

NOTE: Below is a revised version of a “Notice of Final Description of Eligible Project Categories” that was published in the *State Register* on March 25, 2009. The current revision is to extend the application deadline of the program, specifically the last date that applications will be accepted is extended from May 9, 2009 to May 29, 2009.

**PUBLIC NOTICE
NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION
NOTICE OF DESCRIPTION OF ELIGIBLE PROJECT CATEGORIES
GREEN INNOVATION GRANT PROGRAM (GIGP)**

I. BACKGROUND, SCOPE AND APPLICABILITY

The New York State Environmental Facilities Corporation (EFC) hereby establishes a new program designed to preserve and create jobs, promote economic recovery, and invest in environmental protection and green innovation to provide short and long-term economic benefits. Funding for the program was authorized by the American Recovery and Reinvestment Act of 2009 (ARRA) the federal Clean Water Act (CWA), the federal Safe Drinking Water Act (SDWA) and is being implemented through the New York State (NYS) Clean Water and Drinking Water State Revolving Funds (CWSRF and DWSRF, respectively), authorized by NYS Public Authorities Law sections 1285-j and 1285-m.

This program, called the Green Innovation Grant Program (GIGP), is intended to provide economic stimulus through the provision of funding for eligible green projects, as further described below. All projects or portions thereof which address green innovation including but not limited to water and energy efficiency improvements, green wet weather infrastructure and other environmentally innovative projects or which qualify as a demonstration of new green innovation will be listed in the CWSRF Intended Use Plan (IUP), Category G, or in the DWSRF IUP, as authorized. The IUP is a plan which identifies the intended uses of amounts available in the SRFs including, but not limited to, a list of potentially eligible projects; a description of the short-term and long-term objectives of the SRFs; information on the types of activities to be supported, including a description of projects in this category, terms of SRF assistance, eligible recipients and the criteria and method established for the distribution of funds. EFC will give the greatest priority to projects that EFC determines are able to initiate construction by June 16, 2009, 120 days following enactment of ARRA.

In order to apply for GIGP funding, the applicant must meet the minimum state and federal qualifications to participate in the CWSRF or the DWSRF programs. Eligible applicants may include any county, city, town, village, district corporation, county or town improvement district, Indian reservation wholly within New York state, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York which is empowered to construct and operate an eligible GIGP project, or any two of the foregoing which are acting jointly in connection with an eligible GIGP project. Eligible applicants may also include any partnership, association, school district, not-for-profit corporation or any other corporation organized and existing under the laws of the State of New York or any other state which is empowered to develop a project, or any two or more of the foregoing which are acting

jointly in connection with a project. Eligible projects must be located in a city, town or village with a population of less than one million.

II. PURPOSE OF THIS NOTICE

This notice describes eligibility requirements for the GIGP, the amount of funding available, the time period during which EFC will accept applications for funding, and certain other eligibility criteria and program information.

III. DESCRIPTION OF ELIGIBLE PROJECTS

The GIGP is intended to create and retain jobs, and construct and implement sustainable, green innovation projects in NYS. Green innovation includes capital projects, technologies and activities that meet the objectives of environmentally and economically sustainable facilities by exceeding traditional infrastructure goals associated with basic regulatory requirements for water quality protection. The broad definition of green innovation established by ARRA and the SRFs includes technologies and activities that protect water quality and fall in one or more of the following general project categories:

- Water efficiency, reuse or conservation - projects that deliver equal or better services with less water.
- Energy efficiency - projects that reduce energy consumption or produce clean energy.
- Green wet weather infrastructure - projects that maintain, restore, or mimic natural systems to infiltrate, evapotranspire, or recycle stormwater.
- Environmental innovation - projects that manage water resources to prevent or remove pollution in an economically sustainable way.

Green innovation project descriptions and examples may be found at www.nysefc.org/GreenGrants. This link also includes federal guidance on green projects, along with other relevant information.

Based on the above categories, evaluation of proposed projects, or any portion thereof, shall include but not be limited to an assessment of the following criteria:

- Economic benefits generated, including job retention and creation.
- Public health and safety.
- Protection of water quality and other environmental resources.
- Demonstrated readiness to commence construction by no later than January 1, 2010.
- Green energy production or reduction in energy consumption.
- Regional distribution of projects.
- Volume of water conserved, reclaimed, reused or for which pollution has been prevented or removed.
- Attainment of water quality goals and standards.
- Sustainability of the project, meaning the capacity for continued financial stability, environmental benefits, and the efficient operation and maintenance of the project through appropriate management.
- Feasibility of transferring new technology/activities to other NYS water quality issues.

