

2021 Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant – Overview

Funding Available: Up to \$3 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. DEC will also offer grants to regulated traditional MS4s for mapping.

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.

PROJECTS AFFECTING WATER QUALITY IN ENVIRONMENTAL JUSTICE (EJ) AREAS

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A report for a proposed project that positively impacts water quality in an EJ community, or positively impacts drinking water quality serving an EJ community or is for MS4 mapping of an EJ community will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at:

<http://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community - where the benefit will be provided, the area served by the drinking water source or the exact street location(s) where the MS4 mapping of an EJ community is to be implemented.

A. Nonpoint Source Planning Reports (See MS4 category for MS4 mapping project details)

The program aims to get nonpoint source projects ready for construction and to apply for implementation funding.

Award Amounts

Grants of up to \$30,000 are available to finance planning services to produce project planning reports, as outlined in each category. Grants of up to \$75,000 are available for comprehensive stream corridor studies. 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 five (5) Nonpoint Source Planning Report applications per round.

Each application must fit within a single grant category.

Eligible Applicants

- Municipalities¹
- Soil and Water Conservation Districts (excluding Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems)

Nonpoint Source Planning Report Categories

Funding is available for the following six (6) planning report categories:

1. *Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems*

Eligible costs:

An engineering feasibility study report for municipally-owned decentralized wastewater treatment facilities in areas with failing on-site treatment systems, including the necessary collection and conveyance system. 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 Projects².

Technical Contact:

Ken Kosinski – (518) 402-8111

2. *Green Infrastructure*

Eligible reports:

An engineering feasibility study report for projects that: construct green infrastructure to address combined sewer overflows, reduce a pollutant impacting a receiving waterbody, or address a regional water quality issue; or install green infrastructure retrofits designed to capture and remove the pollutant contributing to a water quality impairment. Green Infrastructure practices are limited to bioretention, rain gardens, constructed wetlands, porous pavement, green roofs, downspout disconnection, stormwater street trees, stormwater harvesting and reuse, and stream 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 must include conceptual designs and infiltration tests, if applicable.

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.

² Engineering Report Outline for NYS Wastewater Infrastructure Projects:
<https://nysefc.box.com/s/0s1j2q1nytylpo3q5llbwt3zta0yopp0>

Report requirements:

Feasibility studies must include all Required Elements listed in the Green Infrastructure or Stormwater Retrofits Feasibility Study Outline.³

Technical Contact:

Ryan Waldron - (518) 402-8177

3. Stormwater Retrofits

Eligible reports:

An engineering feasibility study report for projects that: construct stormwater retrofits to reduce a pollutant impacting a receiving waterbody or address a regional water quality issue. Eligible practices are limited to those identified in Chapters 5 and 6 of the *2015 NYS Stormwater Design Manual*⁴. All projects must be designed in accordance with the *2015 NYS Stormwater Design Manual*. An engineering feasibility study report must include conceptual designs and infiltration tests (if applicable) and must include load reduction information.

Report requirements:

Feasibility studies must include all Required Elements listed in the Green Infrastructure or Stormwater Retrofits Feasibility Study Outline.⁵

Technical Contact:

Ethan Sullivan – (518) 402-1382

4. Streambank/Shoreline Stabilization

Eligible Reports:

- An engineering or conceptual design report for qualifying nature-based or “soft engineering” streambank or shoreline stabilization projects to reduce erosion, enhance flood resilience, and improve water quality and riparian/coastal habitats. Streambank or shoreline projects must incorporate natural features and materials alone or in combination with a minimal use of structural components to manage erosion. Streambank/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, staking, live crib walls, and vegetated geogrids. Rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials.
- and/or**
- A comprehensive stream corridor assessment study to identify areas of erosion across a watershed area. The comprehensive stream corridor study must be completed for a minimum of a HUC 12 size watershed area and must identify and/or prioritize opportunities for streambank stabilization, riparian buffer restoration, floodplain reconnection and/or culvert replacement and repair. Flood risk assessment and modeling may be included as part of the comprehensive study.

