

Non-Agricultural Nonpoint Source Planning Grant Program

Funding Available: Up to \$1 million

Description

The New York State Department of Environmental Conservation (DEC) will offer grants to local governments and soil and water conservation districts to help pay for the initial planning of non-agricultural nonpoint source water quality improvement projects.

Grants of up to \$30,000 are available to finance planning services to produce planning reports. There is no minimum award amount. An applicant may submit more than one application. If an applicant receives more than one award, DEC may combine the projects into a single contract. Applicants are limited to a maximum of 10 applications per round. Each application must fit within a single grant category.

The goal of the program is to get non-agricultural nonpoint source water quality improvement projects ready for construction and to use the planning report funded by the grant to seek funding through the Water Quality Improvement Project program or other funding entities.

Those seeking planning grants to support projects to upgrade, repair or replace elements of a wastewater treatment and/or collection system, or the construction of such system for an area with failing onsite septic systems, are referred to the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program.

Eligible Applicants

- Municipalities¹
- Soil and Water Conservation Districts

The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. Entities not registered in the Grants Gateway at the time of application will be found ineligible.

Eligible Costs

Funding can be used for the preparation of planning reports, feasibility studies, and supplemental costs as listed by grant category. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of an improvement project.

Other eligible costs:

- On-site evaluations
- Any necessary environmental review for the recommended project

Ineligible costs/reports:

- Reports for projects that have already received Water Quality Improvement Project (WQIP) grant funding
- Post installation / follow-up monitoring
- Feasibility reports for algaecide use
- Construction costs
- Reports for projects that have already received funding for planning from another State or Federal source

¹ For the purposes of this grant, "municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof.

Report Requirements for All Projects

- All reports and studies must be prepared by a qualified professional. For reports and studies prepared by someone other than a professional engineer, applicants must demonstrate in the application that the preparer is a qualified professional through work experience and/or education.
- Reports and studies must be prepared and stamped by a professional engineer when required by New York State Education Law.
- Unless otherwise stated below, all reports require at a minimum the following elements:
 - Project background and history/problem statement
 - Alternatives analysis with cost estimates
 - Recommended best management practice for the improvement project.

Required Attachments

All applications must attach a completed Sexual Harassment Prevention Certification Form (Appendix A).

Grant Categories

Funding is available for the following categories:

1. Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems or Long Island On-Site Treatment Systems that do Not Currently Abate Nitrogen

Eligible costs:

An engineering feasibility study report for decentralized wastewater treatment facilities in areas with failing on-site treatment systems, including the necessary collection and conveyance system; or on-site treatment systems to abate nitrogen pollution in Nassau and Suffolk counties. The decentralized wastewater treatment facility must consist of a subsurface treatment and disposal system designed in accordance with Department standards. Collection may take the form of either a septic tank effluent pump (STEP) or septic tank effluent gravity (STEG), grinder pump or gravity sewer system. An engineering feasibility study report may include conceptual designs and any necessary percolation tests.

Report requirements:

Engineering reports must follow the NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects (<https://www.efc.ny.gov/sites/default/files/uploads/Application%20Requirements/Engineering%20Report%20Outline%20FFY2019.pdf>).

2. Green Infrastructure Practice/Stormwater Retrofits²

Eligible costs:

An engineering feasibility study report for projects that: construct green infrastructure to address combined sewer overflows, reduce a pollutant impacting a receiving water body, or address a regional water quality issue; or install green infrastructure retrofits designed to capture and remove the pollutant causing a water quality impairment. Green Infrastructure practices include, but are not limited to, bioretention, rain gardens, flood plain benches, flood plain reconnections, constructed wetlands, porous pavement, green roofs, downspout disconnection, stormwater street trees, stormwater harvesting and reuse, and stream

² Green infrastructure practices generally slow, hold and/or infiltrate water on the landscape in a manner that abates pollution contained in stormwater and/or limits the erosive force of stormwater that results in sedimentation and associated pollution.

daylighting. All Green Infrastructure projects must be designed in accordance with the 2015 New York State Stormwater Design Manual and must go above and beyond the water quality volume treatment and/or reduction requirements listed in the SPDES Construction General Permit. An engineering feasibility study report may include conceptual designs and infiltration tests.

Report requirements:

Feasibility studies must include all Required Elements listed in the Required Green Infrastructure Documentation Guidance (Appendix B).

