



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

DAVID A. PATERSON
GOVERNOR

December 1, 2009

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Ms. Jackson:

Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) ("ARRA"), and the September 1, 2009 Grant Agreement from the U.S. Environmental Protection Agency to the New York State Department of Health (the "Grant Agreement"), I hereby certify that the infrastructure investments involving the City of Amsterdam, Town of Hounsfield and Town of Marcellus, listed in the Attachment to this certification, which will be funded with amounts made available by ARRA under the heading "Drinking Water State Revolving Fund" to the Environmental Protection Agency, have received the full review and vetting required by law. I accept responsibility that such investments are appropriate uses of taxpayer dollars. I further certify that the specific information required by ARRA § 1511 and the Grant Agreement concerning such investments (a description of the investments, the estimated total cost, and the amount of ARRA funds to be used) is summarized within the Drinking Water State Revolving Fund link to be posted on the public website at <http://www.recovery.ny.gov>, and linked to www.Recovery.gov.

Very truly yours,

David A. Paterson
Governor

Attachment

c: Commissioner Richard F. Daines, M.D.

ATTACHMENT

- **City of Amsterdam, Montgomery County** – Total project cost of \$10,562,097, of which \$10,482,097 is being financed through the Drinking Water SRF program. The City is eligible for up to \$5,081,048.50 in ARRA principal forgiveness. This financing will support the major upgrade of the existing water treatment plant. The work includes a new sedimentation/clarification process to include pre-filter solids removal; new filtration units to replace improperly functioning units; a new ultraviolet (UV) disinfection system to reduce the necessary doses of chemical disinfectant; a new carbon contact system for taste and odor control; modifications to the corrosion control process; and a multilevel intake system at the City's Steele Reservoir. These improvements have been designed to bring the City's water system into compliance with the requirements of the Surface Water Treatment Rule, the Disinfection By-Products Rule and the Lead and Copper Rule. The City of Amsterdam will own, operate and maintain the system.

The contract execution schedule for this project is as follows:

| | | |
|-----------------------------------|----------------------|--------------------|
| - Submit Plans and Specifications | Contract 1, 2, 3 & 7 | January 26, 2009 |
| | Contract 6 | November 19, 2009 |
| - Advertise for Bids | Contract 1, 2, 3 & 7 | July 22, 2009 |
| | Contract 6 | November 24, 2009 |
| - Open Bids | Contract 1, 2, 3 & 7 | August 13, 2009 |
| | Contract 6 | December 15, 2009 |
| - Award Bids | Contract 1, 2, 3 & 7 | August 18, 2009 |
| | Contract 6 | December 17, 2009 |
| - Execute Contracts | Contract 1 | October 9, 2009 |
| | Contract 2 | October 1, 2009 |
| | Contract 3 | September 28, 2009 |
| | Contract 6 | December 30, 2009 |
| | Contract 7 | September 22, 2009 |
| - Construction Completion | Contract 1 | August 1, 2010 |
| | Contract 2 | August 1, 2010 |
| | Contract 3 | August 1, 2010 |
| | Contract 6 | September 1, 2010 |
| | Contract 7 | August 1, 2010 |

Contract No. 1 is for general construction; Contract No. 2 is for electrical work; Contract No. 3 is for HVAC work; Contract No. 6 is for the Steele Reservoir intake; and Contract No. 7 is for the water storage tank.

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Health (DOH) and the US Environmental Protection Agency, an environmental review in accordance with the State Environmental Review Process (SERP, a NEPA-like review agreed to in the operating agreement) is undertaken with respect to each action or project financed. The Corporation has determined that this action will finance the construction of a project which will not have a significant impact on the

environment: (1) the DOH has certified that this project complies substantively with SERP; (2) no potentially large impacts have been identified; and (3) the City of Amsterdam, acting as lead agency, has issued a negative declaration. This project is subject to DEC Water Supply Permit Nos. 4-272000071/0001 and 0002, which have no expiration dates; and an Adirondack Park Agency Permit No. 93-255 for the water transmission mains.

Resolutions/ Agreements – The project was authorized pursuant to a bond resolutions passed by the Common Council of the City of Amsterdam on July 22, 2008 and August 18, 2009 authorizing the aggregate issuance of \$11,000,000 in bonds for the purpose of financing improvements to the City’s water system. Financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the City of Amsterdam.

