

**COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY (CDBG-DR) PROGRAM
SUBSTANTIAL AMENDMENT NO. 10**

**Approved by HUD September 22, 2015 (NY Rising Homeowner Recovery Program) and
November 18, 2015 (NY Rising Buyout and Acquisition Program and NY Rising
Infrastructure Program**

List of additions to: ACTION PLAN AMENDMENTS No. 8 and No. 9

**In sections: Proposed Use of Funds, Infrastructure, Covered Projects Previously
Outlined in APA 6 (page 68)**

Summary:

Action Plan Amendment 10 will address the following items:

- A. *NY Rising Homeowner Recovery Program.* An Optional Relocation Plan is added for applicants with manufactured homes.
- B. *NY Rising Buyout and Acquisition Program.* Eligibility for applicants is expanding to include applicants in the floodway who were damaged but do NOT have substantial damage letters.
- C. *NY Rising Infrastructure Program.* An additional non-federal share or “local match” project has met the covered project threshold in Suffolk County. The Bergen Point Wastewater Treatment Plant Outfall Replacement project has been identified in the NY Rising Infrastructure Program and its match is being funded through CDBG-DR.

10A. Optional Relocation Program

NY Rising Housing Recovery Programs will now include an Optional Relocation Program (the Program) which will provide relocation assistance to qualified applicants in the NY Rising Homeowner Recovery Program whose damaged property, based on occupancy at the time of the qualifying storm, was a mobile or manufactured home.

Eligible Activity: 24 CFR 570.606(d)

National Objective: Low- and Moderate- Income or Urgent Need

Geographic Eligibility: Disaster-declared counties outside of New York City

Eligible Applicants: Eligible applicants of the NY Rising Homeowner Recovery Program whose manufactured home was damaged during Tropical Storm Lee, Hurricane Irene, and/or Superstorm Sandy.

Program Description:

The NY Rising Homeowner Recovery Program replaces damaged manufactures homes with a new manufactured home in a location outside of the 100-year floodplain. In order to meet this Program objective, many applicants are in need of additional assistance that was not included in previous Action Plan Amendments. As such, applicants to the Program will be eligible for one or more of the following types of relocation assistance:

- 1. Short Term Rental Assistance** (no longer than **two** months): Provided for applicants requiring short-term relocation during the period from when the damaged property is demolished until the time when the new foundation is built on the original lot, the manufactured home is installed, and the Certificate of Occupation is obtained.
- 2. Longer Term Rental Assistance** (no longer than **eight** months): Provided for applicants requiring longer term relocation because the damaged property is no longer habitable or its current conditions are unsafe or unsanitary, thereby necessitating the applicant to relocate until a new manufactured home is ordered, delivered, and installed and a Certificate of Occupation is obtained.
- 3. Lot Rental Assistance** (no longer than **six** months): Provided for applicants whose damaged property is in the 100-year floodplain, but whose new manufactured home will be located elsewhere in a lot outside of the floodplain, lease payments for the new lot from the time that the purchase agreement for the new manufactured home has been signed until the Certificate of Occupation has been obtained. This payment is necessary to secure the new lot while the applicant continues living in and paying rent on the lot in which their damaged property was located.
- 4. Personal Property Moving/Storage Assistance** (no longer than **eight** months): Provided for applicants whose belongings must be stored during the period of relocation and for the transportation costs (single event) for those whose belongings must be moved from the damaged property to the new mobile home located elsewhere.

Please note the section above will fall into the Action Plan under the NY Rising Housing Recovery Program.

10B. NY Rising Buyout and Acquisition Program

The NY Rising Buyout and Acquisition Program was approved in the State's initial Action Plan and is currently operational. This amendment clarifies Program eligibility and benefits and adds disposition as an eligible activity.

Activity Type: Voluntary Buyout or Acquisition of One- and Two- unit homes

National Objective: Low- and Moderate- Income, Slum and Blight or Urgent Need

Eligible Activity: Sec. 105 (a) (1) (2) (4) (7) (11) (24), 42 U.S.C. 5305(a) (1) (2) (4) (7) (11) (24) FR-5696-N-01 (VI) (B) (31)

Eligibility Applicants: Eligible applicants to the Buyout component are owners of one-family or two- family homes and/or vacant land located in an Enhanced Buyout Area who owned the property at the time of Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy. Applicants for the Buyout component may also be homeowners in the floodway with or without substantial damage. Eligible applicants to the Acquisition component are owners of substantially damaged one-family or two- family homes and/or vacant land located within the 500-year floodplain in a disaster-declared county who owned the property at the time of one of the above storms.

