Wastewater Infrastructure Engineering Planning Grant Program

Funding Available: Up to $3 million

Description

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 municipalities to fund engineering and planning activities to produce an engineering report.

The goal of the EPG program is to encourage communities to advance water quality projects to the design stage, and ultimately construction, by funding the development of an engineering report. This allows the community to seek financing through the CWSRF program or funding from other sources.

Eligible Applicants

Municipalities as defined in the Definitions section of this document with median household income (MHI):

- Equal to or less than $80,000 according to the United States Census, 2021 American Community Survey[2] 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 $100,000 according to the United States Census, 2021 American Community Survey for municipalities located in REDC regions of Long Island, New York City, and Mid-Hudson.

- A municipality may have no more than two active EPG awards at the same time. An active EPG award means a project has been awarded funding but does not yet have an accepted engineering report.

Eligible Activities

A municipality must use EPG funding for the preparation of an engineering report[3] for an eligible CWSRF project. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. An environmental review for the recommended alternative is also an eligible activity. Design and construction costs are not eligible.

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[1] See “Grant Awards” section of this document for details of funding amounts.

[2] A summary of the United States Census, 2021 American Community Survey MHI data can be found on the EPG page on EFC’s website. See the link in the Additional Resources section below.

[3] See the “Definitions” section of this document for specific information on the required contents of the engineering report.

Funding priority will be given to municipalities whose planning activities are for a capital project:

- Required by an executed United States Environmental Protection Agency (EPA) Administrative Order, NYS Department of Environmental Conservation (DEC) Order on Consent; or
- Required by a DEC draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or
- For upgrading or replacing an existing wastewater system; or
- For 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 (see Definitions section).

Report Requirements

The report must follow the current DEC/EFC Engineering Report Outline , consider storm and flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather events)[4], consider impacts on environmental justice (EJ) areas (see below), and include 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 must be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report. For more information regarding Smart Growth see the Definitions section below.

Projects Affecting Water Quality in Environmental Justice Areas and Disadvantaged Communities

New York State is committed to Environmental Justice areas and Disadvantaged Communities and supporting remedies for communities that may be burdened by negative environmental consequences. Environmental Justice is defined by the State as

[4] Must be consistent with the New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act
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the fair treatment and meaningful involvement of all people, regardless of race, income, national origin or color, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. An application to fund a report for a proposed capital improvement project that will positively impact water quality in an EJ community or will positively impact the quality of drinking water serving an EJ community will receive additional points in the evaluation. Maps of EJ areas in New York State are available at the link provided in the Additional Resources section below.

To qualify for Environmental Justice and Disadvantaged Communities points, the application must include specific details demonstrating the water quality improvement the proposed project will make to an Environmental Justice area, Disadvantaged Community or to drinking water serving an Environmental Justice area or Disadvantaged Community, and the community that will benefit from improved water quality or the exact street location(s) where the project will be implemented.

Ineligible Activities

A municipality may not use EPG funding for planning activities related to a proposed capital project that is not a CWSRF eligible project, or for the preparation of or amendment to an existing engineering report.

Ineligible activities include planning activities for a capital project that:

- Will not restore or protect a surface waterbody or groundwater.
- Is not for capital improvements to a publicly-owned treatment works[5].
- Is listed on the 2023 CWSRF Intended Use Plan Annual Project Priority List.
- Has an engineering report that was previously funded by an EPG.
- Has completed or submitted an engineering report to EFC.

Grant Awards

Category	Amount	Eligible Scope
1	Up to $50,000	For any wastewater infrastructure-related project
2	Up to $100,000	For inflow and infiltration projects required by an Order on Consent or SPDES Permit Compliance Schedule (proof of enforcement must be provided)

Local Match

[5] 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 for what is considered an eligible publicly-owned treatment works activity.

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[6]. Grants from other sources may not be used to satisfy the local match requirement. The applicant municipality must identify the source of the match in the application.