- Compliance with state and federal laws, rules and regulations.

IV. FUNDING PROPOSAL

This program will be administered by EFC, expanding upon established programs. GIGP will use funding sources from ARRA and administered under the SRFs to assist in financing and implementing eligible projects.

EFC reserves the right to fund up to 90% of a project or a portion thereof. Applicants may be required to identify separate project components for funding consideration. Funding will be provided to eligible projects only to the extent funds are available.

GIGP will provide funding to eligible applicants to help pay for the implementation costs of certain projects, or portions thereof. Payments in an amount up to 90% of eligible project costs may be provided to eligible recipients with GIGP projects that comply with all requirements. The recipient must contribute at least 10% matching funds under this program, which may include direct cash funding or documented in-kind services. Payments will be made on an incurred cost basis, with Disbursement Requests accepted by EFC not more than once every 30 days. Notwithstanding the above, no disbursements will be made (e.g. for eligible planning and design costs) until project construction contracts have been fully executed, which must occur by no later than January 1, 2010.

NOTE: Recipients of GIGP funding must document that construction contracts have been fully executed or construction of the approved project has commenced by no later than January 1, 2010. Failure to document this fact by the stated deadline may disqualify the project from receiving GIGP funding.

V. AMOUNT OF FUNDING

EFC estimates that a minimum of \$35 million in funding will be made available to the GIGP from the CWSRF. In addition, EFC estimates that a minimum of \$3 million in DWSRF funds may be made available to the GIGP for eligible green innovation projects related to drinking water supply systems from the DWSRF.

GIGP funding is based on receipt of incurred costs, requiring the recipient to provide copies of invoices to receive payment. Subsequent proof of payment for incurred costs will be required in order to continue to receive funding. A complete description of all sources of project funding must be included with the initial application.

VI. APPLICATION SCHEDULE

EFC will accept Applications for GIGP funding postmarked no later than May 29, 2009.

Under GIGP, EFC’s administrative responsibilities will include: receiving and reviewing grant applications; making funding commitments based on a completed GIGP Application, as determined by EFC; and entering into Funding Agreements directly with recipients for project implementation. The Funding Agreement will include, among other things, the authorization to pay for eligible costs associated with all or a portion of an approved GIGP project.

A complete GIGP Application shall, at a minimum, include the following:

- Completed, signed and dated Application Form as prescribed by EFC.
- Detailed project description, rationale for undertaking the project and demonstration of how the project meets the evaluation criteria.
- Detailed description of the economic benefits of and number of jobs retained or created by the proposed project.
- A detailed description and schedule indicating how the applicant will complete all necessary environmental and State Historic Preservation Office reviews required for the proposed project in time to meet the January 1, 2010 deadline referred to above.
- Detailed project schedule, including construction start and end dates.
- Listing of all other sources of funding being utilized in support of the project .

VII. FUNDING SCHEDULE

PROPOSED SCHEDULE	
GIGP Application Materials Available	3/25/2009
Postmark Deadline for GIGP Application	5/29/2009
Target Date for Announcement of Fundable GIGP Projects	6/24/2009
Deadline for Applicants to Execute Construction Contracts and/or certify Start of Project Construction	1/1/2010
Deadline for Project Completion and Disbursement of All Funds	12/31/2013

EFC anticipates that GIGP Application materials will be available by March 25, 2009; applications must be postmarked no later than May 29, 2009.

EFC expects to announce the list of potentially fundable projects by June 24, 2009. Selected, approved projects would then enter into Funding Agreements. Failure to comply with the Funding Agreement may result in GIGP funds being reallocated to other projects. EFC will provide funding for the GIGP only to the extent monies are available. Projects must be completed and funds disbursed by December 31, 2013.

VIII. ADDITIONAL REQUIREMENTS

The GIGP is subject to the requirements of the ARRA, as well as the applicable requirements of the CWSRF and DWSRF. ARRA imposes new requirements for projects that receive ARRA funds, including but not limited to the following:

(1) Program Duration

Subject to the availability of funds and the other eligibility criteria set forth in this notice, EFC anticipates that GIGP projects will be identified by June 24, 2009, project construction must be commenced or all construction contracts are executed by January 1, 2010, and the project must be completed and all funds disbursed by December 31, 2013.

