

FUTURE STORMWATER CONTROLS PROGRAM RULES
(ARTICLE 5)
CWC FUTURE STORMWATER PROGRAM & MOA 145
PROGRAM

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Equal Opportunity Employer

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Chapter 5:00 – Future Stormwater Program Overview

5:00:01. Definitions

Words used in this article mean:

1. “Applicant,” an entity that has submitted an application to CWC for funding of a project under these Programs for stormwater planning and control.
2. “BMP,” Best Management Practices for stormwater control, generally defined as practices described as structures, nonstructural controls and operation and maintenance procedures determined to be the most practical and effective in preventing or reducing pollution and / or erosion due to stormwater. General guidelines for such can be found in the *New York Guidelines for Urban Sediment and Erosion Control*.
3. “Board,” the Board of Directors of the CWC.
4. “NYC,” the City of New York.
5. “CWC,” the Catskill Watershed Corporation.
6. “Eligible costs,” as defined in section 5:00:04 of these rules.
7. “Eligible project,” project to design, construct, implement, and maintain new stormwater measures pursuant to stormwater pollution prevention plans required by Section 18-39(b)(3) of the Watershed Regulations and individual residential stormwater plans required by Section 18-39(e) of the Watershed Regulations and not otherwise required by Federal and/or State law (with respect to projects west of the Hudson River constructed after the effective date of the Watershed Regulations). For purposes of these Programs, any action required by a TMDL developed by NYSDEC solely for phosphorus control (for NYC reservoirs in the watershed) shall not constitute a requirement of Federal or State law.
8. “CWC Future Stormwater Program” – The Program established by MOA Paragraph 128, wherein CWC agreed to administer a program to pay for certain costs of stormwater measures required by the Watershed Regulations that are not otherwise required by State and/or Federal law.
9. “IRSP,” an individual residential stormwater plan.
10. “MOA,” New York City Watershed Memorandum of Agreement.
11. “MOA 145 Program,” The Program established by MOA Paragraph 145 wherein NYCDEP agreed to pay for certain costs of stormwater measures required by the Watershed Regulations that are not otherwise required by State and/or Federal law
12. “NYCDEP,” the New York City Department of Environmental Protection.
13. “NYSDEC,” New York State Department of Environmental Conservation.
14. “Programs” the CWC Future Stormwater Controls Program and MOA 145 Program to

provide funding for eligible costs of eligible projects.

15. “Project Sponsor,” applicant who has been approved by the CWC Board for funding in accordance with these rules.
16. “SWPPP,” Stormwater Pollution Prevention Plan.
17. “Substantially complete,” the point at which the project is ready for inspection by CWC or its designated agent to determine project completion.
18. “TMDL,” Total Maximum Daily Load.
19. “Watershed,” the watershed area serving the New York City Water Supply.
20. “Watershed Regulations,” Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources that became effective May 1, 1997, and as thereafter amended.
21. “WQv,” Water Quality Volume

5:00:02. Purpose and Goals

The purpose of the Programs is to disburse program funds to pay for reasonable and necessary costs for designing, permitting, constructing, implementing, and maintaining eligible projects as discussed below. As of , 20 , implementation of Paragraph of 145 of the MOA, entitled: “Future Stormwater Controls Paid for by the City: Single-Family Houses, Small Businesses, Low Income Housing.” will be managed by CWC pursuant to these Program Rules, in conjunction with the CWC Future Stormwater Program. Unless otherwise specified, these Program Rules apply the same to both Programs.

5:00:03. Eligible Projects

The Programs shall fund new stormwater projects located west of the Hudson River as follows.

1. The project is required solely by Watershed Regulations section 18-39(b)(3) or 18-39(e), not otherwise required by Federal and/or State law, and is developed pursuant to one of the following:
 - A Stormwater Pollution Prevention Plan (SWPPP)
 - An Individual Residential Stormwater Plan (IRSP)
 - For purposes of these Programs, any action required by a Total Maximum Daily Loads analysis developed by NYSDEC for a NYC reservoir west of the Hudson River solely for phosphorus control shall not constitute a requirement of Federal / State law.

For construction projects that are required to have an SWPPP on file by State and Federal regulation, CWC policy identifies such projects as eligible for part of the project costs, as

is discussed in the eligible cost portion of these rules, section 5:00:04.

