate whether the treatment works has been damaged or otherwise affected by a federally Declared National Disaster within the past 5 years due to flooding, storm surge, or storm related damages. Provide the FEMA Disaster Number associated with project site. If the treatment works has been affected by more than one natural disaster, list all relevant disasters. A list of Disaster Declarations is available at <http://www.fema.gov/Disasters>.
10. Indicate whether the project meets the minimum baseline elevation standards outlined in the table provided. If the project is located in an area that has been subject to flooding or may be subject to flooding as a result of sea-level rise, it must be designed to the most protective (highest elevation) of the criteria presented in Table 1. This design criterion increases the flood resiliency of the treatment works to promote uninterrupted operation of units constructed through the grant during the next severe storm or natural disaster. Critical components are defined as equipment critical to the ongoing operation of the treatment plant and that cannot be easily and quickly replaced if it is exposed to water, wave action, or salt.

Table 1 – Grant Project Elevation Criteria



Baseline Standard for grant funds	Critical Equipment (exposed to sea level rise)	Critical Equipment (not exposed to sea level rise)
100-year + 2 feet	100-year + 5 feet	100-year + 3 feet
Highest recorded flood level + 1 foot	Highest recorded flood level + 4 feet	Highest recorded flood level + 2 feet
500-year	500-year	500-year

Alternatively, the critical equipment could be protected from flood water by flood proofing the equipment to withstand the hydrostatic pressure at the same flood elevation provided in Table 1 and with protection from salt corrosion in marine environments, as warranted. Examples of critical equipment are certain pumps motor and mechanical drives necessary to maintain process flow, electrical distribution systems, electrical and electronic process control circuits and systems, electric motor drives, control panels and emergency power systems. If higher elevations are required by a locally adopted code or standards, those higher standards would apply and would be considered as eligible for grant funding.

Improved flood hazard data ensures a stronger recovery. The elevation requirements for flood and projected sea-level rise protection discussed above shall apply whenever practicable and appropriate for reducing the risk of flood damage to treatment works for grant funded projects. Projects and activities funded through the grant to which this requirement may not apply include but are not limited to subterranean sewer lines and drains, installation of waterproof doors, or other flood protective measures that are designed to operate in submerged conditions at the predicted flood levels at a treatment works, as well as any upland construction out of the 500-year floodplain that will reduce the risk of flood or other damage from storms or other natural disasters at the treatment works. The potential for salt corrosion should be factored into the design of such projects in marine environments.

In lieu of elevating non-residential structures, the designed structural components must be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, or higher standards required by State and local codes, using the best available flood hazard data.

11. Indicate whether or not the project has any at-risk resources that could be affected in the event of a treatment works or sewer system loss of operation from a flood, storm surge, or natural disaster. Provide an explanation as to how the project is expected to protect these resources.
12. Indicate whether or not the project is adjacent to waterbodies that are subject to sea level rise, tidal influence or wave action.

**D. TOTAL PROJECT BUDGET**

This section will require the input of the applicant’s staff and engineer. The following table is intended to assist applicants seeking both NYS Water Grant and CWSRF



financing with preparing the Total Project Budget section of the application by:

- providing a description of each of the project costs commonly financed with SRF funds
- providing an explanation of the project costs that should be captured within each Cost Category; and
- identifying the supporting documents typically needed to complete the eligibility review process for each Cost Category

Please budget for all costs that pertain to your project. **If actual contract/agreement amounts are not available, please use the most current estimated amounts.** A precise budget will enable EFC to expedite the identification of the documents/information needed to complete your grant application. All efforts should be made to establish a realistic and true budget that avoids over or under borrowing.

Please include the total overall project costs (this amount should be the same as the Total Estimated Project Cost provided in Part B of this application) and subtract other sources on line 8 to reach a Total Financial Assistance Requested amount in line 9. The estimated NYS Water Grant requested will be the lesser of 25% of the Total Financial Assistance Requested or \$5 million project maximum.

Please be aware that the amounts financed/dispensed will be limited to the thresholds and conditions indicated in the supporting document(s) and the funds cannot be disbursed until the supporting documents have been submitted and approval by the proper regulatory agency has been obtained.