Disadvantaged Business Enterprises/Minority/Women’s Business Enterprises (MWBE) – the fair share objectives are negotiated with the US Environmental Protection Agency using the guidance provided in 40 CFR, Part 33, Subpart D, and set forth in the Grant Agreement. The MWBE fair share goals are as follows:

MBE goal: construction contracts – 6%;
 service contracts- 8.8%
WBE goal: construction contracts – 6%;
 service contracts – 8.8%

- **Town of Hounsfield, Jefferson County** – Total project cost of \$4,780,000, all of which is being financed through the Drinking Water SRF program. The Town is eligible for up to \$2,192,523 in ARRA principal forgiveness. This project involves the formation of the Town of Hounsfield Water District No. 3 and the installation of a new distribution system where none currently exists. The Town will own, operate and maintain the distribution system. The source of water for the water district is from the Village of Sackets Harbor. An existing storage tank, located within the Village of Sackets Harbor, will also be replaced. Pursuant to a Water Service Agreement, the Village of Sackets Harbor will operate and maintain the new storage tank. The Town will have access to the tank under the terms of an easement.

The contract execution schedule for this project is as follows:

Contract No.: 1

| | |
|-----------------------------------|----------|
| - Submit Plans and Specifications | 9/29/08 |
| - Advertise for Bids | 1/26/09 |
| - Open Bids | 2/17/09 |
| - Award Bids | 3/10/09 |
| - Execute Contracts | 4/27/09 |
| | |
| - Construction Completion | 12/31/09 |

Contract No.: 2

| | |
|-----------------------------------|---------|
| - Submit Plans and Specifications | 9/29/08 |
| - Advertise for Bids | 1/26/09 |
| - Open Bids | 2/17/09 |

- Award Bids 3/10/09
- Execute Contracts 4/27/09

- Construction Completion 12/31/09

Contract No.: 3

- Submit Plans and Specifications 8/18/09
- Advertise for Bids 9/21/09
- Open Bids 10/22/09
- Award Bids 11/11/09
- Execute Contracts 12/14/09
- Construction Completion 7/31/2010

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Health (DOH) and the US Environmental Protection Agency, an environmental review in accordance with the State Environmental Review Process (SERP, a NEPA-like review agreed to in the operating agreement) is undertaken with respect to each action or project financed. The Corporation has determined that this action will finance a project which will not have a significant impact on the environment: (1) the Department of Health has certified that this project complied with SEQR and complies substantively with SERP; (2) no potentially large impacts have been identified; and (3) the Town of Hounsfield, acting as lead agency, has issued a negative declaration. This project is subject to a Water Supply Permit No. 6-2238-00191/00001, which has no expiration date.

Resolutions/Agreements – The project was authorized pursuant to bond resolutions passed by the Town Board of the Town of Hounsfield on April 16, 2008, September 17, 2009 and October 14, 2009, authorizing the aggregate issuance of \$5,757,000 in bonds for the construction and installation of a water distribution system for the Town of Hounsfield Water District No. 3. Additionally, financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Town of Hounsfield.

Disadvantaged Business Enterprises/Minority/Women’s Business Enterprises (MWBE) – the fair share objectives are negotiated with the US Environmental Protection Agency using the guidance provided in 40 CFR, Part 33, Subpart D, and set forth in the Grant Agreement. The MWBE fair share goals are as follows:

- MBE goal: construction contracts – 6 %
- service contracts- 8.8 %
- WBE goal: construction contracts –6 %
- service contracts –8.8 %

- **Town of Marcellus, Onondaga County** – Total project cost of \$6,687,000, of which \$6,204,775 is being financed through the Drinking Water SRF program. The Town is eligible for up to \$2,729,546 in ARRA principal forgiveness. The Limeledge Water District project involves the construction of new distribution systems within the Towns of Marcellus and Skaneateles, and a new common connection with the Onondaga County Water Authority to replace a groundwater supply determined to be Groundwater Under the Direct Influence of surface water (GWUDI) to serve both Towns and the Village of Marcellus. In addition to the water mains and appurtenances to be installed in each Town, a 500,000 gallon elevated storage tank, and pumping improvements will be installed in the Limeledge

(Marcellus) Water District. Pursuant to the terms of a Lease Agreement, the Towns of Marcellus and Skaneateles have agreed that the Onondaga County Water Authority will maintain and operate the respective Districts' Water Systems for the period of this financing, and thereafter they will be deeded to OCWA.