2. The project must be in compliance with the Watershed Regulations, all applicable state and local regulations and these program rules and standards.
3. The project shall be designed, constructed, implemented, operated and maintained by professionals with appropriate qualifications.
4. Future Stormwater Program funds may be used only to pay the costs of eligible projects incurred after the effective date of the Watershed Regulations (May 1, 1997).
5. MOA Paragraph 145 Programs funds may be used only to pay the costs of eligible projects incurred after the commencement of work date of the Program Agreement between CWC and NYCDEP (September 21, 2018)
6. CWC Board may allocate approval of Future Stormwater Program and MOA 145 Program funding to an eligible project on the following basis:

Percentage of Costs of New Stormwater Controls Eligible for Future Stormwater/ MOA 145 Funding, By Property Use

	Low Income Housing (1)	One Family Housing (1)	Small Businesses as defined in MOA (3)	All Other Projects (2)
Funded by Future Stormwater Program	0%(4)	0%(4)	50%(4)	Up to 100%
Funded by MOA 145 Program	100%	100%	50%	0%

Footnotes:

- (1) Per MOA Section 145, NYCDEP will fund 100% of the incremental costs of stormwater measures required solely by the Watershed Regulations for new one family residences where lot constraints prevent the construction of the home outside of the limiting distance, i.e. within 100 feet of a perennial stream or wetland, and 100% of the incremental costs for facilities funded through publicly-subsidized low-income housing programs.
- (2) All other projects include all other businesses, municipal projects, churches and other not for profit corporations, two or more family residences, etc.
- (3) Small businesses are defined as resident in New York State, independently owned and operated, and employ one hundred (100) or less individuals.
- (4) As set forth in Section 5:00:04:01, on a case by case basis, CWC Board, in its sole discretion, may approve funding of eligible costs through the CWC Future Stormwater Program that pursuant to MOA 145 Program Agreement cannot be funded by the MOA 145 Program.

5:00:04. Eligible Costs, Presumptions, and Applicant Elections

1. In order for the costs of an eligible project to be eligible for payment, the cost must be deemed reasonable and necessary. Potentially eligible costs include the costs of design, construction, permit process, coordination with NYCDEP, implementation, and maintenance of

new stormwater measures. Potentially eligible costs may include but are not limited to the following, as incurred solely due to applicable Watershed Regulations. See Table A for explanation of costs solely attributable to the Watershed Regulations.

2. For a site that is required by State/ Federal Regulations to have a SWPPP, CWC policy permits partial payment of the project costs. State and Federal regulations require that the facility owner for such a site prepare and follow a SWPPP, which plan must be on file at the site and file a Notice of Intent. The Watershed Regulations require that a SWPPP be submitted to NYCDEP for review and approval. At the time of application, an applicant may elect to proceed with a percentage presumption described below or in the alternative request reimbursement for costs as described in Section 5:00:04:02.

3. Projects Also Requiring a State/Federal SWPPP

A. For projects where a State/Federal SWPPP is required to be prepared and a Notice of Intent is required to be filed or a State/Federal erosion and sediment control plan is required to be prepared, and a NYCDEP SWPPP approval is also required. Eligible costs shall presumptively be fifty percent (50%) of all actual and reasonable costs of designing and implementing the SWPPP, as described in section 5:00:04:02.

B. B. For a project that otherwise did not meet the threshold for State/Federal SWPPP requirements, but must also comply with State/Federal SWPPP requirements solely due to NYCDEP SWPPP requirements, eligible costs shall be one hundred percent (100%) of all actual and reasonable costs of designing and implementing the SWPPP, as described in section 5:00:04:01.

C. An applicant may instead request a determination of incremental costs, in lieu of the fifty percent presumption provided for in this paragraph, by submitting an itemized list of SWPPP Costs and requirements that are attributable to the Watershed Regulations and not otherwise required by Federal and/or State law, and as described in Section 5:00:04:02. Based on such an itemized list, the CWC Board, in its sole discretion, may determine that Payable Stormwater Costs are greater than or less than fifty percent (50%) of SWPPP Costs; such a determination by CWC Board shall be binding on an applicant who has requested a determination of incremental costs.

4. Projects also requiring a State Individual Stormwater Permit

A. For projects that require an individual stormwater permit from New York State Department of Environmental Conservation, Payable Stormwater Costs shall presumptively be thirty-five percent (35%) of all actual and reasonable SWPPP Costs and as described in Section 5:00:04:01.