No	Cost Category	Description/Explanation	Supporting Documentation
1.	Construction	The breakdown of the primary contractors performing the construction related work of the project should be determined when completing the "Construction Costs: Individual Contract Breakdown" table. Typical construction contracts include: General, Electrical, Plumbing and HVAC. Please enter the sum of these contracts as the project's Total Construction Costs in the Total Project Budget.	Executed Construction Contract(s) Certification as to Title to Project Site Plans and Specifications, as available M/WBE Utilization Plan(s) for executed contracts, as applicable
2.	Engineering	Engineering work including preliminary planning, design, construction and inspection related work performed by the consulting engineer. Please list each agreement/amendment by firm name and date of the agreement/amendment. If the agreements are not in place, please use work description (e.g.: Planning, Design, Construction) and estimated costs.	Executed Engineering Agreement(s) and Amendment(s) (if any) M/WBE Utilization Plan(s) for executed agreements, as applicable
3a.	Local Counsel	Work performed by the recipient's attorney. Please only include the expenses that are related to the project being financed. Costs associated with consent orders and temporary easements are ineligible and should be included in Column B (Ineligible Costs).	Executed Local Counsel Agreement M/WBE Utilization Plan(s) for executed agreements as applicable
3b.	Bond Counsel	The services of a nationally recognized bond counsel are required to close an SRF financing. Please include the costs to secure the financing with EFC and any other project related funding source.	Executed Bond Counsel Agreement M/WBE Utilization Plan(s) for executed agreements as applicable
3c.	Work Force - Technical	Technical Work Force, also referred to as Technical Force Account, is construction or engineering related work performed by workers employed by the applicant.	Certification of Technical Work Force and related proposal. The proposal should include a description of the work being



			performed, a listing of the employees performing the work and their qualifications and an estimate of the cost of the work.
3c.	Work Force - Administrative	Administrative Work Force, also referred to as Administrative Force Account, is clerical related work performed by workers employed by the applicant.	A proposal describing the work performed, identifying the employees performing the work and an estimate of the cost of the work.
3d.	Fiscal Services	Costs associated with professional accounting and/or financing advisory services.	Executed Financial Services or Other Professional Services agreement(s)  MWBE Utilization Plan(s), for executed agreements, as applicable
3e.	Net Interest	Enter the total net interest cost (interest paid less interest earned on BAN or bond proceeds).  Note: The financing of net interest is only eligible until construction completion.	Statement of Net Interest from the financial institution holding the funds. The statement should itemize the interest paid on the BAN and interest earned on the BAN proceeds.
3f.	Miscellaneous	Please individually list any other costs that require or may require the applicant to execute a professional services contract. Please also use these fields to indicate costs that are not generally contracted for (e.g. photocopying, postage, telephone, travel, etc). Do not include costs already captured by your Work Force Costs.	Applicable professional contracts/agreements  MWBE Utilization Plan(s), as needed
4.	Equipment	Enter equipment costs not included in the "Construction Costs".	Submit invoices(s) for Equipment if already purchased. Submit a description and estimate of cost if not purchased.
5.	Land Acquisition	Land is eligible for CWSRF if it is an integral part of a treatment process or is used for the ultimate disposal of wastewater sludge. Land associated with a Nonpoint Source project may be eligible if the land is integral to the project. The acquisition must also be from a willing seller who receives fair market value for the land.	Please call EFC at 518-402-6924 to discuss the purchase and the required submissions.
6.	Contingencies	Contingencies are designed to fund any unforeseen project costs. As a general rule, this item should be no more than 10% of construction cost estimates or 5% of bid amounts, whichever costs are applicable at the time of application filing.	Not Applicable
8.	Co-Funding Sources	List the sum of the non-EFC funding sources. This includes grants, recipient contributions and other third party funding.	Grant Contracts, Intermunicipal Agreements or any other document(s) detailing the source(s)
10.	Issuance Costs	Issuance Costs include Direct Expenses and State Bond Issuance Charges. Please see the footnotes at the bottom of page 5 to see which apply to your proposed financing. <b>These costs are only required for projects that are seeking CWSRF financing.</b>	Not Applicable

**E. REQUIRED DOCUMENTS**

**Project Listing Form:** All projects not currently listed on the 2016 CWSRF IUP for which an applicant is interested in receiving CWSRF financial assistance must be listed using a web-based application called the Project Listing and Update System ([PLUS](#)). Refer to Section 3.0 of the IUP for details on how to list a project for CWSRF Financing.

**Engineering Report:** An approvable engineering report for your project must be submitted with the NYS Water Grant application or have previously been submitted to EFC. The report should follow the CWSRF Engineering Report Template available in the 2016 IUP and be stamped and signed by a registered Professional Engineer of New York State.



**Smart Growth Assessment Form:** Projects applying for a NYS Water Grant are subject to the State Smart Growth Public Infrastructure Policy Act (ECL Article 6, §§ 6-0101 – 6-0111) (Smart Growth Act). Pursuant to the smart Growth Act, EFC is required to determine that each project for the construction of new or expanded public infrastructure is consistent with the relevant smart growth criteria set forth in the Smart Growth Act to the extent practical or if not practical, provide justification for such inconsistency. EFC has developed Smart Growth Guidance for use by applicants which is located on the EFC website at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants). In order to comply with the Smart Growth Act, EFC requires that applicants submit a Smart Growth Assessment for all projects when submitting an engineering report.

**Plan of Finance:** Applicants that are applying only for a NYS Water Grant and are not applying for CWSRF financial assistance will be required to submit a Plan of Finance to EFC with their application. A copy of the Plan of Finance is available as Exhibit 1 of the Application.

**CWSRF Financing Application:** A CWSRF Financing Application is required for projects that are seeking CWSRF financing in addition to a NYS Water Grant, if if the applicant has not previously submitted a CWSRF Financing Application to EFC. The CWSRF Financing Application can be found on EFC's website at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants).

