

East of Hudson Watershed Corporation Project Selection Policy and Procedures

**BOARD OF DIRECTORS
EOHWC**

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Part 1 Introduction

Part 1 Introduction

1.01 Purpose of Project Selection Policies and Procedures

The Project Selection Policies and Procedures of the East of Hudson Watershed Corporation (“EOHWC”) is the official document of the Corporation for the selection and implementation of Stormwater Retrofit Projects (SRPs).

The purpose of the Project Selection Policies and Procedures is to provide detailed information on the process which projects are selected and approved by the EOHWC staff and the Executive Committee. This Policy should guide employees, officers and municipal members of the EOHWC in the selection and approval of projects as part of the EOHWC Stormwater Retrofit Plan.

This Policy constitutes all current project selection policies and standards that have been developed by the EOHWC, unless otherwise noted, through the time of issuance.

1.02 Scope and Organization

The general organization of the Project Selection Policies and Procedures is as follows:

Section 1 Introduction	Provides a description of the purpose of the Policy and its organization.
Section 2 Preliminary Project Identification	Describes the system of project proposals to EOHWC and selection from the approved NYSDEC Work Plan.
Section 3 Requirements of the Municipalities on Design Projects	Sets forth requirements of the Municipalities to identify any MS4 requirements for projects (i.e. planning, zoning, wetlands regulations).
Section 4 Executive Committee Project Approvals	Establishes policies for approvals at various milestones in the project schedule by the Executive Committee.

Part 2 Preliminary Project Identification**Part 2 Preliminary Project Identification*****2.01 NYSDEC Approved Work Plan***

All projects which are to be considered for design are to be part of the NYSDEC approved Work Plan. No design efforts are to take place on a project which has not been accepted by the NYSDEC and authorized for inclusion in the Work Plan.

An overarching Work Plan for the first 5 years of the program was submitted to the NYSDEC; likewise the same applies to the next 5 years. All subsequent Work Plans are submitted annually to the NYSDEC and are composed of projects which were part of the original 5-Year Plan and/or may include additional projects which were identified at another time.

2.02 Identification of New Projects**1. General**

All municipalities are expected to identify any new water quality projects which can be incorporated into the EOHWC Work Plan.

2. Project Site Evaluation

To guarantee program success, optimal phosphorus loading conditions must be identified by the municipalities. The phosphorus loading on a project site is driven by the land use characteristics of the tributary drainage area. The typical land use identified in EOHWC projects, in order of phosphorus loading, are as follows:

1. Developed Open Space (0.59 mg/l) [Subject to NYSDEC revision as of 10/01/2015];
2. Impervious (0.50 mg/L)
3. Industrial (0.45 mg/L);
4. Residential (0.41 mg/L);
5. Actively Grazed Pasture (0.40 mg/L);
6. Commercial (0.34 mg/L); and
7. Forest (0.15 mg/L)

Emphasis on identifying impervious areas for phosphorus reduction projects is encouraged. The EOHWC program utilizes approved NYSDEC methods for calculating the volume of water to be treated on a project site. This method is driven heavily by the percentage of impervious cover on a project site. Therefore, the EOHWC will obtain the greatest phosphorus reduction from project sites with the most impervious cover. Projects which are constructed on unpaved roads will carry a heavier O&M burden and must be considered on a case by case basis. As such, the Municipality will be required to take on the additional O&M expenses for these projects.

3. Stormwater Retrofit Selection

All SRPs are assigned a phosphorus reduction value (a reduction percentage) and therefore some project types are favored over others. In selecting an SRP type, the EOHWC must consider the cost of construction as well as the cost of operations and maintenance (O&M). The typical retrofit types in order of recommended use by the EOHWC are as follows:

Part 2 Preliminary Project Identification

1. Channel Stabilization;
2. Dry Swales;
3. Infiltration;
4. Surface Sand Filter;
5. Stormwater Ponds;
6. Organic Filter;
7. Stormwater Wetlands;
8. Wet Swales;
9. Stormwater Filtration Units (Stormtech, Hydrodynamic Separators, etc)
10. Bioretention; and
11. Underground Sand Filter

D. Ownership of Property

Preference is given to publically owned (Town or County) property for all SRP locations. The municipalities are responsible for contacting any private property owners within their jurisdiction to discuss placement of a SRP prior to submitting a project for review to the EOHWC. Failure to do so by a municipality may result in a delay of the project completion.