3. Great Lakes Nature-Based Shoreline Projects

Eligible costs:

A project plan and conceptual design report for qualifying nature-based or “soft engineering” shoreline stabilization projects located along the open shorelines and embayments of Lake Erie, Lake Ontario, the St. Lawrence River, Niagara River and the Finger Lakes to reduce erosion, enhance coastal resilience and improve water quality and coastal habitat. Nature-based shoreline projects must incorporate natural features and materials alone or in combination with a minimal use of structural components to manage erosion and stabilize shorelines, while enhancing aquatic habitat, natural coastal processes and access to the extent practicable or desired. Nature-based shoreline stabilization projects may include, but are not limited to, natural buffer zones, constructed or restored wetlands, “living” sills or breakwaters, beach and dune restoration and/or nourishment, nature-based stabilization techniques such as tree/rootwad revetments, live crib walls, and vegetated geogrids.

Report Requirements

- In addition to the report requirements listed above, a project justification must be included that details why a nature-based shoreline protection project is required. Such a justification should include historic/current erosion rates, current shoreline condition, the cause and source of erosion, and the type and location of critical infrastructure that requires protection.
- The project plan and conceptual design should include an accurate description of the existing conditions and the proposed work, which may include a combination of nature-based shoreline practices identified above.
- Project designs must meet NY’s Coastal Consistency requirements and, for projects requiring a permit, designs must meet all necessary State and Federal permit requirements.

4. Streambank Stabilization

Eligible costs:

An engineering design report for projects to address sedimentation of waterbodies caused by erosion of streambanks. Streambank stabilization practices include but are not limited to staking, erosion control matting, root wads, and rip-rap. Rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials.

Report Requirements:

For projects requiring a permit, engineering designs must meet the minimum Protection of Waters permit requirements.

5. In-Waterbody Controls for Nutrients

Eligible costs:

- A feasibility study or engineering report for projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies. Eligible practices to address these

issues include: hypolimnetic aeration, aeration destratification systems for polymictic lakes, hypolimnetic withdrawal, and dredging.

and/or

- A professional study report that provides justification for use of the best management practice (BMP) recommended by the above feasibility study or engineering report. For destratification systems, the professional study must identify the waterbody as a polymictic lake.

and/or

- A written plan report for the long-term operation and maintenance of the BMP recommended by the above professional study or engineering report.

Report Requirements:

- Feasibility study or engineering report must include all elements in Appendix C.

6. Beach Restoration

Eligible costs:

- Beach sanitary survey³

and/or

- A feasibility study or engineering design report for projects to implement designs recommended in beach restoration green infrastructure design reports. Projects may include, but are not limited to, porous pavement, bioinfiltration/bioretenion, rain gardens, stormwater tree trenches, greenways, beach re-naturalization, beach sand enrichment/nourishment, beach sloping/grading, constructed wetlands.

Report Requirements:

- Sanitary surveys must meet the criteria in Part 6, Subpart 6-2 of the New York State Sanitary Code for Beaches. Sanitary surveys must also follow EPA's Beach Sanitary Survey guidance.
- Feasibility studies must include all Required Elements listed in the Required Green Infrastructure Documentation Guidance (Appendix B).

7. Culvert Repair and Replacement

Eligible costs:

- Culvert site assessment report for projects to address erosion caused by failing or inadequately sized or failing culverts.

and/or

- An engineering feasibility study or engineering design report for culvert repair or replacement projects to address erosion.

Report Requirements:

- Culvert assessments must utilize the North Atlantic Aquatic Connectivity Collaborative (NAACC) framework to identify aquatic barriers, in addition to identifying erosion issues.
- Engineering designs must follow DEC's Guidelines and Best Management Practices for Stream Crossings.

Match

All grants require a local match equal to 10 percent of the requested grant amount. The match can include cash and/or in-kind services. Only costs eligible for this grant may be used as match. Eligible sources of match funds cannot come from other New York State funding sources. 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.

³ The beach sanitary survey report may provide support for conceptual designs under Grant Category 1, above.