³ Green Infrastructure or Stormwater Retrofits Feasibility Study Requirements:
<http://www.dec.ny.gov/pubs/116725.html>

⁴ New York State Stormwater Design Manual: <https://www.dec.ny.gov/chemical/29072.html>

Report Requirements:

- Engineering reports and comprehensive stream assessment studies must include all Required Elements listed in the Streambank/Shoreline Stabilization Engineering Design Report Outline or Streambank Corridor Study Outline.⁵
- For projects requiring a permit, engineering designs must meet the minimum Protection of Waters permit requirements, NY's Coastal Consistency requirements, or other State or Federal permit requirements, as applicable.

Technical Contact:

Julie Berlinski - (518) 402-8212

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/engineering reports must include all Required Elements listed in the In-Waterbody for Control of Nutrients Feasibility Study/Engineering Report Outline.⁶

Technical Contact:

Stephanie June – (518) 402-8179

6. *Bathing Beach Restoration*

Eligible costs:

- Beach sanitary survey⁷
and/or
- A feasibility study for projects to implement designs recommended in beach restoration green infrastructure design reports. Projects may include, but are not limited to, porous pavement, bioinfiltration/bioretention, rain gardens, stormwater tree trenches, greenways, beach re-naturalization, beach sand enrichment/nourishment, beach sloping/grading, constructed wetlands.

⁵ Streambank/Shoreline Stabilization Engineering Design Report Outline or Streambank Corridor Study Outline: <http://www.dec.ny.gov/pubs/116725.html>

⁶ In-Waterbody for Control of Nutrients Feasibility Study/Engineering Report Outline: <https://www.dec.ny.gov/pubs/116725.html>

⁷ The beach sanitary survey report may provide support for conceptual designs under Grant Category 1, above.

Report Requirements:

- Sanitary surveys must meet the criteria in Part 6, Subpart 6-2 of the New York State Sanitary Code for Beaches⁸. Sanitary surveys must also follow EPA's Beach Sanitary Survey guidance⁹.
- Feasibility studies must include all Required Elements listed in the Green Infrastructure or Stormwater Retrofit Feasibility Study Outline.¹⁰

Technical Contact:

Lauren Townley - (518) 402-8086

7. *Stream Culvert Repair and Replacement*

Eligible costs:

- Stream culvert site assessment report for projects to address erosion caused by inadequately sized or failing culverts.
and/or
- An engineering feasibility study or engineering design report for stream culvert repair or replacement projects to address erosion.

Report Requirements:

- Stream culvert assessments must utilize the North Atlantic Aquatic Connectivity Collaborative (NAACC) framework to identify aquatic barriers, in addition to identifying erosion issues.
- Feasibility study/engineering reports must include all Required Elements listed in the Stream Culvert Repair and Replacement Feasibility Study/Engineering Report Outline¹¹.

Technical Contact:

Julie Berlinski – (518) 402-8086

Requirements for All Planning Reports

- All reports and studies must be prepared by a qualified professional. See table below. 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.

⁸ New York State Sanitary Code for Beaches: <https://regs.health.ny.gov/content/subpart-6-2-bathing-beaches>

⁹ EPA Beach Sanitary Survey Guidance: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>

¹⁰ Green Infrastructure or Stormwater Retrofit Feasibility Study Outline: <https://www.dec.ny.gov/pubs/116725.html>

¹¹ Stream Culvert Repair and Replacement Feasibility Study/Engineering Report Outline: <https://www.dec.ny.gov/pubs/116725.html>

Funding Category	Report Type	Professional Requirement
Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems	Feasibility Study	Professional Engineer
Green Infrastructure	Feasibility Study	Professional Engineer
Stormwater Retrofits	Feasibility Study	Professional Engineer
Streambank/Shoreline Stabilization	Engineering or conceptual design report	Professional Engineer
	Comprehensive stream corridor assessment study	Professional Engineer, Professional Hydrologist, Professional Geologist, Master's Degree, Bachelor's Degree with 2 years of relevant experience, Associates Degree with 5 years of relevant experience
In-waterbody Controls for Nutrients	Feasibility study or engineering report	Professional Engineer
	Professional study report	Professional engineer, certified lake manager, Master's Degree in limnology or related field, Bachelor's Degree in limnology or related field with 2 years of relevant experience
In-waterbody Controls for Nutrients	Long-term operation and maintenance plan	Professional Engineer
Bathing Beach Restoration	Sanitary Survey	Professional Engineer, Environmental Health professional (sanitarian or environmental health technician), Master's Degree, Bachelor's Degree with 2 years of relevant experience, Associates Degree with 5 years of relevant experience
	Feasibility Study	Professional Engineer
Stream Culvert Repair and Replacement	Feasibility Study	Professional Engineer
	Culvert site assessment report	Trained and certified by North Aquatic Connectivity Collaborative (NAACC)