B. An applicant may instead request determination of incremental costs, in lieu of the thirty five percent presumption provided for in this subparagraph, by submitting an itemized list of SWPPP Costs and requirements that are attributable to the Watershed Regulations and not otherwise required by Federal and/or State law and as described in Section 5:00:04:02. Based on such an itemized list, the CWC Board, in its sole discretion, may determine that Payable Stormwater Costs are greater than or less than thirty-five percent (35%) of SWPPP Costs; such a determination by CWC Board shall be binding on an applicant who has requested a determination of incremental costs.

5:00:04:01. Potentially Eligible Costs for SWPPPs/ IRSPs

The following costs are potentially eligible for reimbursement for SWPPPs/IRSPs solely

required by the NYCDEP or for the percentage presumption as provided for in Section 5:00:04

1. Professional Fees, design fees, including but not limited to:
 - A. fees for permitting and environmental assessments,
 - B. regulatory compliance, and those described in Table A
 - C. Collection of Base Map Information related to the SWPPP
 - D. Base Map preparation related to the SWPPP
 - E. Pre-construction hydrology modeling
 - F. All Soils Testing related to the SWPPP and/or required by NYCDEP
 - G. Soils Import Development Plans and establishment of post-construction conditions
 - H. Practice Selection and initial sizing
 - I. Site Confirmation of site and design elements with NYCDEP, including but not limited to NYCDEP watercourse determinations.
 - J. Adjust Practice Designs, based upon comments from NYCDEP
 - K. Finalize Design and Prepare SWPPP
 - L. Responses to Comments from NYCDEP
 - M. SWPPP Implementation.
 - N. SWPPP Modifications
 - O. Project Closeout (as related to SWPPP)
 - P. As built drawings requested by NYCDEP
 - Q. Pre-Construction Meeting required by NYCDEP
 - R. Construction Visits related to SWPPP or IRSP
 - S. Design modifications based upon NYCDEP requirements
 - T. Response to Design Modification comments from NYCDEP
 - U. Costs for redesigns of facilities required for implementation of the SWPPP design will be considered on a case by case basis only.

Under the reimbursement funding method, these Programs will reimburse the design costs after the design has received NYCDEP approval.

2. Cost of drainage easements necessary for practices or modifications to practices required by NYCDEP, in the sole discretion of the CWC Board.
3. Litigation expenses may only be funded upon separate application and approval by the CWC Board of Directors. Such application shall include a description of the dispute. To the extent such litigation expenses are not eligible under the MOA 145 Program Agreement, CWC may fund such expenses through the CWC Future Stormwater Program while reserving its claim, if any, to assert that such costs are eligible under the MOA 145 Program.
4. Construction costs including erosion and sediment controls and post-construction stormwater management practices. Under the reimbursement funding method, the Programs will reimburse the construction costs after the construction has received all necessary permits and approvals. Under the Voucher funding method, CWC shall hold a portion of the construction costs as retainage to be paid contingent upon receiving all necessary approvals.
5. The cost of land purchase, as needed for installation of eligible stormwater measures. In the event that a parcel with excess land is proposed for purchase, the Programs shall pay only for the costs of that portion of land needed for the eligible project. The Programs may pay for additional land if it is determined that no other appropriate land parcel of lesser size is available for construction of the facility. Land purchase costs shall be justified by appropriate documentation, including an appraisal by a licensed appraiser, documentation of closing costs and a phase one environmental site assessment, and shall require approval by the CWC Board. The appraiser's fee and cost of the phase one environmental site

assessment shall be eligible costs, for the land or portion thereof approved by the Board.

6. Administrative costs relating to the preparation and/or implementation of SWPPP or IRSP, including copy fees, printing fees, mailing and mileage (at current IRS rate).
7. Operation and maintenance costs – Reasonable and necessary costs of operation and maintenance of stormwater measures for projects of which the design and construction have been paid for under the Programs may be wholly or partly eligible, except for costs that are paid for by insurance, emergency relief funding, other NYCDEP funding or other grant funding. All operation and maintenance funding shall be in accordance with a contract with the project sponsor and CWC. The Programs will reimburse the maintenance costs only of projects that have received all necessary permits and approvals. Per the MOA, maintenance costs can be funded from earnings on the principal of CWC Future Stormwater Program funds, and not from the principal itself. Thus, CWC funding of operation and maintenance from the CWC Future Stormwater Program is contingent on the availability of such earnings. In the case of projects that are required by State /Federal Regulations to have a SWPPP, the Programs will fund only those measures that are above and beyond state / Federal requirements.
8. Costs not included on this list will be considered on a case-by-case basis in the sole discretion of the CWC Board, based on a written explanation from the applicant demonstrating that such costs are in fact required solely by the Watershed Regulations and not by State and/or federal law. The following costs are not generally eligible: costs of constructing roofs, standard gutters, driveway / parking area paving, and other basic construction elements that incidentally convey stormwater.

