



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

DAVID A. PATERSON
GOVERNOR

August 18, 2009

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

Dear Administrator 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 April 2, 2009 Grant Agreement from the U.S. Environmental Protection Agency to the New York State Department of Environmental Conservation (the "Grant Agreement"), I hereby certify that the infrastructure investments involving the Village of Albion, City of Middletown, Village of Richfield Springs, Town of Catskill, and Buffalo Sewer Authority listed in the Attachment to this certification, which will be funded with amounts made available by ARRA under the heading "Clean 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 Clean Water State Revolving Fund link to be posted on the public website at <http://www.recovery.ny.gov>, and linked to www.Recovery.gov.

Sincerely,

A handwritten signature in black ink that reads "David A. Paterson".

David A. Paterson
Governor

Attachment

c: Commissioner Alexander B. Grannis

ATTACHMENT

- **Village of Albion, Orleans County** - Total project cost of \$3,221,687, of which \$2,621,687 is being financed through the Clean Water SRF program. The Village is eligible for up to \$1,262,320 in ARRA principal forgiveness. This project will support the planning, design and construction of the Village of Albion's sanitary sewer system improvements. The project involves the rehabilitation and replacement 150 manholes, approximately 16,000 linear feet of existing sewers, the replacement of 90 manhole frames and covers and 32 spot repairs within the Village. This project improves treatment levels and will save energy by reducing the volume of flow requiring treatment. The Village of Albion will own, operate and maintain the project.

The contract execution schedule for this project is as follows:

- Submit Plans and Specifications	March 26, 2008
- Advertise for Bids	October 27, 2008
- Open Bids	December 18, 2008
- Award Bids	April 8, 2009
- Execute Contracts	May 15, 2009
- Construction Completion	December 31, 2009

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Environmental Conservation 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 the project will finance a project which constitutes “a particular course of action specifically required to be undertaken pursuant to a judgment or order” which is a Type II action under SEQR pursuant to 6 NYCRR 617.5 (29). The Project is subject to NYSDEC SPDES Permit # 0028401, which expires on March 31, 2011.

Resolutions/ Agreements – The project was authorized pursuant to bond resolutions passed by the Board of Trustees of the Village of Albion dated December 13, 2006, December 10, 2008 and February 11, 2009 for the purpose of constructing sewer system improvements in and for the Village. These bond resolutions authorized the issuance of bonds totaling \$3,221,687 for this purpose. Financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Village of Albion.

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 Capitalization Grant. 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%

- **City of Middletown, Orange County** – Total project cost of \$37,475,000, of which \$27,832,973 is currently being financed through the Clean Water SRF program. The City is eligible for up to \$13,916,487 in ARRA principal forgiveness. This project which will be undertaken by the City of Middletown will finance the costs of design and construction of the expansion and upgrade of the City of Middletown’s wastewater treatment facility. Phase I of this project is complete. Phase II will address upgrading the plant to eliminate the discharge of excessive levels of pollutants to the Wallkill River. The City of Middletown will own, operate and maintain the project.

The contract execution schedule for this project is as follows:

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|-----------------------------------|--------------------|
| - Submit Plans and Specifications | September 26, 2008 |
| - Advertise for Bids | November 20, 2008 |
| - Open Bids | January 15, 2009 |
| - Award Bids | January 28, 2009 |
| - Execute Contracts | February 5, 2009 |
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| - Construction Completion | February 16, 2011 |

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Environmental Conservation 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 the project will finance a project which constitutes “a particular course of action specifically required to be undertaken pursuant to a judgment or order” which is a Type II action under SEQR pursuant to 6 NYCRR 617.5 (29). The Project is subject to NYSDEC SPDES Permit # 0026328 which expires on February 29, 2012.

Resolutions/ Agreements – The project was authorized pursuant to bond resolutions passed by the Common Council of the City of Middletown dated May 13, 2002, May 20, 2002 and February 11, 2008 for the purpose of constructing the expansion and upgrade of the wastewater treatment facility. These bond resolutions authorized the issuance of bonds totaling \$37,975,000 for this purpose. Financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Village of Middletown.

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 Capitalization Grant. 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%

- **Village of Richfield Springs, Otsego County** - Total project cost of \$5,400,000, all of which is being financed through the Clean Water SRF program. The Village is eligible for up to \$4,000,000 in ARRA principal forgiveness. This project will support the planning, design, and refurbishment of the Village's wastewater treatment plant. The refurbished plant, originally built in 1972, will allow the Village to more consistently and efficiently achieve discharge requirements, thereby improving water quality. The Village of Richfield Springs will own, operate and maintain the project.