- Reports and studies must be prepared and stamped by a professional engineer when required by New York State Education Law.

- All applications must attach a completed Sexual Harassment Prevention Certification Form.

Eligible Costs

- Funding can be used for the preparation of planning reports, feasibility studies, and supplemental costs as listed by grant category.
- Activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of an improvement project.
- Salary and fringe
- Contractual costs
- Travel
- On-site evaluations
- Any necessary environmental review (e.g. SEQR, SHPO, Coastal Consistency) for the recommended project
- Administrative costs

Ineligible costs/reports:

- Reports for projects that have already received Water Quality Improvement Project (WQIP) grant funding
- Costs incurred outside the start and end date of the contract
- 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 source
- Equipment
- Indirect costs (e.g., space/property rent, utilities and other office supplies)
- Legal fees

Resources

- Nonpoint Source Planning Grant Report Outlines:
<https://www.dec.ny.gov/pubs/116725.html>
- Nonpoint Source Program Guidance and Technical Assistance:
<https://www.dec.ny.gov/chemical/96777.html>
- New York State Stormwater Design Manual:
<https://www.dec.ny.gov/chemical/29072.html>
- DECinfo Locator¹² (most up to date source of WI/PWL segment assessments):
<http://www.dec.ny.gov/pubs/109457.html>
- NYS Environmental Facilities Corporation/DEC Engineering Report Outline for New York State Wastewater Infrastructure Projects:
<https://nysefc.box.com/s/0s1j2q1nytylpo3q5llbwt3zta0yopp0>

¹² 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 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>.

- North Atlantic Aquatic Connectivity Project (NAACC): <https://streamcontinuity.org/naacc>
- EPA Guidance for Sanitary Surveys: <https://www.epa.gov/dwreginfo/sanitary-survey-guidance-manuals>
- Maps of New York State Environmental Justice Areas: <https://www.dec.ny.gov/public/911.html>
- Resilient New York Flood Mitigation Reports: <https://www.dec.ny.gov/lands/121102.html>
- Drinking Water Source Protection Program Plans (DWSP2): <https://www.dec.ny.gov/chemical/115250.html>; Contact source.water@dec.ny.gov for information about any completed DWSP2s in your project area.

Evaluation Criteria – Planning Reports

Agency Points	<i>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.</i>			
<p>Performance Measures</p> <p><i>38 to 5 points available</i></p>	<p>38 POINTS:</p> <p>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 DEC HABs Action Plan) AND benefit an active public drinking water supply.</p> <p>OR</p> <p>Green infrastructure feasibility studies for projects that reduce stormwater flow to a combined sewer system.</p> <p>OR</p> <p>Reports for projects that address documented water quality exceedances with known sources for regulated bathing beaches.</p> <p>OR</p> <p>Reports for projects identified in a DEC-approved plan or report (i.e. Resilient New York Flood Mitigation Report, Drinking Water Source Protection Program Plan) that address nonpoint source pollution AND that benefit an active public drinking water supply.</p> <p>OR</p> <p>Comprehensive studies that address nonpoint source pollution in TMDL watershed.</p> <p>OR</p> <p>Reports for projects that are needed to meet MS4 permit retrofit requirements.</p>	<p>20 POINTS:</p> <p>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 DEC HABs Action Plan).</p> <p>OR</p> <p>Reports for projects or comprehensive studies that address a water quality impairment listed as “precluded” or “impaired” in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment.</p> <p>OR</p> <p>Reports for projects that support multiple actions in a DEC Watershed Action Agenda or Plan.</p> <p>OR</p> <p>Reports for projects that address documented water quality standard exceedances for regulated bathing beaches.</p> <p>OR</p> <p>Reports for projects identified in a DEC-approved plan or report (i.e., Resilient New York Flood Mitigation Report) that address nonpoint source pollution.</p>	<p>10 POINTS:</p> <p>Reports for projects or studies that address a water quality impairment listed as “stressed” or “threatened” in the WI/PWL segment assessment.</p> <p>OR</p> <p>Reports for projects that support an action in a DEC Watershed Action Agenda or Plan.</p>	<p>5 POINTS:</p> <p>Reports for projects or studies that would impact a waterbody of a WI/PWL segment that is listed as “unassessed” or is not listed in the WI/PWL.</p>