Grant Payment

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

Evaluation Criteria

Projects will be scored and selected based on the following criteria:

Agency Points	Up to 80 agency points are available, as defined below. Applications must receive a minimum of 30 agency points to be eligible for funding. Applications that receive 0 points for Experience and Ability will not be funded.			
Performance Measures <i>40 to 5 points available</i>	40 POINTS: Reports for projects that address a water quality impairment identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or HABs Action Plan) AND benefit an active public drinking water supply. OR Green infrastructure feasibility studies for projects that reduce stormwater flow to a combined sewer system. OR Reports for projects that address documented water quality exceedances with known sources for regulated swimming beaches. OR Reports for Great Lakes Nature Based Shoreline projects that demonstrate protection of critical infrastructure vulnerable to impacts of coastal erosion and flooding. OR Reports for projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution AND that benefit an active public drinking water supply.	20 POINTS: Reports for projects that address a water quality impairment identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or HABs Action Plan). OR Reports for projects that address a water quality impairment listed as "precluded" or "impaired" in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment. OR Reports for projects that support multiple actions in a DEC Watershed Action Agenda or Plan. OR Reports for projects that address documented water quality standard exceedances for regulated swimming beaches. OR Reports for projects identified in a DEC-approved watershed/flood analysis plan that address nonpoint source pollution.	10 POINTS: Reports for projects that address a water quality impairment listed as "stressed" or "threatened" in the WI/PWL segment assessment. OR Reports for projects that support an action in a DEC Watershed Action Agenda or Plan.	5 POINTS: Reports for projects that would impact a waterbody of a WI/PWL segment that is listed as "unassessed" or is not listed in the WI/PWL.
Strategies <i>20 to 2 points available</i>	20 POINTS: Reports for types of projects that were specifically identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) or a Long-Term Control Plan. OR Reports for projects identified in a DEC-approved watershed/flood	10 POINTS: Reports for projects that address a primary pollutant of concern in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or HABs Action Plan) OR a known pollutant in the WI/PWL segment assessment. OR	2 POINTS: Reports for demonstration projects. OR Reports for projects that do not meet one of the other Strategies criteria.	

	analysis plan that address nonpoint source pollution.	Reports for projects that are needed to meet MS4 permit retrofit requirements.	
Vision <i>10 to 2 points available</i>	<p>10 POINTS:</p> <p>Reports for projects that are part of a comprehensive program or cover multiple projects in a watershed.</p> <p>OR</p> <p>Reports for projects to protect a specific public drinking water supply.</p> <p>OR</p> <p>Reports for projects to improve the water quality of a specific regulated swimming beach.</p> <p>OR</p> <p>Reports for projects that are eligible for Great Lakes implementation funding.</p>	<p>5 POINTS:</p> <p>Reports for projects that cover multiple projects in a county.</p> <p>OR</p> <p>Reports for projects that address aquatic habitat connectivity and/or flood resiliency.</p>	<p>2 POINTS:</p> <p>Reports for a single project at one location or not part of a comprehensive program.</p>
Experience & Ability <i>10 to 0 points available</i>	<p>10 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the proposed project, and has prior experience with DEC Division of Water grants in the last 10 years and completed all tasks in a timely manner.</p>	<p>5 POINTS:</p> <p>Applicant possesses the knowledge, skills and ability to complete the proposed project, but does not have prior experience with DEC Division of Water grants in the last 10 years.</p>	<p>0 POINTS:</p> <p>Applicant does not possess the knowledge, skills and ability to complete the program and does not have prior experience with DEC Division of Water grants in the last 10 years,</p> <p>OR</p> <p>has prior experience with DEC grants in the last 10 years and did not complete all tasks in a timely manner.</p> <p><i>Applications that receive 0 points for experience and ability will not be funded.</i></p>
Regional Economic Development Priority Points	<i>Up to 20 points are assigned by the Regional Economic Development Council according to their criteria.</i>		
Total Maximum Points	100		

Project Selection

Projects will receive a final score and be selected for grant funding from the highest down to the lowest ranked scores. Applications must receive a minimum of 30 agency points to be eligible for funding.

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. Experience and Ability
5. REDC
6. Tie breaker: date and time application was received

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

Multiple Application Submissions

If an applicant chooses to submit multiple applications, please prioritize and rank the applications in terms of importance.

Contract Term

The contract must be executed within 90 days of grant award. The contract term is a maximum of two years. The initial term of each contract will need to fall between May 1, 2019 and April 30, 2021.

Applicants should not apply if they do not expect their project to be complete by April 30, 2022. The Department expects the term of each contract to be consistent with the project timeline proposed in the grant application. Project expenditures prior to Master Contract for Grants (MCG) start date and after the MCG end date are not eligible for reimbursement or match.