Grant Payments

Grants are disbursed in three or more payments based on the municipality's progress toward completion of an approvable engineering report. The municipality will receive the first disbursement in the amount of 25% of the total grant amount as an advance payment upon execution of the Grant Agreement with EFC. The second disbursement in the amount of 25% of the total grant amount will be made to the municipality when an approvable engineering report has been submitted for review. Note invoices and cost documentation is needed at this time. The third and final disbursement will be made once the engineering report has been accepted as complete by EFC/DEC and the remaining invoices have been submitted.

Long Range Program Goals

The State encourages each municipality to use their EPG grant-funded engineering report to seek funding through the CWSRF program or from other funding sources to pursue the recommendations provided in the engineering report.

Project Evaluation Criteria

Projects for which a complete application has been received will be evaluated based on the criteria outlined in the table below. EFC and DEC will evaluate applications, determine a final score, and rank projects from highest to lowest score. Projects with the highest scores will be chosen for grants.

In the case of a tie between two or more projects, EFC will look at individual scoring categories in the following order of priority to determine a grant award:

1. Performance Measures (45%)
2. Strategies (27%)
3. Vision (9%)
4. Agency priorities (13%)
5. Environmental Justice (6%)

Multiple Application Submissions

A municipality may submit only one application per project. If a municipality submits multiple applications for separate projects, they must prioritize the applications. Please

[6] See the "Definitions" section of this document for specific information on what is considered in-kind services.

note, a municipality may only have two active EPG awards. EFC reserves the right to select the project with the largest water quality value.

Selected Applicant Requirements (after Grant Award)

Documentation: Successful applicants must enter into a grant agreement with EFC to receive grant funds. The following items must be submitted to EFC 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 for designation of an Authorized Representative for the municipality.
4. EFC Certificate for Procuring Architectural and Engineering (A/E) Services. All A/E services must be procured in accordance with 40 U.S.C 1101

Documentation required to enter into a grant agreement must be submitted within 6 months of the grant award.

Definitions

Engineering Report – means the document or documents that determines the technical feasibility and estimated cost of a CWSRF eligible project. Engineering reports are prepared by a professional engineer licensed and registered to practice in New York State and must follow EFC/DEC's Engineering Report Outline. The Outline can be downloaded from EFC's webpage. See the link in the Additional Resources section below.

In-Kind Services – means services performed by capable and qualified employees of the municipality 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 EFC.

Municipality – means any county, city, town, village, district corporation, county or town improvement district, school 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.

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.

Publicly-Owned Treatment Works– means 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.

Watershed Implementation Plan – means a Total Maximum Daily Load (TMDL), Nine Element Watershed Management Plan, or DEC Harmful Algal Blooms (HABs) Action Plan. See the links in the Additional Resources section below.

Smart Growth - The State Smart Growth Public Infrastructure Policy Act of 2010 is intended to augment the state's environmental policy by maximizing the social, economic, and environmental benefits of public infrastructure development while minimizing unnecessary environmental degradation, disinvestment in urban and suburban communities, and the loss of open space resulting from sprawl development.

Additional Resources

- EFC/DEC Engineering Report Outline: DEC/EFC Engineering Report Outline
- Summary of the United States Census, 2021 American Community Survey MHI data can be found on EFC's website at: https://efc.ny.gov/american-community-survey-data
- DEC Info Locator: Water Inventory / Priority Waterbodies List (WI/PWL) segment assessments, Potential Environmental Justice Areas and Disadvantaged Communities: https://www.dec.ny.gov/pubs/109457.html
- *TR-16 Guides for the Design of Wastewater Treatment Works, Latest Edition*— New England Interstate Water Pollution Control Commission: http://neiwpcc.org/learning-center/tr-16-guides-design-wastewater-treatment-works/
- 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
- Harmful Algal Blooms (HABs) Action Plans https://www.dec.ny.gov/chemical/113733.html
- Nine Element Watershed Management Plans https://www.dec.ny.gov/docs/water_pdf/9efaq17.pdf

- Total Maximum Daily Loads (TMDLs)
  https://www.dec.ny.gov/chemical/23835.html

For more information, visit www.efc.ny.gov/epg