

PUBLIC NOTICE
DRINKING WATER STATE REVOLVING FUND
New York State Department of Health
Bureau of Water Supply Protection
Empire State Plaza
Corning Tower Rm. 1135
Albany, NY 12237
and
New York State Environmental Facilities Corporation
625 Broadway
Albany, NY 12207-2997

File Date – December 24, 2024

For publication in the Environmental Notice Bulletin (ENB) dated December 31, 2024 under “Final Amendment #1 to the Drinking Water State Revolving Fund FFY 2025 Intended Use Plan Effective October 1, 2024”

STATEWIDE NOTICE

MUNICIPALITIES AND OWNERS/OPERATORS OF PUBLIC DRINKING WATER SUPPLY SYSTEMS

New York State Drinking Water State Revolving Fund Intended Use Plan

FINAL AMENDMENT No. 1
to the
DRINKING WATER STATE REVOLVING FUND (DWSRF)
Federal Fiscal Year (FFY) 2025 INTENDED USE PLAN (IUP)

December 31, 2024

FFY 2025 DWSRF Intended Use Plan Amendment:

DWSRF No. 18779: City of Kingston, Ulster County. The project is added to the Annual and Multi-year Lists with a cost of \$0 and a score of 40 points.

DWSRF No. 18596: Town of Verona, Oneida County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$45,537,145.

DWSRF No. 17787: Village of Schoharie, Schoharie County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$30,000 for long-term financing.

DWSRF No. 18507: City of Kingston, Ulster County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$75,000 for long-term financing.

DWSRF No. 18757: Village of Brocton, Chautauqua County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$300,000 for long-term financing.

DWSRF No. 18584: Town of Berlin, Rensselaer County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$100,000 for long-term financing.

DWSRF No. 18651: Village of Millerton, Dutchess County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$75,000 for long-term financing.

DWSRF No. 18216: Village of Walton, Orange County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$175,000 for long-term financing.

DWSRF No. 18787: Village of Red Hook, Dutchess County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$220,000 for long-term financing.

DWSRF No. 19215: Village of Newark, Wayne County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$8,300,000 due to construction bid prices exceeding original estimates.

DWSRF No. 18854: Town of Romulus, Seneca County. The project is added to the Bipartisan Infrastructure Law General Supplemental List with a cost of \$2,659,853 at a score of 90 points.

DWSRF No. 18548: Town of Martinsburg, Lewis County. The project cost as listed in the DWSRF IUP is increased to a total project cost of \$1,500,000 for modification of the project finance agreement.

The Department of Health also amended IUP Section 11.2 Build America, Buy America (BABA) to include the following:

The BIL includes creation and incorporation into the DWSRF program of the BABA domestic sourcing requirements for federal financial assistance programs for infrastructure, effective May 14, 2022. BABA expands existing American Iron and Steel (AIS) requirements and requires that all iron, steel, manufactured products, and construction materials used in a project are produced in the United States for federally funded infrastructure projects, including those funded through the DWSRF. BABA applies to projects funded in an amount equivalent to the federal capitalization grant (equivalency projects) and not to those projects receiving funds beyond the capitalization grant (i.e., “non-equivalency” projects). BIL funds are entirely federal funds directly from the federal capitalization grant and therefore all federal equivalency requirements apply to projects funded by BIL (see section 10.0), with an expected exception in the current FFY for BIL-GS projects. For the current FFY, DOH expects to cover BIL-GS equivalency requirements with one or more projects funded through the base DWSRF. Therefore, BABA requirements are not expected to apply to BIL-GS projects.

On November 13, 2023, EPA amended the BABA limited adjustment period waiver issued on September 2, 2022 to specify that the adjustment period waiver applies to eligible projects to be financed under DWSRF/BIL that have initiated project design planning prior to May 14, 2022 and for which funding was appropriated in federal fiscal year 2022 (FY22) or 2023 (FY23). The waiver permits the use of non-domestic manufactured products and construction materials. For projects that qualify for the waiver, AIS requirements will still apply. Projects that have submitted an acceptable engineering report to DOH, or have otherwise initiated design planning, prior to May 14, 2022, and meet the additional provisions of the November 13, 2023 amended adjustment period waiver qualify under the limited EPA waiver of the manufactured products, and construction materials requirements of BABA.

The New York State Department of Health has determined that the amendment is necessary, reasonable, and in the interest of protecting public health. The amendment will not adversely affect any project on the IUP Project Annual List above the subsidized funding line. Except as noted above, there are no other changes to the IUP as a result of this Amendment No. 1 of the FFY 2025 IUP.

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