Report Submittal

All reports and findings funded by this grant must be submitted to DEC and acceptable to DEC.

Definitions

In-Kind Services - means services performed by capable and qualified employees of the grant recipient for technical and administrative work that are directly related to and in support of the development of the report and are deemed reasonable by DEC.

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 and Historic Preservation Review requirements, if applicable.

Resources

- New York State Stormwater Design Manual:
<https://www.dec.ny.gov/chemical/29072.html>
- DECinfo Locator⁴ (most up to date source of WI/PWL segment assessments):
<http://www.dec.ny.gov/pubs/109457.html>

⁴ To find the closest WI/PWL segment assessment, visit the DECinfo Locator and click on the link for "Environmental Quality Map View". In the left column of the map, click on "Information List" and check the box for "Rivers, Streams and Shorelines" AND "Lakes, Reservoirs, and Estuaries" to display these map layers. Enter the address or project location in the "Search Near Me" search bar. Click on the plus sign in the top left corner of the map to zoom into the location until the waterbodies are visible on the map. Click on the waterbody of interest. A box with the Waterbody Inventory/Priority Waterbodies List information will be displayed, including the waterbody name, ID number, basin, and assessment level. To access the WI/PWL segment assessment for that

- Green Infrastructure Required Documents Guidelines: Appendix B of this Program Overview
- Required Elements of Feasibility Study or Engineering Report for In-Waterbody Control of Nutrients – Appendix C of this Program Overview
- NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects:
<https://www.efc.ny.gov/sites/default/files/uploads/Application%20Requirements/Engineering%20Report%20Outline%20FFY2019.pdf>
- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- EPA Guidance for Sanitary Surveys: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>
- Information on preferred, nature-based methods of shoreline stabilization:
<http://www.dec.ny.gov/permits/50534.html>
- Guidelines and Best Management Practices for Stream Crossings:
<https://www.dec.ny.gov/permits/49066.html>

Contact

NYS Department of Environmental Conservation, Division of Water
Lauren Townley, 518-402-8283

Grant Opportunity General Information and Conditions

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award, or withdraw of the Program Overview at any time at the Department's sole discretion.
- Award only one application for funding in the event there are multiple application submissions for a single project or for pieces of a single project.
- Award to the next highest scoring application in the event a grantee fails to negotiate a grant contract with the Department within 90 days of a grant award.
- Monitor the progress of all grant awards and withdraw grant funding if the grantee fails to make significant and timely progress on the project or fails to receive the necessary permissions and permits for the project.
- The Department reserves the right not to fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Reject any or all applications in response to the Program Overview at the agency's sole discretion.

Additional Application Submission Information

Pre-Application Requirements

All governmental entities (municipalities, municipal corporations, and soil and water conservation districts, and as further defined in this Program Overview) must register in the NYS Grants Gateway to be considered eligible for this grant opportunity

<https://grantsmanagement.ny.gov/>

In addition to registering, not-for-profit organizations must also complete the Vendor

waterbody, click on the "Download Fact Sheet" link in the box. For guidance on how to read the WI/PWL segment assessments, visit <http://www.dec.ny.gov/chemical/36730.html>

Prequalification process in the NYS Grants Gateway to be considered eligible to apply for this grant opportunity. Government entities are currently not required to complete the Vendor Prequalification Process.

NYS Grants Gateway Registration Instructions:

If your organization has not already registered in the Grants Gateway, the registration is NOT an online process. Register now to allow time for processing!!

- 1.) On the Grants Management Website at <https://grantsmanagement.ny.gov/resources-grant-applicants> download a copy of the Registration Form for Administrator.
- 2.) Complete the form according to the instructions provided. The completed form must be signed and notarized.
- 3.) Mail the signed and notarized original form to the Division of Budget at the address provided in the instructions. Please include an organizational chart of your agency.
- 4.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
- 5.) Log in to the Grants Gateway at <https://grantsgateway.ny.gov>. You will be prompted to change your password at the bottom of your Profile page. Enter a new password and click the SAVE button located on the top, right-hand side of the page.

If you have previously registered and do not know your Username please email grantsgateway@its.ny.gov. If you do not know your Password, please click the Forgot Password link from the main log in page and follow the prompts.