Vision <i>10 to 2 points available</i>	10 POINTS: Reports for projects that are part of a comprehensive program. OR Reports for projects to protect a specific public drinking water supply. OR Reports for projects to improve the water quality of a specific regulated bathing beach.	5 POINTS: Reports for projects that cover multiple project locations. OR Reports for projects that address aquatic habitat connectivity and/or flood resiliency.	2 POINTS: Reports for a single project at one location or not part of a comprehensive program.
Environmental Justice <i>2 to 0 points possible</i>	2 POINTS Reports for projects that improve water quality in an Environmental Justice area or positively impact drinking water quality serving an EJ community.		0 POINTS Reports for projects that do not improve water quality in an Environmental Justice area nor positively impact drinking water quality serving an EJ community

Reasonableness of Cost <i>20 to 0 points available</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project.	10 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	0 POINTS: Cost is not reasonable for this type of project. <i>Applications that receive 0 points for Reasonableness of Cost will not be funded.</i>
Experience & Ability <i>10 to 0 points available</i>	10 POINTS: Applicant has shown the ability to complete state funded non-agricultural nonpoint source projects in the past 10 years in a timely manner. OR Applicant has sufficiently shown its ability to complete this non-agricultural nonpoint source project based upon experience with similar non-agricultural nonpoint source projects.	5 POINTS: Applicant has shown the ability to complete a state funded project that was not related to non-agricultural nonpoint source treatment in the past 10 years in a timely manner. OR Applicant has not been awarded a state grant in the past 10 years but appears to have the experience and ability to carry out the project.	0 POINTS: 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. OR Applicant has prior experience with DEC grants in the last 10 years and did not complete all tasks in a timely manner. <i>Applications that receive 0 points for experience and ability will not be funded.</i>
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		

B. Municipal Separate Storm Sewer System (MS4) Mapping

Funding can be used to complete comprehensive stormwater system maps. This program category encourages and supports cooperation among regulated MS4s to complete mapping of their stormwater system.

Award Amounts

For MS4s applying as a collaborative, grants of up to \$30,000 per municipality are available for MS4 mapping, with grants of up to \$400,000 available per MS4 collaborative. For MS4 municipalities that must apply alone (see Requirements for All MS4 Mapping section for justification required to apply as single municipality), there is a maximum grant award of \$75,000. There is no minimum award amount. Applicants are limited to one (1) application per round.

Eligible Applicants

- Municipalities¹³
- Soil and Water Conservation Districts
- Regulated traditional MS4s¹⁴

Requirements for All MS4 Mapping

- Mapping must meet the minimum MS4 permit requirements.
- Applicants must participate in an area-wide municipal cooperative stormwater group if one exists. If one does not exist, the application must document the steps that are being taken to develop a group, which must be formed prior to receiving a grant award. In the rare case where a coalition does not exist nor will be established, the application must justify the reasons in the application.
- Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Only the lead applicant needs to register in the NYS Grants Gateway (<http://grantsreform.ny.gov>). Projects being undertaken by multiple regulated MS4s in the same county or urbanized area will receive additional points. A list of the cooperating MS4s must be provided in the application.
- Applications must include the creation of electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon.
- Basic mapping elements (red in table below) are either required by the NYS Small MS4 General Permit-0-15-003 or considered by DEC to be necessary for effective system management. Therefore, all Basic elements must be completed before grant or match funds can be used for items in the Intermediate or Advanced elements map categories.
- Simultaneous mapping of Basic, Intermediate, and Advanced elements is permitted but any unmapped Basic elements must be included in the application scope of work.
- Information from the WI/PWL must be included in the maps/deliverables created.