5:00:04:02. Potentially Eligible Costs for SWPPPs Required by State / Federal Regulations

At time of application, an applicant whose project includes both State/Federal stormwater requirements and a requirement to complete a stormwater pollution prevention plan pursuant to Section 18-39 of the Watershed Regulations must choose either to proceed under the percentage presumption provided for in Section 5:00:04 or actual itemized costs including but not limited to:

- A. Pre-Design Costs
 1. Pre-application Conference with NYCDEP
 2. Additional soils testing, required or directed to be undertaken by NYCDEP, which in the sole discretion of CWC are beyond State/Federal Requirements
 3. Practice selection and initial sizing, including hydrology analysis required by NYCDEP
- B. Design
 1. Finalize design and prepare SWPPP (for measures required by NYCDEP)
 2. Prepare responses to comments from NYCDEP
 3. SWPPP implementation of measures required by NYCDEP
 4. SWPPP modifications as requested by NYCDEP
- C. Design during construction
 1. Preconstruction meeting required by NYCDEP
 2. Construction visits required by NYCDEP
 3. Prepare response to design modification comments from NYCDEP
- D. Construction costs for measures required by NYCDEP
- E. Administration costs (only as related to NYCDEP requirements and/or requests)
 1. Copy fees
 2. Printing Fees
 3. Mailing Costs

4. Mileage costs (at current IRS rate)
- F. Any other costs listed in 5:00:04:01 due solely to NYCDEP requirements;
- G. Cost of drainage easements necessary for practices or modifications to practices required by NYCDEP, in the sole discretion of CWC.
- H. Litigation expenses may only be funded upon separate application and approval by the CWC Board of Directors. Such application shall include a description of the dispute. To the extent such litigation expenses are not eligible under the MOA 145 Program Agreement, CWC may fund such expenses through the CWC Future Stormwater Program while reserving its claim, if any, to assert that such costs are eligible under the MOA 145 Program.
- I. Other reasonable and necessary costs due solely to NYCDEP requirements not included on this list will be considered on a case by case basis.

5:00:04:03. Recommended Record-keeping of Potentially Eligible Costs

The potential applicant should maintain records of all out-of-pocket expenses for submissions, meetings and communications of SWPPP preparation, and particularly for communications and dealings with NYCDEP, including but not limited to:

1. Hours and hourly rates of consultants and employee time for preparing and maintaining files of submissions and responses to NYCDEP, other than SWPPP required by State or Federal regulations;
2. Travel costs;
3. Cost of printing, postage and other communication related to NYCDEP;
4. Cost of designing, constructing, implementing and maintaining measures required solely by NYCDEP and not otherwise required by state or Federal regulations.
5. Date expense was incurred.

Eligible costs will be determined based on a review of actual cost for services, time and materials, and on a CWC schedule of reasonable costs for typical stormwater BMPs. CWC will base its schedule of reasonable costs on the costs contained in NYCDEP's Stormwater Best Management Practices Details, Specifications and Unit Cost Estimates and on costs incurred in the Programs.

5:00:05. Ineligible Costs

Ineligible costs include professional fees and costs related to completing the application to request funding, gathering any of the information required by the application, and responding to questions from CWC staff related to the application or any of its required attachments. Applicants are encouraged to contact CWC for assistance with the application.

5:00:06. Application for Project Inclusion

An applicant may apply for funding under these Programs for new stormwater controls measures herein described as an eligible project.

In order to apply for funding for new projects, each applicant shall fill out an application form supplied by CWC, and shall supply information to allow CWC to evaluate project eligibility and to prepare a proposed schedule and budget for each project. The application form shall include the following:

- The proposed site location
- Structural design, facility(ies) being replaced if relevant

- Land purchases and costs
- Itemization administrative costs
- Other estimated costs,
- Tentative schedule and budget if known
- Itemization of claimed eligible costs resulting solely from NYCDEP requirements, and not otherwise required by State or Federal laws or regulations
- Copy Submission of SWPPP to NYCDEP
- Copy of Approval Letter of SWPPP by NYCDEP, including, if any, enumeration of specific claimed NYCDEP only requirements by NYCDEP
- Other information as requested by CWC

Each application, with all attached documentation and staff recommendations, shall be presented to the Board for approval of funding through these programs.

