

Section 649.13 of Part 6 is repealed, and a new section 649.13 of Part 6 is added to read as follows:

6 NYCRR 649.13

Section 649.13. Priority ranking system scoring criteria

The numerical scores in the priority ranking system for project categories A, B, C, D, E, F and G are based on the following criteria:

- A. Existing Pollutant.
- B. Water Quality.
- C. Consistency With Management Plan.
- D. Project Need.
- E. Financial Need (municipal projects only).
- F. Resiliency.
- G. Tie Breaking.

The total numerical score for the project being scored shall be the sum of the scores for criteria A, B, C, D, E and F for municipal projects and criteria A, B, C, D and F for non-municipal projects. Project category G projects will be selected based upon criteria set forth in the IUP.

The project score will be based on information in the approvable facilities plan, engineering report, or other acceptable documentation. Projects without approvable facilities plans or engineering reports will be scored based on information from other sources and adjusted when a facilities plan or engineering report is determined to be approvable.

A. Existing Pollutant Criterion.

The project receives a score based on whichever one of the factors (1-4) listed below best describes the pollutant associated with criterion B which may be resolved by the project.

<i>Factor</i>	<i>Score</i>
<p>1. Waterbody not attaining water quality standards:</p> <p>a. A pollutant causing a waterbody's best use(s) to be assessed as "impaired" as documented in the assessment factsheet for the waterbody or on the Clean Water Act, section 303(d) List of Impaired Waters occurring as a result of an untreated, partially treated, or intermittent point or nonpoint source.</p> <p>b. A pollutant causing a surface and/or groundwater source to result in a documented restriction of use.</p>	50
<p>2. Waterbody currently attaining water quality standards with potential impacts to water quality:</p> <p>a. A pollutant causing a waterbody's best use(s) to be assessed as "stressed" as documented in the assessment for the waterbody occurring as a result of an untreated, partially treated, or intermittent point or nonpoint source.</p> <p>b. A pollutant causing a surface and/or groundwater source to result in a documented negative impact of use.</p>	25
<p>3. Waterbody attaining water quality standards or unassessed:</p> <p>a. A waterbody's best use(s) is unassessed or assessed as "fully supporting" as documented in the assessment for the waterbody.</p> <p>b. A point or nonpoint source project necessary to maintain or protect existing facilities or water quality.</p>	10

<i>Factor</i>	<i>Score</i>
<p>4. Other:</p> <p>A point or nonpoint pollutant project that was necessary to preserve, protect and/or improve surface and/or groundwater quality from a pollutant identified in factor 1, 2, or 3 of this criterion and which construction was complete as defined in section 649.2(a)(9) of this Part prior to being listed in a final IUP.</p>	5
5. None of the above.	0

Points may be allocated under either A.1, A.2, A.3, A.4 or A.5.

B. Water Quality Criterion (WQC).

The WQC is determined by the following two factors: 1) Classification Points Factor (CPF); and 2) Assessment Status (AS).

The points are modified depending upon the severity of impact on the best use of the receiving water and the potential for the proposed project to improve water quality.

The WQC is calculated using the following equation: $WQC = CPF \times AS$.

1. Classification Points Factor (CPF). Points are allotted to a project on the basis of 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 impacted or potentially impacted by the pollutant.

Classification	Points
A, A-Special, A(T), A(TS), AA, AA-Special, AA(T), AA(TS), SA, GA, GSA	8
B, SB, C(T) ¹ , C (TS)	6
C ² , SC, I	3
D, SD, GSB	2
Impact on resources which have important environmental quality impacts such as odor, sludge disposal, sewer maintenance equipment, etc. or for a project which received a score under factor 4 of A - Existing Source Criterion.	1
No resource is impacted.	0

2. Assessment Status Factor (AS). Points are allotted to a project based on the best use assessment of the waterbody segment or verifiable documentation of the surface water and/or groundwater impact.³

Assessment Status	Description	Points
Impaired/Restricted	Water quality standards are not attained and best use(s) are not supported.	6
Stressed/Impacted	Water quality standards are attained but data or information indicate a potential impact to best use(s).	3
None	Water quality standards are attained and best use(s) are supported.	1

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

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

³ The procedures for documenting a best use assessment in accordance with the Clean Water Act are detailed in the Department of Environmental Conservation Consolidated Assessment and Listing Methodology.