¹³ 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.

¹⁴ 40 CFR 122.26(b)(16)(i), Small municipal separate storm sewer system means all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that are discharges to waters of the United States.

- Final deliverables must include final map product and final summary report. Required elements for the final deliverables are available at <http://www.dec.ny.gov/pubs/116725.html>.

Comprehensive System Mapping Table for All MS4 Applications

The table below lists the elements of a comprehensive MS4 system map and is duplicated as a worksheet at <http://www.dec.ny.gov/pubs/116725.html>. For any application to be eligible for this grant, a completed worksheet showing level of mapping **must be attached** for each MS4 participating or benefitting directly or indirectly from the proposed project. The worksheet will help applicants identify their mapping needs.

	Basic Elements Map (Application must include these elements if they are not already included in map)	Intermediate Elements Map (Applications must look to include these elements if they are not already included in map)	Advanced Elements Map (Elements beyond the required permit elements)
Outfall Mapping			
Receiving waterbody name	X		
Type of conveyance (i.e. open drainage, closed pipe, catch basin, etc.)	X		
Outfall material	X		
Outfall shape	X		
Outfall Prioritization ¹⁵	X		
Type of outfall (i.e. direct, indirect, interconnected MS4 outfall)	X		
Submerged in water?	X		
Submerged in sediment?	X		
Latitude/longitude	X		
Land use in drainage area			X
Inspection data			X
Owner			X
Structure/facility ID			X
Storm Sewer System Mapping¹⁶			
Type of conveyance system (closed pipe or open drainage)	X		
Closed pipe or open drainage Description: material, shape, size	X		
Direction of flow	X		

¹⁵ For the purposes of this grant, the following criteria must be used to determine outfall prioritization: high priority outfall criteria are outfalls directly discharging to impaired waters and outfalls discharging to water with designated best usage of primary and secondary contact recreation or higher (Class AA-S, A-S, AA, A, B, SA, or SB) and all other outfalls are considered low priority outfalls.

¹⁶ For the purposes of this grant, this also includes stormwater infrastructure located at municipally owned/operated facilities.

Drop inlet, catch basin, and manhole locations	X		
Number of connections to catch basins and manholes	X		
Latitude/longitude	X		
Receiving waterbody name		X	
Depth of catch basin/manhole			X
Sump depth of catch basins			X
Location of points receiving discharge from updrainage connections with adjacent MS4s (include name and contact information for adjacent MS4 Operator)			X
Owner			X
Structure/facility ID			X
Stormwater Management Practice (SMP) Mapping			
Address	X		
Latitude/longitude	X		
Type of SMP (pond, bioretention, swale, rain garden, etc.) ¹⁷		X	
Receiving waterbody name		X	
Date practice was installed		X	
Ownership of SMP		X	
Responsible party for maintenance		X	
Location of documentation depicting O&M requirements and legal agreements for practice			X
Frequency of inspection of practice			X
Reason for SMP (retrofit, new development, flood control, etc.)			X
Location where SMP discharges (Does SMP drain to MS4?)			X
Contributing drainage area to SMP (if known)			X
Construction date (if known)			X
Last inspection date (if known)			X
Structure/facility ID			X
Municipality owned/operated facilities			
Location/address	X		
Latitude/longitude	X		
Name		X	

¹⁷ Stormwater Practice Type defined in the *New York State Department of Environmental Conservation Maintenance Guidance: Stormwater Management Practices*, March 31, 2017.