In order to apply for funding of operation and maintenance costs, the applicant shall apply to enter into contract with CWC for funding of operation and maintenance cost. The contract shall itemize which costs are eligible.

5:00:07. Appeals Process

An applicant who believes that his or her application for reimbursement under the Programs was wrongly denied, in whole or in part, may request a review of the disputed claim(s) by the CWC Board of Directors. The applicant shall submit such request for appeal in writing to the President of the CWC, by certified mail return receipt requested. In the request for appeal, the applicant shall identify the reason for the appeal, and shall include a completed CWC appeal form. The CWC Board shall act upon each written request no later than the next regularly scheduled CWC Board meeting occurring that is at least fifteen (15) days after CWC's receipt of the completed written request for appeal.

The CWC Board may reverse the decision to deny reimbursement, in whole or in part, in four instances.

1. The applicant was wrongly deemed ineligible.
2. The applicant was wrongly denied funding, in whole or in part, based upon an incorrect determination that the work for which funding is sought was not necessary.
3. The applicant was wrongly denied funding, in whole or in part, based upon an incorrect determination that the work for which funding is sought was not required solely due to Section 18-39 of Watershed Regulations;
4. That the applicant was wrongly denied funding, in whole or in part, based upon an incorrect determination that the cost of the work for which funding is sought is not reasonable; or
5. That there are special circumstances involved that warrant funding of costs which otherwise would be deemed unreasonable.

The decision of the CWC Board of Directors after appeals is not subject to further review or revision by CWC.

5:00:08. Program Funding

Funding for the Programs shall be determined annually through the budget process, whereby the

Executive Director of the CWC proposes to the CWC Board of Directors for approval an annual budget.

The CWC shall remit the approved payment within 30 days of receipt of a complete request for payment, with a certified voucher and supporting documentation. Eligible projects shall be funded through one of the following payment method:

5:00:08:01. Reimbursement Method

CWC shall reimburse the project sponsor for CWC approved eligible costs / projects within thirty days of submission of the following to CWC:

1. a certified voucher(s) itemizing all costs for which reimbursement is sought and a FSC Program Application certifying that all work being invoiced is in accordance with NYCDEP-approved plans for the eligible project / costs, and if applicable, with the contract between CWC and the project sponsor,
2. a copy of contractor or consultant invoice(s) and canceled check(s) as proof of payment,
3. a copy of NYCDEP approval of the SWPPP / IRSP,
4. a copy of NYCDEP or CWC approval of construction of stormwater measures, or a certification is provided to CWC by the contractor that they have completed construction in compliance with the SWPPP or IRSP. CWC will give consideration to the NYCDEP punch list of items to be address, if applicable, before reimbursing construction costs.

5:00:08:02. Voucher Method

CWC may contract with a qualified contractor, such as a consulting firm, municipality or other governmental agency, to provide assistance to project sponsors for eligible projects. In such cases, CWC will pay the project sponsor/ contractor directly for the design costs. Such qualified contractor shall directly or through subcontract assist applicants in designing, constructing, implementing and maintaining eligible projects. Selection of qualified contractors, other than municipalities or other governmental entities, shall be in accordance with the procedures set forth in the contract between CWC and NYCDEP, MOA Attachment FF3, Article 7 of the MOA 145 Program Agreement between CWC and NYCDEP. The qualified contractor shall forward to CWC, no more frequently than monthly:

1. An invoice documenting the tasks completed under Section 5:00:04.
2. A certified CWC voucher itemizing the costs of the completed tasks and a FSC Program Application certifying that all work being invoiced is in accordance with approved plans and the contract between CWC and the project sponsor.
3. A retainage of 10% will be held contingent upon CWC or NYCDEP approval for projects paid under the voucher method. At least 10% of the design and construction costs for eligible projects shall be retained after substantial completion until CWC or NYCDEP has had an opportunity to schedule a final review / inspection. The retainage for design shall be released after CWC has received documentation that all necessary permits and approvals have been received, or a certification is provided to CWC by the contractor that they have completed construction in compliance with the SWPPP or IRSP. After substantial completion of construction, but prior to final completion and release of contract retainages, NYCDEP shall be provided the opportunity to conduct a site inspection to identify punchlist items that need to be addressed. The project sponsor shall notify NYCDEP or CWC of substantial completion and shall give NYCDEP and CWC

10 business days to schedule an inspection before final completion. CWC will give consideration to a NYCDEP punchlist of items to be addressed, if applicable, before reimbursing 100% of construction costs. In the event the NYCDEP and CWC staff have conflicting determinations of construction completeness, based on site visits, release of the retainage may be brought to the Board for approval at the discretion of CWC staff.