**Bond Resolution (Certified):** A Bond Resolution must be adopted establishing the legal authority to issue debt for the project and submitted to EFC along with proof of publications of permissive referendum (if applicable) and estoppel notice. Total financed project costs including the CWSRF financing cannot exceed the amount of the authorized bond resolution.

**Sewer District Formation or District Extension (if required):** If required, the sewer district must be established or expanded, or the maximum amount to be expended for such district increased, and Office of State Comptroller (OSC) approval obtained (this is only applicable to towns and counties).

**OSC Approvals for Special Improvements Districts:** According to State Law, projects that involve Town or County special improvement districts may require OSC approval prior to the municipality incurring certain debt. The regulations of the OSC explain when and how to apply for approval. Applicants should consult with their local counsel to determine the need for OSC approval to implement their projects. Note: The amount of a CWSRF financing cannot exceed the OSC approval.

**OSC Approvals for Towns in the Adirondack Park:** Pursuant to New York State Local Finance Law Section 104.10(3)f, towns wholly or partly within the Adirondack Park that contain State land assessed at more than thirty percent of the town's total assessed valuation generally are required to apply to the OSC for permission to issue their bonds, bond anticipation notes, capital notes or budget notes. A municipality receiving CWSRF financing will need to issue notes to EFC. Therefore, a town that is subject to this law needs to obtain OSC's approval of the town's anticipated debt issuance related to the CWSRF financing.



Please contact OSC Legal Services at (518) 474-5586 with questions regarding section 104.10(3) and how to apply to OSC for approval of debt issuance.

**Environmental Review Determination:** Projects that are seeking CWSRF financing in addition to a NYS Water Grant will need to comply with the State Environmental Review Process (SERP). As such, you may need to comply with more requirements than the State Environmental Quality Review (SEQR) Act. To meet the requirements of SERP, generally an action is required to be treated as Type I under SEQR with a Full Environmental Assessment Form (FEAF) with a coordinated review, and publication in the Environmental Notice Bulletin (ENB), or as a Type II exclusion. Additional outreach to other environmental agencies may be necessary to comply with SERP. The following documents are required to be submitted to EFC for Type I actions to comply with SERP:

- Full Environmental Assessment Form
- Lead Agency solicitation notices and responses
- Lead Agency Resolution
- SHPO response letter (see below)
- Negative Declaration and Resolution (if applicable)
- Environmental Impact Statement (if applicable)
- Positive Declaration and Resolution (if applicable)
- ENB publication

Projects that are not seeking CWSRF financing will need to comply with the requirements of SEQR, but not SERP. Documentation in support of this effort should be submitted to EFC, including:

- Full or Short Environmental Assessment Form (as applicable)
- SHPO response letter (see below)
- Negative Declaration (if applicable)

**SHPO Project Review Determination Letter:** New York State Parks, Recreation and Historic Preservation Law (PRHPL) Section 14.09 requires that publicly funded projects be reviewed for potential impacts on historic properties and resources. If any federal permits are anticipated for the project, see Section 106 of the National Historical Preservation Act of 1966. This review is conducted by the State Historic Preservation Office (SHPO), the Historic Preservation Field Services Bureau of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP).

You will need to obtain a letter from OPRHP indicating that a suitable SHPO review has been initiated or completed. OPRHP may be an Interested or Involved Agency under SEQR. Regardless of whether OPRHP is an Interested or Involved Agency under SEQR, the SHPO review required by PRHPL Section 14.09 needs to be performed in order to comply with SERP.



## **F. ACKNOWLEDGEMENTS**

- 1. Minority and Women’s Business Enterprise (MWBE) and Smart Growth:** All applicants submitting an application for NYS Water Grant are required to comply with Executive Law, Article 15-A with respect to MWBE and the Smart Growth Public Infrastructure Policy Act. Please refer to the EFC website for guidance at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants).

If you have any questions or need assistance regarding the MWBE-EEO program requirements, please contact an MWBE Representative at (518) 402-6924.

- 2. CWSRF Requirements:** Applicants that are seeking CWSRF financing in addition to NYS Water Grant are required to comply with all CWSRF state and federal requirements such as Davis Bacon and American Iron and Steel. Please refer to EFC’s website at [www.efc.ny.gov/nyswatergrants](http://www.efc.ny.gov/nyswatergrants) for guidance on all of CWSRF program requirements.

## **G. SIGNATURE FOR GRANT FORM**

Please be sure to sign the Application Form. The application package will not be processed without signed authorization as indicated by the signature page. The municipal representative signing the application needs to be authorized by resolution of the governing board.

**For questions regarding the NYS Water Grant program and application for clean water projects, please contact:**

Mr. Dwight Brown  
SRF Program Services Coordinator  
Division of Engineering & Program Management  
New York State Environmental Facilities Corporation  
625 Broadway  
Albany, New York 12207-2997  
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