Type (Municipal buildings, DPW garage, vehicle and fleet maintenance areas (fire station, police station, bus stations), landfills, salt storage areas, parks & open space, solid waste disposal areas, transfer stations, marinas, etc.)		X	
Facility Prioritization ¹⁸		X	
Receiving waterbody name		X	
Standard Industrial Classification (SIC) Code (if applicable)			X
SPDES ID or No Exposure ID (if applicable)			X
Responsible Department			X
Contact Information			X
Status of facility specific SWPPP (if high priority)			X
Location of facility specific SWPPP (if high priority)			X
Type of activities present on site			X
Last assessment date			X
Year built			X
Size of facility (acres)			X
Owner			X
Structure/facility ID			X
Sewershed Boundary			
Preliminary	X		
Impaired waters (if applicable)	X		
Per MS4 outfall		X	
Priority Areas			
Areas with onsite wastewater systems subject to Part IX requirements	X		
TMDL watersheds	X		
Land use within Impaired Watersheds (Commercial, HD Residential, LD Residential, Industrial, Open Space)		X	
Land use within other Watersheds (commercial, HD residential, LD residential, industrial, open space)		X	

¹⁸ For the purposes of this grant, the following criteria must be used to determine municipal facility prioritization: high priority facilities have one or more of the following on site: storage/use of chemicals, salt, petroleum, pesticides, fertilizers, anti-freeze, lead-acid batteries, tires, waste/debris; fueling stations; vehicle or equipment maintenance/repair; and/or turf management, excluding mowing (e.g., pesticide, fertilizer or other chemical application) and all other municipal facilities are considered low priority municipal facilities.

Description of concern (i.e. sewershed to impaired waters, septic systems, high water table, industrial area, etc.)		X	
Pollutant(s) of concern (litter, sediment, nutrients, etc.)		X	
Areas contributing to impaired waterbodies		X	
Areas where stormwater flows have significant potential to cause erosion (soil, silt, rock, etc.)		X	
Areas contributing to waterbodies of significant value (drinking water supply, public bathing beaches, shellfishing, high recreation value)		X	
Densely populated residential areas		X	
Areas where a high number of construction activities are occurring		X	
Areas with a high number of illicit discharges		X	
Areas of high discharge potential (Refer to Table 14 of IDDE Guidance Manual for identification)			X
Areas of shallow groundwater			X
Areas of low infiltrative soils			X
Areas of historic on-site sanitary system failures			X
Sites with a history of major oil or chemical leaks/spills (Include date of event, type of spill, and final resolution)			X
High priority construction sites (Discharges to impaired waters, AA-S, AA, or A classified water sources, or T (trout)/TS (trout spawning) protected bodies)			X
Other areas of concern (wetlands, riparian buffers, flood plains, steep slopes, etc.)			X
Areas with onsite wastewater systems (include typical age)			X
Proposed Retrofits			
Location	X		
Contributing drainage area to the proposed stormwater retrofit	X		

Eligible Costs

- Salary and fringe benefits
- Contractual costs

- Travel
- Administrative costs

Ineligible costs/reports:

- Equipment (e.g., hardware)
- Software or GIS licenses
- Development of materials already available through the cooperative stormwater group
- Operating Expenses
- Indirect costs (e.g. space/property rent, utilities, and other office supplies)
- Legal fees
- Costs incurred outside the start and end date of the contract
- Applications for mapping that do not include the creation of an electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon
- Applications for mapping only Intermediate Elements or Advanced Elements where the applicant and participating MS4s have not completed all requirements in the Basic Elements map category
- Applications that do not attach the Mapping Status Table Worksheet identifying the status of mapping for each of the parties in the cooperative agreement for this project

Required Attachments

- Budget worksheet
- Letters of support from regulated MS4 entities participating in and/or benefitting from this project
- Map(s) with the project area clearly identified. Map(s) must be a minimum of 1:24,000 scale USGS or DOT planimetric map.
- Completed Sexual Harassment Prevention Certification Form¹⁹
- Mapping Status Table Worksheet²⁰ for each of the parties in the cooperative agreement for this project demonstrating level of mapping complete at time of application

Resources

- Additional information on Urbanized Areas: <http://www.dec.ny.gov/chemical/92258.html>.
- DECinfo Locator²¹ (most up to date source of WI/PWL segment assessments): <https://www.dec.ny.gov/pubs/109457.html>.