5:00:09. Program Contracting

Program contracts shall be required for all payments under these Programs for voucher funding, for funding of operation and maintenance, and for some reimbursement funding to be determined on a case-by-case basis. Contracts shall be subject to the following constraints.

1. The CWC's preliminary decision to select a contractor or award funds shall be subject to the right of objection specified in MOA paragraph 107(b). Any contract with a municipality shall be accompanied by a resolution passed by the appropriate governing body authorizing the authorized representative (the Town supervisor or other) to enter into contract. CWC shall enter into contracts and allocate funds to eligible applicants based upon project eligibility and availability of program funds.
2. The contract for each project shall be for one of two methods of payment described in section 5:00:07 – Program Funding, the Reimbursement method or the Voucher method.
3. Contracts for operation and maintenance funding shall in addition itemize the types of activities to be funded, frequency of activity, schedule of costs, duration of contract
4. The contract shall provide that if the cost of designing and implementing stormwater best management practices exceeds the maximum amount of program funds budgeted for the project by the CWC, the project sponsor shall complete construction of the facility using its own resources or funding obtained from other sources. Nothing shall preclude the project sponsor from applying for additional funds from the CWC for reimbursement of any additional unforeseen costs. Such payment shall be at the discretion of CWC Board upon submission of appropriate documentation and shall not be subject to appeal. Any application to CWC shall not reduce the project sponsor's obligation to complete, operate and maintain the project as required by NYCDEP-approved SWPPP or IRSP.
5. Any consultant, contractor or subcontractor engaged by CWC shall have insurance as required by the contract between CWC and NYC (attachment A to these rules). Such entities shall submit to CWC certificates of insurance. NYC and CWC shall be named additional insureds on the general liability insurance policy for such entities. NYC has the right to request additional insurance beyond that required by attachment A; however, NYC shall pay the cost of such additional insurance from funds separate from the Programs funds.
6. All contractors performing work under the voucher method of the Programs must abide by NYC "VENDEX" requirements. Contractors and engineers to be paid through the reimbursement method do not need to meet NYC "VENDEX" requirements.
7. Contractors for construction or design exceeding \$25,000 shall provide a performance and completion bond in the full amount of the bid / proposal to secure the successful completion of all work, and a payment bond to insure that all material providers and

laborers are paid for work performed under the Programs.

8. Contractors retained by CWC shall be qualified to design, construct, implement, and maintain an eligible project paid for with program funds. If the CWC retains a qualified contractor, the selection of contractors (other than municipal or other governmental entities such as Soil and Water Conservation Districts) will be based on the CWC procurement policies.
9. Project Sponsors must execute the program contract within ninety (90) days of CWC Board approval. Project Sponsors who do not execute and return the program contract to CWC within ninety (90) days of CWC Board approval of an application must reapply to CWC for funding.

5:00:10. Employees of Consultants, Contractors or Subcontractors to CWC

Employees of any contractor, consultant or subcontractor are independent contractors and not employees of CWC. CWC shall not be responsible for the work, direction, compensation, liability for actions, insurance or taxes of such employees. Any contractor, consultant or subcontractor to CWC agrees that it shall provide equal employment opportunities with regards to any work conducted on behalf of CWC.

5:00:11. Transfer of Program Funds to Other CWC Programs

CWC shall transfer CWC Future Stormwater Program funds to other programs as required by paragraph 128(e) of the MOA and may transfer CWC Future Stormwater Program funds to programs identified in Paragraph 128 of the Watershed MOA at other times in the CWC Board's sole discretion. Chapter 5:01 - Program Standards

5:01:01. General Project Standards

In general, stormwater control measures shall be in accordance with the New York State Guidelines for Urban Erosion and Sediment Control and with the NYCDEP manual entitled "NYCDEP Stormwater Best Management Practice Details, Specifications and Unit Cost Estimates". For items not specified in those manuals, stormwater measures implemented shall be the most cost-effective measure required by NYCDEP to reduce erosion and to reduce introduction of sediments and other pollutants into the water supply of New York City.