Additional registration and prequalification information, including a video tutorial, is available on the Grants Management website at <https://grantsmanagement.ny.gov/videos-grant-applicants>.

Debriefing Request

In accordance with section 163 of the NY State Finance Law, the Department must, upon request, provide a debriefing to any unsuccessful offeror that responded to the Program Overview, regarding the reasons that the proposal or bid submitted by the unsuccessful offeror was not selected for an award. An unsuccessful offeror wanting a debriefing must request a debriefing in writing, within fifteen calendar days of receipt of the notice that their proposal did not result in an award.

Formal Protest and Appeal Procedure

Any interested party who believes that he/she has been treated unfairly in the application, evaluation, bid award, or contract award phases of the procurement, may present a formal protest to DEC and request administrative relief concerning such action. Formal protests concerning a pending contract award must be received within five (5) business days after the protesting party knows or should have known of the facts that constitute the basis of the formal protest.

Sexual Harassment Prevention Certification

State Finance Law §139-l requires all applicants of grant funding to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees.

Where applying for grant funding is required pursuant to statute, rule or regulation, every application submitted to the state or any public department or agency of the state must contain the following statement: "By submission of this application, each applicant and each person

signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.”

Applications that do not contain the certification will not be considered for award; provided however, that if the applicant cannot make the certification, the applicant may provide a signed statement with their application detailing the reasons why the certification cannot be made. After review and consideration of such statement, the Department may reject the bid or may decide that there are sufficient reasons to accept the bid without such certification.

Applicants are required to sign and upload the Sexual Harassment Prevention Certification form or upload a signed statement with their application detailing the reasons why the certification cannot be made into the pre-submission uploads folder.

State Environmental Quality Review Act (SEQR) and Permits

The applicant is responsible for assuring that any SEQR determinations, permits, approvals, lands, easements and rights-of way that may be required to carry out the activities of the project are obtained.

Letters of Permission/Municipal Endorsement

The applicant must own the property, or obtain an applicable access agreement, for the proposed project site.

- If the property is owned by the applicant – a copy of the current deed.
- If the property owner is a municipality – a resolution by the municipality supporting the project.
- If the property is not owned by the applicant – a formal written agreement between the applicant and landowner which allows the applicant access to the property, and represent the landowner, to accomplish the proposed project.

Quality Assurance

For projects that involve the assessment or monitoring of water quality, all monitoring and measurement activities conducted in the field or laboratory shall be:

- I. Performed in accordance with an effective Quality System for planning and assessing environmental measurements and tests, and for conducting required quality assurance and quality control procedures to promote and maintain the accuracy and reliability of environmental measurements and test results. Quality System Documentation includes a Quality Assurance Project Plan (QAPP) based on guidance provided by the USEPA Guidance for Quality Assurance Project Plans (QA/G-5 May 2006) or a similarly structured and purposed protocol;
- II. Performed by a laboratory certified by the New York State Department of Health (NYSDOH) under the Environmental Laboratory Approval Program (ELAP) pursuant to Section 502 of the Public Health Law. This requirement shall not apply to specific parameters when ELAP has not issued a certificate for the specific parameter; and
- III. Performed in a manner that ensures all requisite quality control and calibration requirements of the method are met including field testing, sample collection, preservation, and record keeping. When the method does not detail requirements for any or all of these items, the basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed.

Historic Preservation Review Requirements

For projects that involve properties listed on the State or National Registers of Historic Places, all work undertaken as part of a grant-assisted project must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

Questions about or proposals for listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 237-8643. To ensure the public benefit from the investment of state funding, preservation covenants or conservation easements will be conveyed to the State (OPRHP) for all historic property grants.

Coastal Consistency Requirements

SEQR Type I and Unlisted actions located within the NYS Department of State's coastal zone boundaries must meet the consistency requirements of the Secretary of State's Coastal Management Program. This consistency determination will be performed by the Department as part of the grant review process. If the proposed project is located within a municipality that has an approved Local Waterfront Revitalization Plan (LWRP), the policies of that LWRP apply. Projects in other areas will need to be consistent with the State's 44 coastal policies. The coastal policies can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>. Applicants are encouraged to determine if their project is located within the coastal zone, and to include in their site plan or sketch map their project's location within the coastal zone boundaries if applicable. Maps of the coastal zone boundaries can be found at <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

Grant Program Reporting

Quarterly Narrative Reports must be submitted in narrative form, no later than 30 days from the end of the calendar quarter. The reports will summarize how the project progressed toward meeting project objectives and deliverables during the respective quarter. Quarterly reports shall be submitted in the NYS Grants Gateway.