Technical Contact:

Ethan Sullivan – (518) 402-1382

¹⁹ Sexual Harassment Prevention Certification Form: <http://www.dec.ny.gov/pubs/116725.html>

²⁰ Mapping Status Table Worksheet: <http://www.dec.ny.gov/pubs/116725.html>

²¹ For projects impacting surface water, the applicant must provide the correct WI/PWL segment ID and HUC 12 watershed of the closest waterbody that the project will impact. To find the closest WI/PWL segment, 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 waterbody, click on the “Download Fact Sheet” link in the box. For guidance on how to read the WI/PWL segment assessment, visit <http://www.dec.ny.gov/chemical/36730.html>.

Evaluation Criteria – MS4 Mapping

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 Project Readiness or Experience and Ability will not be funded.			
Performance Measures <i>28 to 5 points possible</i>	28 POINTS: Project addresses Basic Elements Map (red column) items and will impact a waterbody that: Is listed in the Waterbody Inventory/Priority Waterbodies List (WI/PWL) segment assessment as “precluded” or “impaired” where urban runoff is the known source; OR has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan or DEC HABs Action Plan).	20 POINTS: Project addresses Intermediate Elements Map (yellow column) items AND will impact a waterbody that: Is listed in the WI/PWL segment assessment as “precluded” or “impaired” where urban runoff is the known source; OR has a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).	15 POINTS: Project addresses Basic or Intermediate Elements Map (red or yellow column) items AND will impact a waterbody that: Is not listed on the WI/PWL segment assessment as “precluded” or “impaired” AND does not have a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).	5 POINTS: Project addresses only Advanced Elements Map (green column) items.
Reasonableness of Cost <i>20 to 0 points possible</i>	20 POINTS: Exceptional value for the cost as it applies to both achieving the project objectives and being a fiscally sound project.	10 POINTS: Cost is good as it applies to both achieving the project objectives and being a fiscally sound project.	5 POINTS: Cost is reasonable as it applies to both achieving the project objectives and being a fiscally sound project.	0 POINTS: Cost is not reasonable for this type of project.
Vision <i>20 to 0 point(s) possible</i>	20 POINTS: Applicant has demonstrated support from all collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project. OR Project is on behalf of a single municipality with needs specific to the scope of this project AND is neither located in an area with other cooperating regulated MS4 entities nor are shared services available (must specify this in application).	10 POINTS: Applicant has demonstrated support from 50% or more of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project.	5 POINTS: Applicant has demonstrated support from less than 50% of collaborating regulated MS4 entities that will benefit directly or indirectly from the completion of this mapping project.	0 POINT: Applicant has not demonstrated support <i>Applications that fall into this category will not be funded.</i>
Readiness <i>5 to 0 points available</i>	5 POINTS: Project has all necessary pieces in place to complete system mapping.	3 POINTS: Project has some of the necessary pieces in place to complete system mapping.	0 POINTS: Project has not secured any of the necessary approvals and is not ready to proceed with project implementation. <i>Applications that fall into this category will not be funded.</i>	

Experience and Ability <i>5 to 0 points available</i>	5 POINTS: Applicant has shown the ability to complete state-funded MS4 projects in the past 10 years in a timely manner OR Applicant has sufficiently shown its ability to complete this MS4 project based upon experience with similar MS4 projects.	3 POINTS: Applicant has shown the ability to complete a state funded project that was not related to MS4s in the past 10 years in a timely manner OR Applicant has not been awarded a state grant in the past 10 years but appears to have the experience and ability to carry out the project	0 POINTS: Applicant has demonstrated poor management of DEC Division of Water Grants contract(s) in the past 10 years OR Applicant has not been awarded a DEC Division of Water grant in the past 10 years and does not appear to have the experience and ability to carry out the program <i>Applications that fall into this category will not be funded</i>
Environmental Justice 2 to 0 points possible	2 POINTS Projects that include mapping of an Environmental Justice area.		0 POINTS Projects that do not include mapping of an Environmental Justice area
Regional Economic Development Priority Points	<i>Up to 20 points for this criterion are provided by the Regional Economic Development Councils</i>		
Total Maximum Points	100 points		

Grant Opportunity General Information and Conditions

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. Match funds cannot come from other New York State funding sources but may come from federal funding sources. The applicant should identify the source of the match at the time that the application is submitted.