5:01:02. Consistency with NYC Watershed Rules & Regulations

The CWC Future Stormwater Program and MOA 145 Program and all projects funded under the Programs shall be consistent with New York City Watershed Rules and Regulations governing stormwater pollution prevention plans and impervious surfaces, per Section 18-39 of the Watershed Rules and Regulations, and with all other applicable rules, laws and regulations.

5:01:03. Coordination with NYCDEP

Each project sponsor shall conduct stormwater projects in accordance with Watershed

Regulations.

For projects funded under the Reimbursement method, the project stormwater plan and construction shall be approved by NYCDEP before costs are reimbursed by CWC and the project sponsor enters into any contract with CWC. When NYCDEP grants an approval to an eligible project, NYCDEP shall notify the project sponsor that the project may be eligible for funds from the Programs and that the project sponsor should contact CWC for further information. At the same time, NYCDEP shall also notify CWC that NYCDEP has approved a potentially eligible project.

For projects funded under the Voucher method, the project sponsor shall coordinate with NYCDEP development of the stormwater plan through use of the following:

1. A pre-application conference(s),
2. Site visits,
3. Submittal of completed stormwater plans to NYCDEP for review and comment.
4. Design documents shall be submitted to CWC following NYCDEP review and approval.
5. Construction shall not be implemented until all needed design approvals have been received.
6. Retainage shall be kept and released in accordance with section 5:00:07 of these rules.

Anything in this section to the contrary, NYCDEP shall be entitled to the full time frames for review allowed in the Watershed Regulations.

5:01:04. Coordination with Other Regulatory Agencies

The project sponsor, or its agents, shall coordinate with all other regulatory agencies with review authority over the project, and shall complete all permit processes as needed. Such agencies shall be notified of the project upon inception of design. No design shall be considered complete until all reviews and permits are complete.

5:01:05. Public Outreach and Education

CWC will implement public outreach and education to inform the public about the existence and scope of the Programs. Public outreach and education will include:

1. advertisements placed in local newspapers throughout the watershed,
2. public meetings, and
3. development of a program fact sheet and application form to be distributed annually to signatories of the MOA, Town and Village Clerks, municipal planning boards, contractors, code enforcement officers, real estate agents and NYCDEP.

5:01:06. Amendment of Rules

The Future Stormwater Controls Program Rules may be amended by the Board at any time.

TABLE A

Costs Potentially Eligible for Reimbursement

The CWC Future Stormwater and MOA 145 Programs eligible expenses can include:

- Engineer fees for pre-application conferences and other meetings with NYCDEP staff; and
 - Engineer fees for site visits with NYCDEP staff; and
 - Where no NYSDEC SWPPP is required, design costs for preparation of SWPPP and related construction costs:
- or -
- If a NYSDEC SWPPP is also required, design costs and incremental construction costs (if any) for the following items required by the NYC Watershed Regulations, and not otherwise required by Federal and/or state law:
 - Peak discharges for the 10-year and 100-year, 24-hour storms must be attenuated to pre-development rates regardless of the size or nature of the receiving stream(s)
 - Section 18-39(b)(3);
 - For activities in the drainage basin of a terminal reservoir, the SWPPP must include an analysis of coliform runoff, before and after the land disturbance activity – Section 18-39(c)(1)
 - The use of swales and open drainage systems is required to the maximum extent practicable – Section 18-3(c)(2)
 - Closed conveyances must be sized, at a minimum, to accommodate the 10-year, 24-hour storm – Section 18-39(c)(2)
 - Practices must be sized to capture and treat the volume of runoff generated by the 1-year, 24-hour storm of the WQv (90% storm), whichever is greater, from the contributory drainage area(s) – Section 18-39(c)(3)
 - To the maximum extent practicable, no portion of a stormwater infiltration practice shall be located within 100 feet of any absorption area of a subsurface sewage treatment system – Section 18-39(c)(4)
 - Two different *standard* practices in series are required for all drainage areas that are at least 20% impervious – Section 18-39(c)(6); except if:
 1. The stormwater practice provided is an infiltration system; or
 2. The activity requiring an SWPPP is located in a WOH village, hamlet, or village extension