Program Description: The NY Rising Buyout and Acquisition Program include State purchase of storm-damaged properties in the Enhanced Buyout Areas (the "Buyout Component") or in the floodway and the acquisition of substantially damaged properties within the 500-year floodplain but outside of an Enhanced Buyout Area or floodway (the "Acquisition Component").

The Buyout Component includes the purchase of eligible storm-damaged properties in Enhanced Buyout Areas or in the floodway. Enhanced Buyout Areas are certain high risk areas in the floodplain determined to be among the most susceptible to future disasters. Floodways are the portions of the floodplain where flood hazard is generally the greatest. Damaged properties in the floodway are not suitable for rehabilitation because these properties have no other recovery options other than buyout since federal regulations prohibit funding any rehabilitation or reconstruction of a home in a floodway. As of this amendment, all properties in the floodway will be purchased through the Buyout Component since they are not suitable for rehabilitation and floodways are at the greatest risk of flood hazard. Properties purchased through the Buyout Component will be restricted in perpetuity for uses compatible with open space, recreation, or wetlands management practices. Additionally, storm-damaged properties in the floodway may participate in the Buyout component and not be in an enhanced buyout area and not be required to be substantially damaged.

The Acquisition Component includes the purchase of substantially damaged homes within the 500-year floodplain from willing sellers. Properties purchased through the Acquisition Component are eligible for redevelopment in the future in a resilient manner to protect future occupants of this property.

Buyout Component

The State purchases property located in designated “Enhanced Buyout Areas” or in the floodway through the voluntary sale from owners. The Buyout Component may also include the buyout of vacant or undeveloped land in these targeted areas to restrict and prevent any future development on these properties.

The following five factors are considered by the State when defining Enhanced Buyout Areas:

1. A documented history of flooding and/or damage caused by extreme weather events, including damage by Hurricane Irene, Tropical Storm Lee and/or Superstorm Sandy.
2. All the properties in the “Enhanced Buyout Area” sustained damage documented by FEMA and/or the Department of State.
3. A determination made by the Department of State, based on analysis of trends in coastal erosion and future flood risk, that the area is in Extreme or High risk areas of the floodplain.
4. Multiple, contiguous parcels in the flood plain where Homeowners collectively voiced interest in relocation; the interest must be documented in a manner that allows the State to identify the individual parcels, and the number and location of the parcels.
5. The State and the respective municipal officials (local/county) will have mutual understanding of the benefit of permanently removing residents/homes from the floodplain.

The State conducts Buyout purchases starting at 100% of the property’s pre-storm Fair Market Value (FMV), plus available incentive(s) ranging from 5%-15%. The State uses the 2013 FHA loan limits as the ceiling for the purchase price for properties that participate in this Buyout Component, not inclusive of incentives. Available incentives include:

- *5% Relocation Incentive:* The State provides a Relocation Incentive to residents who participate in a buyout inside an Enhanced Buyout Area or floodway if they permanently relocate and provide evidence of the purchase of a new primary residence within the same county in which their storm-damaged property is located. Residents of New York City are eligible for this incentive if they permanently relocate and purchase a new primary residence anywhere within the five boroughs of the City. The motivation for such an incentive is to protect and preserve the community while facilitating the reclamation of land in high risk areas for natural protection against future damage.

The State recognizes that, because of extenuating circumstances, the storm may prevent households from returning to their pre-storm county. In the event a homeowner receives CDBR-DR buyout funding and relocates to a residence outside the county in which their storm-damaged property is located, but within New York State, the homeowner can file a hardship request to receive a 5% Relocation Incentive. Homeowners must submit a statement outlining the challenges of relocating within their county of origin. They must also sign a Declaration of Hardship form that documents the submission of a statement of hardship. All Declaration of Hardship Forms are reviewed and approved by Program staff on a case-by-case basis.

This 5% relocation incentive is not available to owners of vacant or undeveloped land.

- *10% Enhanced Buyout and Floodway Incentive:* The State seeks the maximum level of homeowner participation in relocating homeowners out of high risk Enhanced Buyout Areas or floodways to protect as many households as possible from future disasters. The State offers the 10% Enhanced Buyout and Floodway Incentive to individual homeowners so a significant number of properties are involved and as much land as possible within these areas can be returned to and reclaimed by nature.
- *10% Group Buyout Incentive:* The State recognizes that in rare circumstances, the purchase of a group of properties is the most effective way to re-purpose the area and graduated incentives are essential components. Therefore, the State may provide a 10% Group Buyout Incentive to a very limited cluster of homeowners (i.e., two to ten consecutively located properties) whose properties are located inside the floodplain but not inside an identified Enhanced Buyout Area. This incentive may be necessary in certain cases to facilitate the reclamation of a concentrated area of high risk properties and to avoid the patchwork effect of purchasing all but one or two properties inside such a cluster of properties.