The contract execution schedule for this project is as follows:

Contract No.: 1 Water Mains

- Submit Plans and Specifications 7/22/08
- Advertise for Bids 10/29/08
- Open Bids 12/3/08
- Award Bids 1/08/09
- Execute Contracts 2/10/09

- Construction Completion 12/11/09 (T)

Contract No.: 2 Water Storage Tank

- Submit Plans and Specifications 9/26/08
- Advertise for Bids 11/12/08
- Open Bids 12/12/08
- Award Bids 1/8/09
- Execute Contracts 2/16/09

- Construction Completion 12/4/09 (T)

Contract No.: 3A Pump Stations General

- Submit Plans and Specifications 1/6/09
- Advertise for Bids 2/18/09
- Open Bids 3/4/09
- Award Bids 3/10/09
- Execute Contracts 4/2/09

- Construction Completion 12/4/09 (T)

Contract No.: 3B Pump Stations Electrical

- Submit Plans and Specifications 1/6/09
- Advertise for Bids 2/18/09
- Open Bids 3/4/09
- Award Bids 3/10/09
- Execute Contracts 4/24/09

- Construction Completion 12/4/09 (T)

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Health (DOH) and the US Environmental Protection Agency, an environmental review in accordance with the State

Environmental Review Process (SERP, a NEPA-like review agreed to in the operating agreement) is undertaken with respect to each action or project financed. The Corporation has determined that this action will finance a project which will not have a significant impact on the environment: (1) the Department of Health has certified that this project complied with SEQR and complies substantively with SERP; (2) no potentially large impacts have been identified; and (3) the Towns of Marcellus and Skaneateles, acting as lead agencies, have issued negative declarations. This project is subject to Water Supply Permit Nos. 11189 and 11190.

Resolutions/Agreements – The project was authorized pursuant to a bond resolution passed by the Town Board of the Town of Marcellus on June 28, 2007 authorizing the issuance of \$6,687,000 in bonds for the construction, financing, operation and maintenance of an intermunicipal water system for the Limeledge Water District. Additionally, financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Town of Marcellus.

Disadvantaged Business Enterprises/Minority/Women's Business Enterprises (MWBE) – the fair share objectives are negotiated with the US Environmental Protection Agency using the guidance provided in 40 CFR, Part 33, Subpart D, and set forth in the Grant Agreement.

The MWBE fair share goals are as follows:

| | |
|-----------|------------------------------|
| MBE goal: | construction contracts – 6 % |
| | service contracts – 8.8 % |
| WBE goal: | construction contracts – 6 % |
| | service contracts – 8.8 % |



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

MEMORANDUM

ATTENTION: Timothy Gilchrist, Senior Advisor for Infrastructure and Transportation

FOR: Governor David A. Paterson

FROM: Robert W. Reed, Deputy Commissioner for Administration

DATE: November 25, 2009

SUBJECT: ARRA Transparency and Oversight - Section 1511 Certification

Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (February 17, 2009)) requires the certification of the Governor, mayor, or other chief executive, as appropriate, that the infrastructure investments being funded with amounts made available by ARRA have received the full review and vetting required by law, and which accepts responsibility that such investments constitute an appropriate use of taxpayer dollars. The Grant Agreement awarded on September 1, 2009 from the U.S. Environmental Protection Agency to the New York State Department of Health (DOH) more specifically requires that the above certification be made from the Governor or Chief Environmental Executive, and includes the requirement that such certification be posted on a website and linked to www.recovery.gov.

The following projects have received the full review and vetting required by law and it is DOH's opinion that these infrastructure investments constitute an appropriate use of taxpayer dollars: the City of Amsterdam, Town of Hounsfield and Town of Marcellus.

Consequently, I recommend the Governor execute the attached certification.

Please find attached a draft certification letter prepared in accordance with the requirements of section 1511 and DOH's DWSRF Grant Agreement and a summary of the ARRA eligible project, the total estimated cost of the project, the total amount funded by the DWSRF and the amount of funds being made available from ARRA.

Upon receipt of the executed certification from your office, Word and PDF versions will be made available to the Recovery Cabinet, posted on the NYS Environmental Facilities Corporation website, the www.recovery.ny.gov website, and linked to www.recovery.gov. This financing will close only upon receipt of all governmental approvals and certifications.