

Department of Environmental Conservation / Environmental Facilities Corporation

Wastewater Infrastructure Engineering Planning Grant Program

Q. What is the Median Household Income (MHI) data that the DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) Program considers to determine project eligibility?

A. The EPG uses 2015 Census data in the eligibility determinations. Cities and villages should use the 2015 American Community Survey Data. Towns and counties should use the 2015 American Community Survey Data for the area that is being served. In cases where the service area has not been established, applicants should provide an estimate for the envisioned service area.

Q. Can a municipality apply for funding through the DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) Program for stormwater projects?

A. Yes. The EPG Program can fund stormwater projects to manage, reduce, treat, or recapture stormwater or subsurface drainage water.

Q. Are there any limitations to the DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) if a municipality has applied for or received an EPG grant in the past?

A. No. Municipalities that have applied in the past, whether they received funding or not, are not limited in their chances to receive future awards. However, municipalities cannot have more than 2 active projects with EFC at any one time.

Q. Can a municipality submit an application for both the DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) Program and the Water Quality Improvement Project (WQIP) Program?

A. Municipalities should not apply for both the EPG and WQIP at the same time for the same project. EPG funds are available to plan the solution to the wastewater treatment facility's problems in the form of an engineering report. WQIP funds are available to implement a best management practice or a solution. If a facility needs to have a preliminary engineering report completed under the EPG program, then the project is not ready to be built, and therefore

not ready for WQIP funding.

Q. How does the NYS Department of Environmental Conservation and NYS Environmental Facilities Corporation inform municipal officials of changes to the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) Program?

A. Both DEC and EFC post information on their websites and make announcements through their respective email listserves. Additionally, the grant is presented at each of the Consolidated Funding Application (CFA) workshops.

Q. What types of projects is the funding intended to be used for?

A. The funds are for planning associated with publicly owned wastewater infrastructure projects. Funding can be used by municipalities for the preparation of an engineering report and planning activities to determine the scope of water quality issues, evaluate alternatives, and propose a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative in the report are eligible.

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

- required by an executed Order on Consent;
- required by a State Pollutant Discharge Elimination System (SPDES) permit (e.g., nutrient removal, inflow and infiltration, disinfection, etc.);
- upgrading or replacing an existing wastewater system;
- constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
- identified in a Total Maximum Daily Load (TMDL) implementation plan.

The funds are not intended for salt storage or dam restoration projects.

Q. Are the funds only for planning activities?

A. Yes, the grant is to be used to fund Engineering Services for Planning. This includes the costs for preparation of an engineering report, as well as funds to pay for environmental review services related to SEQR and obtaining SHPO approval for the proposed project. These activities (SEQR/SHPO) are required to produce and are in support of an approvable engineering report. The funding may not be used to pay for Engineering Services for Design or construction costs.

Q. Can funds be utilized to prepare a Map Plan & Report (MPR)/Engineers report for a new wastewater collection system or a new wastewater management district?

A. Yes, as long as the project is a publicly owned wastewater infrastructure project. A MPR is typically produced to support the creation of a new sewer district, so the local municipality would need to supply the local share (20 percent) to satisfy the grant condition.

Q. Can funds be sought to plan/engineer slip lining of an existing collection system where known environmental issues exist?

A. Funds could be provided to prepare an engineering report for the slip lining project, however, costs would not be authorized for design services.

Q. Can more than one eligible municipality apply for the same joint project?

A. If two or more municipalities have an agreement to pursue a project, they may apply for the grant. However, it would be most preferred if one municipality took the lead and applied for the grant. In any case, funding will be provided for the completion of one engineering report per project for a maximum of \$100,000 per project.

Q. Can a municipality apply for both the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant and the Green Innovation Grant Program (GIGP) with the same project in this round of funding?

A. No, The GIGP program requires submission of a Feasibility Report for a stormwater project. The New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant program is providing funding for the production of an engineering report for wastewater infrastructure.

Q. Can a municipality apply for a project that is already listed on the Intended Use Plan (IUP)?

A. Municipalities with projects listed on the IUP Multi-year list are eligible to apply if an engineering report for the listed project does not exist. Projects listed on the 2018 Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) Annual Priority Project List, or already submitted to EFC for listing on the Annual List, are not eligible to apply for the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant.

Q. Can a municipality apply for a planning grant for a project that is already in the planning stage, but not on the IUP?

A. Yes, if a municipality has already commissioned the production of an engineering report for an eligible activity, and the project is not on the 2018 CWSRF Intended Use Plan (IUP) Annual Priority Project List, the report could qualify for consideration. However, if the value of the contract for engineering services exceeds \$25,000, state Minority and Women Business Enterprise (M/WBE) requirements apply.

Q. Are Indian Nations eligible?

A. Yes, any Indian reservation wholly within New York State is eligible. Below is the definition of municipalities, which includes the reference to Indian reservations.

"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. [Reference: 21 NYCRR 2602.2(a)(49) New York State Clean Water Revolving Fund Regulations]"

Q. Can a municipality use State Funds as their cash match?

A. No, State (or federal) grants or funds may not be used for local match. Match can include cash and/or in-kind services.