For all Buyout Incentives, assistance is determined by property purchased after accounting for all federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

Acquisition Component

The Acquisition Component includes the purchase of substantially damaged homes within the 500-year floodplain, from willing sellers. The State purchases properties from owners who, due to their own personal circumstances, are either unwilling or unable to withstand prolonged reconstruction and stringent elevation requirements, and thus desire to sell their properties to the State. The State ensures that all storm-damaged properties purchased through Acquisition are redeveloped in a code-compliant, resilient manner.

Purchase offers for Acquisition properties begin with the post-storm Fair Market Value, plus available resettlement incentives. The State uses the 2013 FHA loan limits as the ceiling for the purchase price for properties that participate in this Acquisition Component, inclusive of available resettlement incentives. Participants in the Acquisition Component may also not receive a total amount, inclusive of any incentives, that is greater than the pre-storm Fair Market Value of the storm-damaged property.

This amendment clarifies the resettlement incentive made available to participants in the Acquisition Component in Action Plan Amendments No. 3 and No. 6. Specifically, the Amendment modifies the formula for calculating the resettlement incentive. An original resettlement incentive was approved by HUD in Action Plan Amendment No. 3 (“APA 3”). An alternative approach to this resettlement incentive was proposed in Action Plan Amendment No. 6 (“APA 6”), which was approved by HUD on May 27, 2014. As the Program discussed steps to transition to the new structure of incentives, a transition period was allowed where applicants received the resettlement incentive identified in APA3. This transition period was through July 31, 2014, and any applicant that had an appraisal letter or offer sent during that

period will receive the resettlement incentive identified in APA 3. The incentive structure outlined below will be offered to applicants starting the date of APA 8 approval by HUD.

In this Amendment, the State will offer an incentive structure that is relative to property value lost as a result of the storms. As outlined in the chart below, the State will provide a gradient incentive based on the *total* percentage of value lost. Additionally, for those homeowners who suffered a 50% loss or greater in the value of their *structure*, the Acquisition Component will offer an additional incentive equal to 50% of the post-storm fair market value.

TABLE 31: RESETTLEMENT INCENTIVE CALCULATOR

Percentage Value Lost (Land + Structure)	Total Incentive	Total Incentive if Loss in Structure Value > = 50% Loss
90%+	95% of post-storm FMV	145% of post-storm FMV
60-90%	85% of post-storm FMV	135% of post-storm FMV
50-60%	75% of post-storm FMV	125% of post-storm FMV
40-50%	65% of post-storm FMV	115% of post-storm FMV
30-40%	55% of post-storm FMV	105% of post-storm FMV
20-30%	45% of post-storm FMV	95% of post-storm FMV
10-20%	35% of post-storm FMV	85% of post-storm FMV
0-10%	25% of post-storm FMV	75% of post-storm FMV

10C. Bergen Point Wastewater Treatment Plant Outfall Replacement

Edits to APA8 and APA9: Sections: Proposed Use of Funds, Infrastructure, Covered Projects Previously Outlined in APA6 (p.68)

Approved in May 2014, APA6 included details of three projects that were considered covered projects at the time of submittal: (1) the Bay Park Wastewater Treatment Facility Project; (2) LIPA’s Energy System Project; and (3) the Bridge Scour Project, which will address the need to repair and make bridges in impacted communities across the State more resilient. Approved in April 2015, APA8 included details of an additional covered project: Suffolk County Coastal Resiliency and Water Quality Improvement Initiative. Approved most recently by HUD, APA9 included details of an additional covered project: Bay Park Wastewater Treatment Plant.

Update on Previously Submitted Covered Projects

As a result of a federally-approval State-initiated financing method for the State’s Hazard Mitigation Grant Program (HMGP), the State’s bridge scour covered project funded with HMGP may not require CDBG-DR matching funds at this time. The LIPA energy system covered project as defined in APA6 was also found by HUD to not meet the threshold to be defined as a covered project as CDBG-DR funds were only needed to reimburse costs incurred for the FEMA Public Assistance (PA) program. These match costs were tied to restoring power to the electrical system and funds were not used for construction. The State did provide CDBG-DR funds to assist LIPA in addressing a portion of the required non-federal share match requirement for the PA program however, after further discussion with HUD, the LIPA project was not considered a covered project as outlined in FR-5696-N-06. The State has continued to

work with Long Island Power Authority to assess its continued recovery needs as it is the primary public energy provider to Long Island, used by 95% of the Long Island's residents.

