



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

August 16, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer 

Subject: Board Authorization to File Grant Application  
Sturgeon Point Washwater Storage Tank - Contract MP-088  
ECWA Project No. 202100111

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This project consists of the design and construction of a new Washwater Storage Tank at the Sturgeon Point Water Treatment Plant. The treatment plant is currently equipped with an original elevated washwater storage tank which is in need of rehabilitation. However, there is currently no backup tank or process that will allow for the existing tank to be taken offline. In late 2020, the Authority completed a Basis of Design Report (BODR) (Arcadis, January 2021) which evaluated a number of options to allow the existing tank to be repaired or replaced. The recommended alternative included the construction of a second tank which would not only allow for the rehabilitation of the existing tank but also provide a redundant tank as well as the ability to backwash multiple filters at once. The project is currently in the 90% design phase with construction anticipated for 2023 or 2024.

During the design phase, the New York State Environmental Facilities Corporation (NYSEFC) introduced another round of funding under the Water Infrastructure Improvement Act (WIIA) program. A complete application for this funding requires a resolution from the ECWA Board of Commissioners supporting the planning, design and construction, and funding of the project along with filing the grant application.

The Authority's engineering staff is in the process of completing the grant application package which is due on September 9, 2022. Attached for information is a summary document for the WIIA Grant Program.

MJQ:jmf/lal1

Attachment

cc: L.Kowalski

CONT-MP-088-2101-X-07



## GRANT SUMMARY

### NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA)

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### NYS INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS (IMG) PROGRAM

#### OVERVIEW

The New York State Clean Water Infrastructure Act (CWIA) of 2017 invests \$3 billion in clean and drinking water infrastructure projects and water quality protection across the state. As part of CWIA, the New York State Environmental Facilities Corporation (EFC) is offering \$225 million in grants for clean and drinking water projects during the 2022-2023 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water quality. Various types of clean and drinking water infrastructure projects are eligible to apply for grants, including critical water infrastructure projects that combat emerging contaminants (EC), such as PFOA, PFOS and 1,4 dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events.

EFC and the NYS Department of Health (DOH) will evaluate all applications for projects received by the deadline (**5:00 p.m. on Friday, September 9, 2022**) based on factors including protection of public health and water quality; median household income; governmental and community support; consideration for Environmental Justice Areas; and readiness of the project to proceed expeditiously. Available grant funds may not be sufficient to offer grants to all eligible applicants.

#### PROGRAM CHANGES

The following changes have been made for this round of WIIA/IMG grant funding:

- IMG grant awardees are no longer limited to SRF market-rate financing if using SRF financing in addition to the grant award
- Drinking Water WIIA grant maximum award cap has increased from \$3 million to \$5 million
- Eligibility criteria for construction dates have been revised
- An online application will be used for submissions

## AVAILABLE FUNDING

### *WIIA Clean Water Projects*

An applicant with an eligible clean water project may receive a WIIA grant award as described below:

- A project, including all phases of the project, may be awarded the lesser of \$25 million or 25% of net eligible project costs (total eligible project costs less any third-party grants awarded in respect of the project).
- Any grants administered through EFC will not be used to calculate net eligible project costs.

Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than a \$5 million allocation per year. If a municipality is awarded grant funds totaling more than \$5 million for a project or projects, the grant(s) will be allocated over multiple years in increments not to exceed \$5 million per year.

If a municipality applies for more than one project during the current round, EFC will prioritize the awards based on the score of the project(s) until all of the projects have received 25% of eligible project costs or the \$5 million cap has been reached. If the award(s) exceed \$5 million, the remaining applications will not be eligible for additional grant in the current round.

### *WIIA Drinking Water Projects*

An applicant with an eligible drinking water project may receive a WIIA grant award as described below:

- A project addressing an emerging contaminant above the State determined Maximum Contaminant Level (MCL) would be awarded 60% of net eligible project costs.
- A project that does not address emerging contaminants, including phases of the project, would be awarded the lesser of \$5 million or 60% of net eligible project costs.

Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than \$5 million per year. Municipalities are limited to \$5 million of combined Drinking Water State Revolving Fund (DWSRF) grant, including BIL General Supplemental and Emerging Contaminants (but excluding Lead Service Line Replacement), and WIIA grants annually.