C. Consistency With Management Plan Criterion.

<i>Factor</i>	<i>Points</i>
<p>1. A project:</p> <ul style="list-style-type: none">a. where the outcome is expected to address a water quality problem or implement a solution identified in a department-developed or approved Clean Water Plan developed pursuant to the Clean Water Act, sections 303, 319, or 320; orb. is a land acquisition project where the primary purpose is to protect water quality or a land acquisition project that has been included as a priority in the most recent State Open Space Conservation Plan prepared pursuant to article 49-0207 of the ECL, or a land acquisition project identified in a department-accepted source water plan.	15
<p>2. A project:</p> <ul style="list-style-type: none">a. where the outcome is expected to address a water quality problem or implement a solution identified in a department-accepted plan or report funded through a water program, or a department action agenda; orb. is a land acquisition project where the secondary purpose is to protect water quality, or a land acquisition project that has been included in the most recent State Open Space Conservation Plan prepared pursuant to article 49-0207 of the ECL or land acquisition recommendations in a department-accepted source water plan.	10

<i>Factor</i>	<i>Points</i>
3. A project which is consistent with water quality policies or water quality recommendations in the State Nonpoint Source Management Plan or the State's Open Space Conservation Plan.	5
4. None of the above.	0

Points may be allocated under either C.1, C.2, C.3 or C.4.

D. Project Need Criterion.

1. Compliance.

<i>Factor</i>	<i>Points</i>
a. A project to abate water pollution required by an executed enforcement instrument or required by a SPDES permit to be undertaken.	25
b. A project that will maintain or protect the integrity of existing wastewater treatment facilities to ensure continued SPDES compliance or to replace existing residential and small business on-site wastewater treatment systems with sanitary sewers.	10
c. A land acquisition project that protects water quality and is identified as a high priority for acquisition in the most recent State Open Space Conservation Plan prepared pursuant to article 49-0207 of the ECL.	5
d. None of the above.	0

Points may be allocated under either D.1.a, D.1.b, D.1.c, or D.1.d.

2. Asset Management.

<i>Factor</i>	<i>Points</i>
A project that includes assets identified in the capital improvement plan of a final Publicly Owned Treatment Works (POTW) asset management program that was developed in accordance with the department's POTW Asset Management Guide.	5

E. Financial Need Criterion (municipal projects only).

<i>Factor</i>	<i>Points</i>
A project that receives points under A - Existing Pollutant Criterion and B - Water Quality Criterion, or D - Project Need Criterion, of this section, and the median household income (MHI) of the population in which the project service area is located is below the statewide MHI.	10

The MHI of the population responsible for the debt and the Statewide MHI will be determined from income data published by the United States Census Bureau. The applicant may provide to the department, or the department may obtain, documentation to substantiate that the data is not an accurate representation of the MHI within the area to be served.

F. Resiliency Criteria.

1. Climate and Security Adaptation.

<i>Factor</i>	<i>Points</i>
A project that receives points under A - Existing Pollutant Criterion and B - Water Quality Criterion, or D - Project Need Criterion, of this section and is, in part, a resiliency and climate adaptation, mitigation, or cybersecurity enhancement project.	5

2. Green Projects.

<i>Factor</i>	<i>Points</i>
A project that receives points under A - Existing Pollutant Criterion and B - Water Quality Criterion, or D -Project Need Criterion, of this section and is, in part, a green infrastructure, or water or energy efficiency at a POTW project.	5

G. Tie Breaking.

For municipal projects, in the event of equal total scores, preference shall be given: first to the project having the highest Existing Pollutant Criterion score; then, if not resolved, to the project receiving the highest Water Quality Criterion score; and finally, if not resolved, to the project serving the greatest population.

For non-municipal projects, in the event of equal total scores, preference shall be given: first to the project having the highest Existing Pollutant Criterion score; then, if not resolved, to the project receiving the highest Water Quality Criterion score; and finally, if not resolved, to the project for which a completed listing form was first received.

Section 649.16(a)(1) of Part 6 is amended to read as follows:

(1) Federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC 1251 et seq., [as amended from time to time] January 14, 2019.