The Bay Park Wastewater Treatment Facility project is considered a covered project because the project provides funds to address both the non-federal share or local match needed to repair the facility and GOSR provided so that Nassau County could construct and increase electrical mitigation actions. The amount of federal funds provided by FEMA to repair the facilities combined with the non-federal share and additional mitigation measures total \$830 million exceeding the \$10 million CDBG-DR and \$50 million or more total project threshold for Covered Projects.

In addition to providing \$101 million, to support Bay Park's recovery, \$81 million in match and up to \$20 million for electrical mitigation to prevent future power losses to the system, the State continues its commitment to address storm-related recovery actions at the Bay Park Wastewater Treatment Facility in Nassau County as mentioned in the covered project section of APA6. While GOSR recognizes the funding shortfall in its current CDBG-DR allocation due to other program needs, program staff is actively engaged with other Federal, State and county parties to help identify potential funds for a future outfall pipe at Bay Park

The funds provided for the work that is ongoing at Bay Park will serve to protect communities located near the plant as well as to minimize outflows to bays and natural resources areas. A full description of the Bay Park covered project was included in APA9.

The LIPA and Bay Park projects are among the largest single awards in FEMA history. Together the projects exceed \$2.2 billion. These Federally funded projects will not only restore damaged assets to their pre-storm condition but it will make them more resilient to future events and make Long Island communities more resilient. Both projects are still active and critical to community recovery.

As a result of additional Federal recovery program funds GOSR is now adding the Bergen Point Wastewater Treatment Plant Outfall Replacement as another covered project. This Action Plan Amendment includes a full description of this project.

Covered Infrastructure Project: Bergen Point Wastewater Treatment Plant Outfall Replacement

Activity Name: Bergen Point Wastewater Treatment Plant Outfall Replacement Project

Eligible Activity Type: Construction/reconstruction of water/sewer lines or systems, Rehabilitation/reconstruction of a public improvement, Payment of Non Federal Share

National Objective: Urgent Need

Eligible Activity: 105(a)(2)(9)

Program Description:

The proposed covered project is located in Suffolk County. Located at the Bergen Point Wastewater Treatment Plant (WWTP), the project would use CDBG-DR funds as the non-

federal share or local match so that Suffolk County can replace the existing section of the outfall extending from the Bergen Point WWTP south beneath the Great South Bay to the barrier island by tunneling. On the barrier island, the new outfall would be connected to the existing ocean outfall to convey treated effluent to discharge. The need for the project stems from an increased frequency of extreme weather events, and Superstorm Sandy, which are reducing the County's ability to maintain low pressures in the outfall, prompting the need to replace the failing section of the outfall expeditiously before it is pushed to failure.

The project is part of the Superstorm Sandy funded Environmental Protection Agency Storm Mitigation Loan Program (SMLP) that is administered by the Environmental Facilities Corporation (EFC) and the New York Department of Environmental Conservation (DEC). The SMLP provides the federal funding for mitigation of wastewater infrastructure; GOSR is providing the non-federal share match using CDBG-DR funds for New York State projects in the program. The Suffolk County Department of Public Works (SCDPW) owns and operates Bergen Point WWTP located in Babylon, NY and that services Sewer District No. 3, Southwest. Treated effluent from the Bergen Point WWTP is discharged to the Atlantic Ocean through a 72-inch diameter outfall constructed in 1977. Treated effluent is discharged through a 32,000 foot long outfall consisting of a 15,300 foot long pre-stressed concrete cylinder pipe (PCCP) and a 17,200 foot long concrete lined steel pipe. The PCCP section of the outfall starts at the Bergen Point WWTP effluent pump station and extends beneath the floor of the Great South Bay to the barrier island, and then out beyond the surf zone into the ocean. The concrete lined steel pipe portion of the outfall extends an additional 17,200 feet out into the Atlantic Ocean and includes a 3,500-foot long diffuser that varies in diameter from 72 to 36 inches.