### *IMG Clean Water and Drinking Water Projects*

Cooperating municipalities with an eligible project may receive an IMG grant award as described below:

- The lesser of \$30 million or 40% of net eligible project costs.



Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than a \$10 million allocation per year. If a municipality is awarded grant funds totaling more than \$10 million for a project or projects, the grant(s) will be allocated over multiple years in increments not to exceed \$10 million per year.

## **ELIGIBILITY REQUIREMENTS**

WIIA and IMG grants are available only to the following: county, city, town, village, district corporation, county or town improvement district, school district, 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, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of the State that is empowered to construct and operate a water quality infrastructure project.

Eligible projects include water quality infrastructure projects at municipally-owned sewage treatment works<sup>1</sup> OR municipally-owned public water systems<sup>2</sup> for:

- Construction, replacement, or repair of infrastructure; or
- Compliance with environmental and public health laws and regulations related to water quality.

Each WIIA project must meet the following criteria:

- Result in construction for the requested scope;
- Not have started construction before October 1, 2021;
- Include the applicable EFC terms and conditions in contracts under construction, noted in the Program Requirements section; and
- Not have completed construction before July 1, 2022.

Each IMG project must meet the following criteria:

- Serve multiple municipalities;
- Be a shared drinking water or sewage treatment infrastructure project, such as:
  - More than one municipality undertaking a capital improvement project jointly,
  - Consolidation of intermunicipal facilities,
  - Shared water quality infrastructure,
  - Regional wastewater treatment facilities for multiple municipalities, or
  - The interconnection of multiple municipal water systems;
- Have a valid and binding project Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to financing of the IMG project that describes

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<sup>1</sup> Sewage treatment works as defined in Environmental Conservation Law Section 17-1903.

<sup>2</sup> Eligible project as defined in paragraphs (a), (b), (c), and (e) of subdivision 4 of Section 1160 of the Public Health Law.

the proposed project, the role of each municipality, and the costs attributable to each municipality;

- Designate a “lead municipality” that applies on behalf of all cooperating municipalities;
- Result in construction for the requested scope;
- Not have started construction before October 1, 2021;
- Include the applicable EFC terms and conditions in contracts under construction, noted in the Program Requirements section;
- Not have completed construction before July 1, 2022; and
- Not be for the construction of water infrastructure that exclusively supports new development, whether residential or commercial.

## PROGRAM REQUIREMENTS

Program requirements for WIIA and IMG recipients include minority- and women-owned business enterprise (MWBE) participation, equal employment opportunity, service-disabled veteran-owned business (SDVOB) participation, smart growth and environmental review.

There are additional program requirements for recipients of WIIA and IMG funds that also utilize SRF financial assistance, such as American Iron and Steel and Davis-Bacon federal prevailing wage requirements.

All contracts entered into by recipients that are to be paid for with WIIA funds, IMG funds, or SRF financial assistance must demonstrate compliance with EFC’s program requirements and must include the required contractual language from the applicable terms and conditions (EFC bid packets). Any contracts, including those that are executed prior to grant application, that do not include the required contractual language will be disqualified from funding.

Additional information on program requirements is available on EFC’s website at [www.efc.ny.gov](http://www.efc.ny.gov), including EFC’s terms and conditions (i.e. bid packets) and the current Intended Use Plans for the SRF programs.

**Please Note:** Projects co-funded with Bipartisan Infrastructure Law (BIL) federal grant or loan funds are subject to additional federal programmatic requirements. BIL funds will be administered with SRF funds and additional information and updates on BIL are available on EFC’s website at [www.efc.ny.gov/BIL](http://www.efc.ny.gov/BIL).