Quarterly Expenditure Reports, detailed by object of expense as defined in the MCG Attachment B-1 Expenditure Based Budget, must accompany the quarterly Narrative Reports, no later than 30 days from the end of the calendar quarter. These reports must correlate to subsequent vouchers submitted for payment.

Quarterly MCG payment reimbursement requests will be accepted prior to submission of a final closeout reimbursement request. Approved project design, required permits and landowner permissions must be in place to submit a reimbursement request.

Final Report must be submitted and approved by the DEC prior to the release of the final contract payment to the Grantee. The Contractor must submit the Final Report no later than 60 days after the end of the contract period. The Final Report should report on all aspects of the program and detail how the use of grant funds were utilized in achieving the goals set forth in the approved MCG Attachment C Work Plan. Copies of appropriate documents (i.e. inventory and/or management plan) must be submitted and approved by the DEC.

A DEC on-site inspection may be required to confirm all work was completed in accordance with the approved project work plan.

Any project involving volunteer time will be required to report the number of volunteers and the number of volunteer hours in their project quarterly status reports. The total number of volunteers and volunteer hours for the entire project must be reported in the Final Report.

Projects already receiving funds from another NYS or Federal assistance grant program are not eligible to receive funding for the same project activities identified in this Program Overview.

What to Expect If You Receive an Award

Notification of Award

Applicants selected to receive a grant award will be notified by email and in an official Department award letter.

IMPORTANT NOTE: By accepting an award, applicant agrees to abide by all Master Contract for Grants (MCG) or purchase order terms and conditions. Any changes to the terms and conditions will not be accepted and may affect applicant's award.

State of New York Master Contract for Grants (MCG)

Applicants selected to receive a grant award will be required to execute a MCG within 90 days from the time of their award notification. Failure to submit timely required MCG documents could cause a grantee to lose their grant award. Applicants should review and be prepared to comply with all MCG terms and conditions should grant funding be awarded. The MCG and attachments can be reviewed and/or downloaded in the Grants Gateway HRE application under the screen named 'Contract Document Properties'. The MCG and attachments include:

- MCG Grants Face Page
- Standard Terms and Conditions (NYS standard terms and conditions)
- Attachment A-1 Program Specific Terms and Conditions (Agency and Program specific terms and conditions)
- Attachment A-2 Federally Funded Grant Terms and Conditions (optional)
- Attachment B-1 Expenditure Based Budget (project expense categories and detail)
- Attachment C Work Plan (project objectives, tasks and performance measures)
- Attachment D Payment and Reporting Schedule (claims for reimbursement and grant reporting provisions)

IMPORTANT NOTE: Project related costs must be incurred within the term of the MCG to be considered eligible for reimbursement or match. Contract payments will not be approved or processed by the DEC until a MCG is fully approved by the DEC, and as applicable the Attorney General and the State Comptroller. All contracts must be approved by the contract start date, which will be determined at the time of an official award.

Applicants (referred to as "Contractor" following award of Grant Contract) Should Be Prepared to Comply With the Following MCG Requirements:

- I. Insurance Requirements
Contractor will be required to carry appropriate insurance as specified in the MCG or LOA, Attachment A-1 Program Specific Terms and Conditions, and agree that each project consultant, project contractor and project subcontractor secures and delivers to the contractor appropriate policies of insurance issued by an insurance company licensed to do business in the State of New York. Policies must name the contractor as an additional insured, with appropriate limits, covering contractor's public liability and property damage insurance, contractor's contingency liability insurance, "all-risk" insurance and workers compensation/disability benefits coverage for the project.
- II. Permit Requirements (if applicable)
Contractors agree to obtain all required permits, including but not limited to, local, state and federal permits prior to the commencement of any project related work. The Contractor agrees that all work performed in relation to the project by the Contractor or its agents, representatives, or contractors will comply with all relevant federal, state and

local laws, rules, regulations and standards, zoning and building codes, ordinances, operating certificates for facilities, or licenses for an activity.