Part 3 Requirements of the Municipalities on Design Projects

3.01 Permitting

The EOHWC acts on behalf of every Municipality within its jurisdiction. All municipalities are required to share all permitting steps with the Corporation ahead of the project being released for design. The EOHWC respects that each individual municipality is subject to different regulations for zoning, building, wetlands, and various other land development requirements, however all MS4s are required to clearly state these regulations to the EOHWC. All projects are being performed on behalf of the municipality and the EOHWC should be granted the same permitting path as an MS4 designated project.

3.02 Easements

Easements are required on all privately owned project sites. Both a temporary construction easement and permanent easement will be required to execute the construction and maintenance of a project. Prior to the beginning of the design phase of a project, the MS4 is required to begin communications with any private property owner to facilitate the execution of the necessary easements. All municipalities are encouraged to execute a Memorandum of Understanding (MOU) with any private property owners to ensure that any project which begins the design phase will in fact be installed and constructed.

3.03 Installation Agreements

An Installation Agreement must be signed by the Municipality, the property owner (if different than the Municipality), and the EOHWC at the 30% design milestone. This installation agreement will be a legally binding document which at a minimum includes the following:

1. The property owner gives permission for the SRP to be installed on their property;
2. The temporary construction and permanent O&M easements are illustrated and agreed upon;
3. The project description is clearly stated; and
4. The Municipality takes responsibility for the O&M for the lifetime of the project.

3.04 Municipal Reimbursements

All projects which are executed by the participating MS4s, that contain phosphorus reduction elements, are eligible for municipal reimbursements. To qualify for reimbursement from the EOHWC, all MS4s must follow the below criteria:

1. The EOHWC must be notified of the project prior to commencement;
2. Design and construction costs must be incurred by following the EOHWC Procurement Policy;
3. All municipal projects must meet the EOHWC design and construction standards including but not limited to the EOHWC Design Manual and Project Closeout process.
4. All payment requests and submissions are to follow the approved EOHWC Fiscal Policy

Failure to fulfill the above requirements may lead to withholding of a full reimbursement of the completed stormwater project.

Part 4 Executive Committee Project Approvals

4.01 Requests for Proposal Approvals

Upon recommendation of the EOHWC staff, the Executive Committee (EC) will award engineering contracts to the firms which are deemed the lowest qualified bidders. This recommendation will be based upon the price of the contract, recommendations by outside sources for the firms, and/or prior EOHWC work experience with the firms. Along with the recommendation of the firm, the EOHWC staff will supply an estimated efficiency (in dollars spent for the project per kilogram of phosphorus removed by the SRP) for the project which will be based off prior construction and engineering experience.

4.02 Thirty-Percent Design Review (Initial Evaluation)

All design contracts are required to be reviewed at the 30% (or Initial Evaluation) milestone. Upon recommendation from the EOHWC staff, the EC will review the estimated efficiency of a design project to determine whether it is a safe investment for the Corporation to pursue. The review will identify the following:

1. The Engineer's Opinion of Probable Construction Cost (EOPCC);
2. Estimated Phosphorus Removal (kg/yr);
3. Updated efficiency of the project (\$/kg removed); and
4. Status of all easements required to execute the project.
5. 4.04 Awarding the Construction Contract

4.03 Mortgage Subordination

Prior to the execution of an Installment or Maintenance Agreement required by Part 3.02 of this Policy, the Executive Committee will determine whether the mortgage or other liens affecting the subject property must be subordinated to the agreement as a condition to approval of the project.

In determining whether to pursue subordination, the Executive Committee shall consider the benefits and costs of the project taking into account all facts and circumstances and considering the following factors.

- (1) The cost of the project as compared to the estimated phosphorus credits, with low cost high-efficiency projects presenting a lower risk in the event that a future mortgage foreclosure would prevent access to a property: and
- (2) The expected cost and required access for maintenance following installation.
- (3) Generally, it is anticipated that subordination would not be required for low cost higher efficiency projects such as the installation of catch basin inserts. Other projects would be considered on a case by case basis.

4.04 Awarding the Construction Contract

Upon recommendation from the EOHWC staff and the design engineer, the EC will award the construction contract to the lowest responsible bidder. At such time, the contract will be awarded based off of the same criteria as discussed in Section 4.02 of this policy.