## APPLICATIONS

Applicants who would like to be considered for a WIIA and/or IMG grant must submit a grant application and the following required documentation to EFC no later than 5:00 p.m. on **Friday, September 9, 2022.**



- Engineering Report<sup>3</sup>, including a current project schedule and budget, if not previously submitted
- Smart Growth Assessment Form, if not previously submitted
- Environmental Review Documentation
- SHPO Project Review Determination Letter
- Authorizing Resolution<sup>4</sup>: If debt will finance any portion of the project, a bond resolution is required, otherwise a board resolution appropriating sufficient funding for the project
- If under construction, executed construction contract(s) including applicable EFC Terms and Conditions
- If applying for IMG, a valid and binding Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to the financing and necessary for the project
- If seeking SRF financing in addition to grant funds, a complete SRF Financing Application, if not previously submitted
- If available, district formation documentation for new or expanded districts

Applications must be submitted using the online Application Form located on EFC's website at [www.efc.ny.gov/WIIA](http://www.efc.ny.gov/WIIA) or [www.efc.ny.gov/IMG](http://www.efc.ny.gov/IMG). Applications that are submitted without all required information and documentation may be deemed unacceptable and may not be processed.

## CONTACT US

Please direct all questions about the WIIA or IMG grant programs and application to:

Máire Cunningham  
New York State Environmental Facilities Corporation  
625 Broadway  
Albany, New York 12207-2997  
Phone: (518) 402-6924  
E-mail: [NYSWaterGrants@efc.ny.gov](mailto:NYSWaterGrants@efc.ny.gov)

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<sup>3</sup>The Engineering Report for projects must conform to EFC's Engineering Report Outline, available at <http://www.efc.ny.gov/cleanwater> for clean water projects, and <http://www.efc.ny.gov/drinkingwater> for drinking water projects.

<sup>4</sup> For certain WIIA/IMG Grant Only applications, please note the following: Certain applicants may not have the authority to incur debt on their own and pass a bond resolution but may plan to finance the balance of their project with debt issued by a third-party governing municipality. In such a case, a board resolution from the applicant is required with the initial application which formally requests the governing municipality adopt a bond resolution for the project. The bond resolution from the governing municipality, if not adopted at the time of the application, must be received by EFC no later than 6 months from the date of any WIIA award to the applicant.

ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Documents  
(check which apply)

**Contract:** MP-088 **Project No.:** 202100111  
**Project Description:** Sturgeon Point Washwater Storage Tank

**Item Description:**



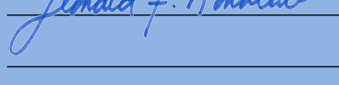


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|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement  | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment          | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD  | <input type="checkbox"/> NYSDOT Agreement              | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum     |
| <input type="checkbox"/> Recommendation for Award of Contract                           | <input type="checkbox"/> Recommendation to Reject Bids |   |                                       |
| <input type="checkbox"/> Request for Proposals  |  |   |                                       |
| <input checked="" type="checkbox"/> Other <u>Board Resolution for Grant Application</u> |  |   |                                       |

**Action Requested:**

- |  |  |
|--|--|
| <input type="checkbox"/> Board Authorization to Execute                                      | <input type="checkbox"/> Legal Approval                              |
| <input type="checkbox"/> Board Authorization to Award  | <input type="checkbox"/> Execution by the Chairman                   |
| <input type="checkbox"/> Board Authorization to Advertise for Bids                           | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals                |  |
| <input checked="" type="checkbox"/> Other <u>Board Resolution for WIIA Grant Application</u> |  |

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

- |   |   |                         |
|---|---|-------------------------|
| <input checked="" type="checkbox"/> Sr. Distribution Engineer |  | Date: <u>8/16/2022</u>  |
| <input checked="" type="checkbox"/> Chief Operating Officer   |  | Date: <u>8/16/2022</u>  |
| <input checked="" type="checkbox"/> Executive Engineer        |  | Date: <u>08/16/2022</u> |
| <input type="checkbox"/> Director of Administration           |   | Date: _____             |
| <input type="checkbox"/> Risk Manager                         |   | Date: _____             |
| <input checked="" type="checkbox"/> Chief Financial Officer   |  | Date: <u>08/16/2022</u> |
| <input checked="" type="checkbox"/> Legal                     |  | Date: <u>8/16/2022</u>  |

**APPROVED FOR BOARD RESOLUTION:**

- |  |   |                      |
|--|---|----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>8/16/22</u> |
|--|---|----------------------|

**Remarks:** \_\_\_\_\_  
\_\_\_\_\_

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_