III. State Environmental Quality Review Act (SEQR) Documentation

With respect to the project, the Contractor certifies that it has complied, and shall continue to comply with all requirements of SEQR. The Contractor agrees to provide all environmental documents as may be required by the DEC. The Contractor has notified, and shall continue to notify, the DEC of all actions proposed for complying with the environmental review requirements imposed by SEQR.

Vendor Responsibility Questionnaire

Not-For-Profit contractors and/or subcontractors are subject to a vendor responsibility review by the State to ensure public dollars are being spent appropriately with responsible contractors. A vendor responsibility review may include a contractor and/or subcontractor to present evidence of its continuing legal authority to do business in NYS, integrity, experience, ability, prior performance, and organizational and financial capacity. To enroll in and use the NYS VendRep System, see the VendRep System instructions available at <http://www.osc.state.ny.us/vendrep/enroll.htm>, or go directly to the VendRep System at <https://portal.osc.state.ny.us>.

Iran Divestment Act

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. By entering into a Contract, the Contractor certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additional detail on the Iran Divestment Act can be found in the MCG, Attachment A-1 Program Specific Terms and Conditions.

Minority/Women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) Requirements

The Department is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (“MWBE Regulations”) for all State contracts with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction. Applicants subject to executing a future NYS Master Contract for Grants agree, in addition to any other nondiscrimination provision of the MCG and at no additional cost to the Department, to fully comply and cooperate with the Department in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for certified minority and women-owned business enterprises (“M/WBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

Failure to comply with M/WBE and EEO requirements may result in a Department finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages or enforcement proceedings.

Please refer to the NYS Master Contract for Grants - Article IV (J) and Attachment A-1 Program Specific Terms and Conditions - Article X, to review M/WBE and EEO requirements. Required M/WBE and EEO related forms can be found at <http://www.dec.ny.gov/about/48854.html>

- The local government is responsible for designating someone to serve as their Affirmative Action representative. The governing body should make this designation through official means.
 - A list of certified M/WBE enterprises can be obtained via the internet from the NYS Department of Economic Development at <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=9885>
 - Contracts which meet the established M/WBE-EEO thresholds require the Contractor to submit Quarterly Reports, http://www.dec.ny.gov/docs/administration_pdf/quarterlyversion7.pdf, detailing payments made by the Prime Contractor to NYS Certified M/WBEs.
 - The following M/WBE-EEO “Fair Share” goals are established as follows:
 - Minority and Women Owned Business Enterprise (MWBE) Overall Participation Goals:
 - Construction/Engineering – up to 20%
 - Commodities – up to 20%
 - Services/Technologies –up to 20%
 - Equal Employment Opportunity (EEO) Participation Goals:
 - EEO Minority Workforce Participation Goals (DEC Regions 1- 9) 0%
 - EEO Female Workforce Participation Goals (DEC Regions 1-9) 0%
- DEC M/WBE Compliance
 NYS Department of Environmental Conservation
 Bureau of Contract and Grant Development/MWBE Program
 625 Broadway, 10th Floor
 Albany, New York 12233-5028
 Phone: (518) 402-9240
 Fax: (518) 402-9023

Procurement of Contractors/Subcontractors

Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money. Failure to comply with these requirements could jeopardize full reimbursement of your approved eligible project costs.

Americans With Disabilities Act

In the event the monies defined herein are to be used for the development of facilities, outdoor recreation areas, transportation or written or spoken communication with the public, the Contractor shall comply with all requirements for providing access for individuals with disabilities as established by Article 4A of the New York State Public Buildings Law, Americans with Disabilities Act, and relevant sections of the New York State Uniform Fire Prevention and Building Code. Standards for certain Recreation Facilities are found in the 2010 ADA Standards for Accessible Design while others are found in the Architectural Barriers Act Accessibility Guidelines for Outdoor Recreation Areas <https://www.access-board.gov/guidelines-and-standards>.

APPENDIX A

Sexual Harassment Prevention Certification Form

By submission of this application, each applicant and each person signing on behalf of the applicant certifies, and in the case of a partnering application each party thereto certifies as to its own organization, under penalty of perjury, that the applicant has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

Grantee Name: _____

Signature: _____

Print Name and Title: _____

Date: _____

APPENDIX B

Green Infrastructure Feasibility Study Guidance

1. Feasibility Study

Applicants are required to submit sufficient information to demonstrate that the proposed green infrastructure project is feasible to construct at their project location. The Feasibility Study is a written document which must be submitted along with an online application. Based on a design professional's site evaluation, the Feasibility Study provides the basis and justification for your proposed design.