Q. What types of activities can be used as "in-kind services"?

A. "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.

Q. The municipality has an old sewer system and they want to do an analysis to determine what needs to be replaced and what is still functioning. Can this work be considered as "in-kind services"?

A. Yes, "In-kind services" can be eligible services performed by staff employed with the municipality and are necessary for the development of an engineering report, provided the applicant's staff are capable and qualified to provide the services. The plan must be written consistent with the DEC/EFC Wastewater Infrastructure Engineering Planning Grant requirements. Field reconnaissance services and engineering services are acceptable as long as it is done under the direction of a NYS licensed Professional Engineer (P.E.).

Q. The municipality wants to apply for a grant and does not have a SPDES permit, but has failing septic systems. Can they still apply?

A. Yes, eligible municipalities can apply for the DEC/EFC Wastewater Infrastructure Engineering Planning grant to develop a plan for constructing public collection and treatment systems that will eliminate failing septic systems.

Q. Is there any obligation on the part of the municipality to go ahead with the project once the report has been approved?

A. No, however, projects where the municipality is obligated to implement the project under a consent order or SPDES permit may be required, as a condition of the enforcement order or SPDES Permit, to implement the recommendations of the engineering report. The intent of this grant program is to offer funding to allow municipalities to develop approvable engineering reports for the purpose of applying for CWSRF and Water Quality Improvement Project (WQIP) Program funding assistance, and then proceed to design and construction to address the identified water quality problem.

Q. If a municipality cannot afford a municipal sewage treatment system, can the municipality explore a decentralized wastewater treatment option?

A. Yes, that is an option eligible for funding. Municipalities are encouraged and required to consider a decentralized approach to resolve the identified water quality problems. The engineering report must include consideration of a municipally owned decentralized wastewater system as a solution to the water quality issues.

Q. If a municipality's application is selected to receive New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant financial assistance, what are the requirements necessary to execute an assistance agreement?

A. Successful applicants must provide documentation of the following requirements before they may enter into a grant agreement for the funds.

- Legal right to own, operate and maintain the project for the duration of its useful life.
- Compliance with the NYS Smart Growth Infrastructure Policy Act of 2010.
- 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.
- Detailed final budget and plan of finance including all third-party funding agreements, and satisfaction of the minimum 20 percent local match requirement.
- Board resolution authorizing and obligating local match funds.
- Board resolution declaring State Environmental Quality Review Act (SEQR) findings or determinations for the planning activities associated with the grant.
- Board resolution for designation of an Authorized Representative for the project.

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

Q. If I receive funding from this grant will I have to conduct a SEQR review and a SHPO review?

A. Yes, both a SEQR and SHPO review must be completed for each planning activity however EFC will be requesting a single SHPO review on behalf of all planning grant recipients. A municipal resolution will need to be passed declaring the SEQR type for the planning activity (typically a Type II action - 6 NYCRR Part 617.5 (18) or (21)). The SEQR resolution must be completed before a grant agreement with EFC can be executed.

However, to be clear, the scope of work for the Planning Grant may include the costs to conduct an environmental review (SEQR and SHPO activities) for the proposed project identified in the engineering report. These project "environmental review requirements" are necessary to authorize approval and eligibility of the project under the CWSRF program to pursue financial assistance.

Q. If a municipality wants to form a sewer district that would discharge wastewater to an existing county district, who should apply for the grant?

A. If a municipality has not connected to a county or town sewer district, and neither owns its own wastewater infrastructure or wants to consider creating its own infrastructure, they cannot directly apply for the grant. They would need a "municipal

sponsor" to apply on their behalf. The municipal sponsor would be the town or the county district that they are planning to connect with.

Q. Are green infrastructure projects that will address a CSO issue eligible?

A. Yes, these projects are eligible under the CWSRF and therefore are eligible to apply for funding under the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Q. Are stormwater infrastructure projects eligible?

A. Yes, these projects are eligible under the CWSRF and therefore are eligible to apply for funding under the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG) program. However, priority will be given to municipalities proposing planning projects with a documented water quality impairment:

- required by an executed Order on Consent;
- required by a SPDES permit;
- upgrade or replace an existing wastewater system;
- construct a wastewater treatment and/or collection system for an area with failing onsite septic systems
- identified in a Total Maximum Daily Load (TMDL)

Q. Is the development of a Comprehensive Performance Evaluation for a Wastewater Treatment Plan an eligible activity under the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant (EPG)?

A. No, the intent of the EPG program is to provide funding to municipalities for the completion of an engineering report that would lead to the implementation of a capital improvement project.

Q. The engineering report used to list our municipality's project on the IUP Annual list is very broad. Is it okay to apply for funding for a project that is mentioned in the report, but is not well defined in the report?

A. Yes, certain projects may have been listed on the 2018 CWSRF Intended Use Plan Annual Project Priority List based on a generic long-term plan that may not include sufficient detail to implement the plan or portions of the plan. Such projects can claim their existing plan lacks project specific detail and may apply for EPG funding.

Q. Can the engineering planning grant be used for the purchase of equipment such as flow meters?

A. Yes, a municipality may use the engineering planning grant to purchase equipment that is essential for the development of a complete engineering report. The time spent operating the equipment by the municipality's personnel is also eligible under the technical force account.