The contract execution schedule for this project is as follows:

- Submit Plans and Specifications	August 1, 2009
- Advertise for Bids	September 15, 2009
- Open Bids	October 15, 2009
- Award Bids	November 16, 2009
- Execute Contracts	December 15, 2009
- Construction Completion	July 11, 2011

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Environmental Conservation 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 the project will finance a project which constitutes “a particular course of action specifically required to be undertaken pursuant to a judgment or order” which is a Type II action under SEQR pursuant to 6 NYCRR 617.5 (29). The Project is subject to NYSDEC SPDES Permit # 0031411, which expires on August 31, 2012.

Resolutions/ Agreements – The project was authorized pursuant to bond resolutions passed by the Board of Trustees of the Village of Richfield Springs dated March 10, 2009, for the purpose of undertaking capital improvements to the wastewater treatment plant and sanitary collection system in and for the Village. The bond resolution authorized the issuance of bonds totaling \$5,400,000 for this purpose. Financial assistance will be provided pursuant to

a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Village of Richfield Springs.

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 Capitalization Grant. 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 Catskill, Greene County** – Total project cost of \$231,000, all of which is being financed through the Clean Water SRF program. The Village is eligible for up to \$173,836 in ARRA principal forgiveness. This financing will support the planning, design and construction of improvements to the collection and treatment system for the Hamlet of Cementon in the Town of Catskill to correct problems with excessive flows from water inflow and infiltration into the system. These improvements, including wastewater disinfection, will help to improve the water quality of this discharge to a tributary of the Hudson River. The Town of Catskill will own, operate and maintain the project.

The contract execution schedule for this project is as follows:

- Submit Plans and Specifications	September 30, 2009
- Advertise for Bids	October 27, 2009
- Open Bids	December 1, 2009
- Award Bids	December 10, 2009
- Execute Contracts	December 21, 2009
- Construction Completion	September 11, 2011

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Environmental Conservation 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 Environmental Conservation has certified that this project is in compliance with the SERP; (2) no potentially large impacts have been identified; and (3) the Town of Catskill, acting as lead agency, has issued a negative declaration. The Project is subject to NYSDEC SPDES Permit # 0205044, which expires on September 30, 2011.

Resolutions/ Agreements – The project was authorized pursuant to a bond resolution passed by the Town Board of the Town of Catskill dated April 7, 2009 authorizing the issuance of \$231,000 in bonds for the purpose of the construction of improvements to the Cementon

wastewater collection system in the Town of Catskill. 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 Catskill.

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 Capitalization Grant. 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%

- **Buffalo Sewer Authority, Erie County** – Total project cost of \$18,126,500, of which \$18,016,500 is currently being financed through the Clean Water SRF program. The Authority is eligible for up to \$8,888,900 in ARRA principal forgiveness. This project will finance the costs of planning, design and construction of the Hamburg Drain Floatables Control Facility, which collects and processes floatables from twenty sewer regulators within the Hamburg drain system. This project is part of the redevelopment of Buffalo's Inner Harbor. The Buffalo Sewer Authority will enter into a permanent easement with the NYS Thruway Authority for the project site, and will operate and maintain the project.

The contract execution schedule for this project is as follows:

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|-----------------------------------|--------------------|
| - Submit Plans and Specifications | August 21, 2009 |
| - Advertise for Bids | August 28, 2009 |
| - Open Bids | September 25, 2009 |
| - Award Bids | October 7, 2009 |
| - Execute Contracts | October 21, 2009 |
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| - Construction Completion | July 1, 2011 |

SEQR/SERP – Pursuant to an operating agreement between the NYS Department of Environmental Conservation 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 Environmental Conservation has certified that this project is in compliance with the SERP; (2) no potentially large impacts have been identified; and (3) the Buffalo Sewer Authority, acting as lead agency, has issued a negative declaration. The Project is subject to NYSDEC SPDES Permit # - 0028410 which expired on July 1, 2009 but remains in effect pending renewal.

Resolutions/Agreements – The project was authorized pursuant to a General Bond Resolution passed by Authority on June 29, 1977 and a Series Resolution on March 18, 2009 for the purpose of constructing the Hamburg Drain Floatables Control Facility. These bond resolutions authorized the issuance of bonds or notes totaling \$20,000,000 for this purpose. Financial assistance will be provided pursuant to a Project Finance Agreement executed by and between the New York State Environmental Facilities Corporation and the Buffalo Sewer Authority.

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 Capitalization Grant. 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%