The Feasibility Study must be signed and stamped by a Qualified Professional licensed or certified to practice in New York State. A qualified professional is an individual who is knowledgeable in the principles and practices of stormwater management and treatment, such as a Professional Engineer or Registered Landscape Architect.

Required Elements

NOTE: The Feasibility Study must primarily address the green infrastructure practice(s), even if it is a portion of a larger project.

The recommended outline below contains the required elements which must be included when preparing your Feasibility Study.

- I. **Cover Page** (project title, owner, prepared by, professional's stamp, and date)
- II. **Executive Summary** (Overview of the project's purpose)
- III. **Project Objective(s)** (*Describe goals for Green Infrastructure elements. Indicate whether the green infrastructure elements are a portion of a larger project.*)

NOTE: Only the green practices constructed that exceed the requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity are eligible for WQIP funding.

- IV. **Existing Conditions:** Include an analysis of the proposed project site which addresses the following elements:
 - a. Current Land Use
 - b. Depth to Bedrock
 - c. USGS Soil Classification at green infrastructure practice location(s) (see [USDA Web Soil Survey mapping tool](#))
 - d. Depth to water table at green infrastructure practice location(s)
 - e. Discussion of any other site considerations (*wetlands, flood plain elevations, hotspots, brownfield remediation or other potential design issues at the site*)
 - f. Results of any boring logs, infiltration tests, or other subsurface investigations. If your project is selected, these will be required as part of the design process.

NOTE: If site conditions are not conducive to implementing green infrastructure practices, you should consider alternative funding sources that can support these other activities.

V. Project Description

- a. **Recommended Green Infrastructure Practice(s):** Provide a narrative that explains the proposed project and green infrastructure practices and why they

were selected. Please see the New York State Stormwater Management Design Manual for a catalog of green infrastructure practices.

- b. Provide an estimate of the water quality volume to be managed through infiltration, evapotranspiration, and/or use on site. The [NYSDEC Runoff Reduction Worksheets](#) may be used as a reference in calculating estimates.

VI. Anticipated Regulatory Approval and Permits (*list all that will apply, e.g. NYSDEC, NYSDOT, etc.*)

2. Existing Conditions Graphic

A plan or diagram of the existing project site is required. It should include:

- a. Engineer / Landscape Architect name; date and project title
- b. North arrow / legend
- c. Graphical scale
- d. Site features (wetlands, streets, buildings, etc.)
- e. Location map
- f. Site topography
- g. Project location / address (including nearest cross street)
- h. Stormwater flowpath (also consider adjacent sites)
- i. Nearest receiving waterbody
- j. Location relative to the 100-year floodplain
- k. Other site considerations (hotspots, brownfield remediation or other potential design issues at the site)
- l. Location of any available boring logs, infiltration tests, or other subsurface investigations.

3. Conceptual Site Plan

A plan or diagram of the project's conceptual design is required. It must include:

- a. Engineer / Landscape Architect name; date and project title
- b. North arrow / legend
- c. Graphical scale (1 " = 10', 20', 30', 40', 50', 60' or 100')
- d. Location map
- e. Site features (wetlands, nearest waterbody, streets, buildings, etc.)
- f. Proposed GI practice location / layout showing stormwater flowpath (arrows)
- g. Estimated drainage area (indicate area(s) to be managed by each practice)
- h. Site grading (proposed conditions)
- i. Other design considerations

4. Site Photographs

Please submit photographs that are representative of existing site conditions.

APPENDIX C

Required Elements of Feasibility Study or Engineering Report for In-Waterbody Control of Nutrients

1. Documentation of water quality problem proposal will address:
 - a. Time, duration and extent of oxygen deficit
 - b. Morphometry
 - c. Water quality conditions triggering deficit
 - d. Evidence of water quality impacts driven by oxygen deficit
2. Potential actions considered for addressing problem
3. Description of proposed action and summary of expected results, potential side effects, and measures to evaluate success
4. Engineering design specifications, including equipment sizing and configuration, location of air compressors, diffusers/oxygen distribution system, pumps, etc.
5. Electricity or other power demands
6. Safety measures
7. Maintenance needs
8. Permits required, including environmental impacts studies, monitoring requirements, and local approvals
9. Installation and operating costs
10. Timelines