Over the last decade, SCDPW has retained multiple specialty contractors to conduct various inspection and monitoring efforts in order to assess the condition of the outfall pipe and its various components. According to the engineering design report issued by Suffolk County in 2011 and updated in 2014, acoustical monitoring and other assessments have indicated that the portion of the existing outfall that extends from the Bergen Point WWTP southward beneath Great South Bay to the barrier island is in a failing condition; the purpose of the Bergen Point Outfall project is to replace the outfall before failure occurs and therefore protect communities and natural resources in the Great South Bay. SCDPW also retained independent experts to review the results of the various assessments; all the experts agreed that the outfall is in a deteriorated state and is subject to imminent failure. The specialists unanimously recommended that the County should minimize the outfall's operating pressures to the extent possible and should plan to replace the 14,200 foot PCCP portion of the outfall beneath Great South Bay.

Heavy precipitation and storm surges from extreme weather events can cause higher operating pressures in the outfall, increasing the risk of pipe failure. Under average conditions, the outfall currently experiences pressures between 23 and 27 psi. However, during storm conditions, when the plant must discharge 90 MGD or more, pressures can exceed 30 psi. During Superstorm Sandy, plant flows were estimated to exceed 110 MGD; pumping must be maintained under these conditions to avoid submerging the plant processes and equipment, and the sewer system back-ups experienced in neighboring Nassau County at Bay Park. On-going plant upgrades along with the increase frequency of extreme weather events are reducing the

County's ability to maintain low pressures in the outfall, prompting the need to replace the failing section of the outfall expeditiously before it is pushed to failure.

The proposed project, financed in part with CDBG-DR funding, would replace the existing section of the outfall extending from the Bergen Point WWTP south beneath the Great South Bay to the barrier island by tunneling. On the barrier island, the new outfall would be connected to the existing ocean outfall to convey treated effluent to discharge.

The Bergen Point Outfall project has an estimated cost of approximately \$207,000,000, approximately \$12.6 million of which would be CDBG-DR funded. CDBG-DR funds will only be utilized for construction. Project construction is expected to commence in early 2016 and has an expected timeline of approximately 40 months.

Use of Impact and Unmet Needs Assessment: As indicated in the Impact and Unmet Needs Assessment, water and wastewater treatment facilities were significantly damaged during Superstorm Sandy, resulting in many communities left without proper sewerage systems and lack of clean water. Damage included loss of electrical systems, and damage to pumping facilities and treatment plants due to saltwater and storm surge. The loss of operations of these treatment facilities caused the release of millions of gallons of untreated sewage into public waters. The situation is particularly acute on Long Island where nitrogen and other pollutants remain a constant concern and are one of the leading causes of the loss of wetlands which provide mitigation against coastal flooding and storm surge.

Repair of this facility was both an urgent need and consistent with the State's comprehensive risk analysis. The Climate Risk Report for Suffolk and Nassau Counties, prepared for GOSR by the Resilience Institute for Storms and Emergencies (RISE), highlighted the vulnerability of critical infrastructure facilities such as the Bergen Point plant to flooding due to sea level rise and the increased frequency of extreme weather events. RISE hazard risk mapping indicated the flood risk under different scenarios at the Bergen Point location. Consistent with the New York State Hazard Mitigation Plan, the RISE report recommended that protective measures be put in place for such vulnerable wastewater treatment plants located in the 100-year floodplain.

As indicated in the 2014 engineering report commissioned by Suffolk County, the outfall pipe is subject to imminent failure. Heavy precipitation and storm surges from extreme weather events can cause higher operating pressures in the outfall, increasing the risk of pipe failure. In the event of pipe failure, sewage effluent that has undergone secondary treatment would be released into the Great South Bay. Sewage effluent from Bergen Point is not treated for nitrogen, and would have deleterious effects on the eelgrass, wetlands, and water quality of the Great South Bay. Wetlands protect coastal communities from tidal flooding and storm surge, as explained in Governor Andrew Cuomo's NYS 2100 Commission report:

Tidal wetlands can protect coastal communities from storm damage by reducing wave energy and amplitude, slowing water velocity, and stabilizing the shoreline through sediment deposition. More than half of normal wave energy is dissipated within the first three meters of marsh vegetation such as cord grass. In addition, given sufficient sediment deposition, wetlands

are able to build elevation in response to sea-level rise, providing a buffer against climate change and coastal submergence.

In 2008 the NYSDEC declared Long Island's entire South Shore Estuary Reserve system, stretching more than 60 miles, an "impaired water body" (under section 303(d) of the Clean Water Act). NYSDEC identifies nitrogen from wastewater as a reason for this unfortunate designation and states that effluent from sewage treatment plants and septic systems cause eutrophication, resulting in lower water oxygen levels and persistent algal blooms.