(2) Application Deadline

Applications for funding under GIGP must be postmarked by no later than May 29, 2009. EFC strongly encourages applicants to submit their application to EFC as soon as possible to ensure compliance with ARRA requirements in order to maximize the chances of receiving funding. The required GIGP Application may be obtained by downloading it from EFC's website at www.nysefc.org/GreenGrants or by contacting EFC at the address specified under Section IX of this notice.

(3) Application Procedure

The procedures for administering GIGP, including the submission, review and approval of requests for SRF assistance will be governed by applicable law including the provisions of ARRA, the CWA, the SDWA, the CWSRF and the DWSRF.

(4) GIGP Grant Recipient Responsibilities

Recipients of grants under the GIGP are "subgrantees" under the federal Clean Water Act and the Safe Drinking Water Act. "Cross-cutting" Federal Laws and Executive Orders apply to all subgrantees and projects funded in whole or in part by the GIGP from ARRA monies. Grant recipients are responsible for complying with all applicable cross-cutting federal authorities. A listing of these authorities may be found on EFC's web site at www.nysefc.org/GreenGrants.

(5) DUNS® (Data Universal Numbering System) Numbers

EPA guidance for reporting under ARRA calls for subgrantees to have DUNS numbers for reporting. Each applicant must provide EFC with a DUNS number in order to receive GIGP funding. DUNS numbers may be applied for through the following link: <http://fedgov.dnb.com/webform>.

(6) Compliance Reporting

As part of the GIGP funding request process, EFC may verify that any applicable permits have been issued, if required, covering the proposed project.

In order to fulfill federal and state requirements, GIGP participants will be required to submit detailed reports to EFC in compliance with ARRA and applicable law documenting achievement of project milestones, financial status, achievement of economic recovery/stimulus goals, including reporting on number and type of jobs retained or created and other general project information.

(7) Use of American Iron, Steel, and Manufactured Goods

ARRA requires that all iron, steel and manufactured goods used in the project is to be produced in the United States. Continuing documentation that this requirement has been met will be the responsibility of the participant and shall be provided to EFC or its agent upon request. Failure to meet this requirement will likely disqualify the project/recipient and would require the

cessation of future payments as well as the recoument of any GIGP funding paid to the recipient.

(8) Certification

With respect to funding made available under the GIGP for eligible projects, recipients shall certify that the project has received the full review and vetting required by state and federal law, and that the recipient accepts responsibility that the funding is an appropriate use of taxpayer dollars. Such certification shall include a description of the project, the estimated total cost, and the amount of GIGP funds to be used. Recipients may not receive GIGP funding from ARRA funds unless this certification is provided to EFC for posting on EFC's web site. Further, the recipient must certify that no other grant funds received from third-parties have been received or used for any portion of the project funded by the GIGP through EFC with ARRA monies.

(9) Environmental Reviews

The applicant must document that all environmental reviews required by local, state and federal laws and SRF requirements, including but not limited to the State Environmental Quality Review Act (SEQRA) and the State Environmental Review Process (SERP), and evaluation by the New York State Historic Preservation Office (SHPO), under NYS Parks, Recreation and Historic Preservation Law, Section 14.09, have been successfully completed, and that all state, local and federal permits required to undertake the project have been received.

(10) Prevailing Wage Rate Requirements

All GIGP-funded projects are subject to the applicable provisions of the Davis-Bacon Act. Notwithstanding any other provision of law and in a manner consistent with other provisions in ARRA, all laborers and mechanics employed by contractors and subcontractors on GIGP projects funded directly by or assisted in whole or in part by funding through the GIGP shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(11) Restrictions on the Purchase of Land

None of the funds appropriated under ARRA can be used for the purchase of land or easements.

(12) Fixed Price Contracts

To the maximum extent possible, contracts funded under ARRA shall be awarded as fixed price contracts through the use of competitive procedures.

(13) Disadvantaged Business Enterprises (DBE)

Projects funded under ARRA must comply with the requirements of Minority and Women's Business Enterprises under EPA's DBE rule (40 CFR 33).

(14) Limit on Funds

ARRA prohibits the use of these funds for any casino or gambling establishment, aquarium, zoo, golf course or swimming pool.

(15) Signatures

All application documents requiring the applicant's signature must contain an original signature. Photocopy or facsimile signatures will not be accepted.

IX. INFORMATION AVAILABILITY

Any person seeking additional information or application material regarding this program should contact EFC at:

New York State Environmental Facilities Corporation

Green Innovation Grant Program

Attention: GIGP Project Manager

625 Broadway

Albany, New York 12207-2997

Telephone (800) 882-9721

Fax (518) 486-9248

or

www.nysefc.org/GreenGrants

email: GIGP@nysefc.org