Grant Payment

The grant will be disbursed based on the awardee's progress toward completion of an acceptable report or final deliverable.

Soil and water conservation districts are eligible for a one-time advance payment of up to twenty-five percent of the grant amount for project start-up funding. After the advance payment, all additional payments will be made on a reimbursement basis; however, no additional payments will be made until the SWCD provides documentation showing that all the advance payment was spent on the project.

Municipalities are not eligible for advance payments. All payments to municipalities will be made on a reimbursement basis.

All awardees may apply for reimbursement of eligible project expenses on a calendar quarter basis after the contract between the Department and the grant recipient is executed. All reimbursement requests must be accompanied by a narrative progress report covering the same period as the reimbursement request.

The final reimbursement will be made to the awardee when the report and/or final deliverable is completed and accepted by DEC.

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.

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

DEC expects the term of each contract to be consistent with the project timeline proposed in the grant application. The initial term of each contract will need to be between May 10, 2021 and May 9, 2023. Applicants should not apply if they do not expect their project to be complete by May 9, 2023.

All project costs must be incurred between the start and end dates of the contract to be eligible for reimbursement, or to be used as match for the grant.

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.

The Department of Environmental Conservation reserves the right to:

- Award additional and available funding for scored and ranked projects consistent with this grant opportunity.
- Reduce a grant award from the requested amount if the indicated match is insufficient for the requested amount, or if the requested amount is greater than the defined maximum award amount.
- Award an agreement for any or all parts of the Program Overview in accordance with the method of award or withdraw 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.
- Not fund projects that are determined not to be consistent with NYS's Smart Growth Public Infrastructure Policy Act.
- Not fund projects that are determined not to be consistent with the Climate Leadership and Community Protection Act or its implementing regulations.²²
- Reject any or all applications 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 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!!

²² The Climate Leadership and Community Protection Act is in Chapter 106 of the laws of 2019

- 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.) After the form is received and reviewed, you will be provided with a Username and Password allowing you to access the Grants Gateway.
- 4.) 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>.

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.

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. Requests for debriefings after fifteen calendar days may be denied.

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

Quality assurance applies to all programs/projects that involve the collection, generation or use of environmental data associated with the mapping, modeling, monitoring, and assessment of water quality data intended for use by the New York State Department of Environmental Conservation for its regulatory purposes. This includes the design or use of water quality focused environmental technology. Activities associated with these types of programs/projects, conducted in the field or laboratory, shall be:

- a. 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. An effective Quality System 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 American National Standard ASQ/ANSI E4:2014: Quality management systems for environmental information and technology programs—Requirements with guidance for use, approved February 4, 2014.
- b. 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 where NYS DOH ELAP has not issued a certificate for the specific parameter.

- c. Performed in a manner that ensures all requisite quality control and calibration requirements are met, including field testing, sample collection, preservation, and record-keeping. Basic quality assurance and quality control requirements defined in 40 CFR Part 136.7 shall be followed as well as any specific method requirements.
- d. Required to submit environmental monitoring data electronically to US EPA Water Quality Exchange (WQX) following the guidance as set by US EPA's WQX Submission Instructions.
- e. Covered under the Publicity clause (article IV.G.) of the Master Contract for Grants – Standard Terms and Conditions. Specifically, the Contractor agrees that any work products, including but not limited to, water quality data or environmental information; measured, generated, or developed under this contract shall not be released, published, cited, or shared in draft or final form without prior written authorization from the Department.

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 Master Contract for Grants (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.

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) 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 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.
- For purposes of this procurement, the Department hereby establishes an overall goal of up to **30%** for Minority and Women-Owned Business Enterprises (“MWBE”) participation, (based on the current availability of qualified MBEs and WBEs).

MWBE Responsibilities & Requirements Document

- Contractors must read, sign, and submit the NYSDEC MWBE Responsibilities & Requirements document as part of the grant application. This document describes the MWBE requirements and provides directions for completing the required MWBE Utilization Plan form and subsequent Quarterly Reports.

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>.