Transparent and Inclusive Decision Process: The New York State Environmental Facilities Corporation (EFC), as the program administrator providing financing for the project through the EPA Storm Mitigation Loan Program, proactively took steps to notify the public of project activities. This included publishing a notice for its November 6, 2014 board of directors meeting with an agenda that listed the financing associated with this project. The meeting was open to the public and was available as a web cast. Notice of the November 6, 2014 EFC Board meeting approving the financing for the project was published in 3 newspapers and included on EFC's website on October 30, 2014. In addition, EFC published an Intended Use Plan and amendments that included the project in the Environmental Notice Bulletin maintained by the State of New York's Department of Environmental Conservation.¹

The Suffolk County Legislature held a public hearing regarding the Bergen Point Outfall project on March 24, 2015 in anticipation of the bond resolution required for the submittal of the final application to the Storm Mitigation Loan Program. A notice of the public hearing was published 10-20 days before the hearing in each of the official publications of the County. The notice informed the public that a copy of the map, plan, and estimate of costs of the project was on file in the Office of the Clerk of the County Legislature. There were no public comments at the hearing and no opposition in any manner.

Long Term Efficacy and Fiscal Sustainability: Suffolk County's 2014 project engineering design report identifies and evaluates six different alternatives for the replacement of the outfall pipe. The same report indicates that the use of a tunnel boring machine in the preferred alternative is also the least costly alternative and has the shortest implementation timeframe, thus minimizing the risk of discharge to the Great South Bay through further deterioration of the existing outfall pipe.

The Storm Mitigation Loan Program requires submittal of bond resolution as part of the final application. On May 12, 2015, Suffolk County issued a bond resolution authorizing the issuance of \$207,000,000 bonds to finance the cost of the outfall. The resolution identifies funding sources including sewer district serial bonds and Southwest Assessment Reserve Fund 405, and maintains that there are sufficient funds in the 2015 Capital Budget and Program to finance the project. As a county held asset which has been operated by the Suffolk County since 1977 and been regulated by the State of New York, Suffolk County has proven that it can and must

¹ The public notice in the Environmental Notice Bulletin (ENB) for Final Amendment No. 2 to the 2014 Intended Use Plan (IUP) was dated 9/10/2014.

maintain and operate the Bergen Point WWTP to address operation and maintenance issues that are tied the project.

Environmentally Sustainable and Innovative Investments: As described in Suffolk County’s engineering design report for the Bergen Point outfall project, six (6) alternatives were carefully considered – each intended to address the substandard conditions of the existing outfall canal. In addition, an alternative where no action would be taken was also considered. After careful consideration of each alternative, Suffolk County’s preferred method involves replacement of the 72-inch existing outfall pipe with a 10 foot diameter tunnel utilizing a subterranean tunnel boring machine. The preferred alternative minimizes the impact on the surrounding environment by limiting much of the construction activities to subterranean areas, and will also be a major upgrade to the resiliency of the outfall by replacing a deteriorated, 72-inch pipe with a 10 foot diameter tunnel designed to handle significantly greater flow rates during storm events.

The potential outfall replacement alternatives were discussed with New York State Department of Environmental Conservation (NYSDEC) in 2008 and in 2009. NYSDEC identified implementation of the tunnel as the most successful alternative with respect to avoiding impacts to the Bay.

Most of the construction associated with this alternative would occur underground to avoid impacts to the Great South Bay and surrounding environment, although access shafts would be constructed on each end of the tunnel. The north shaft, which would serve as the launch or working shaft for the tunnel, would be located on Suffolk County property at the southwest side of the Bergen Point WWTP. The south, or exit shaft, would be located at Gilgo State Park on the barrier island just north of Ocean Parkway. On the barrier island, the new outfall would be connected to the existing ocean outfall to convey treated effluent to discharge.

This alternative has been developed to avoid any direct construction-related impacts to Great South Bay and protect the Bay’s ecology, recreational users, and the local economy. Avoiding construction within the Bay also has a significant positive impact on the project schedule, as it reduces the impact of the Bay “no work” environmental windows that extend the duration of construction.

Additionally, replacing the 72-inch existing outfall pipe with a 10 foot diameter tunnel will ensure that the WWTP is more resilient during extreme weather events by increasing the flow capacity of discharged wastewater from the Bergen Point WWTP to the Atlantic Ocean. This will improve the safety of the Great South Bay ecosystem and minimize the risk to the natural environment along the southern, coastal portion of Suffolk County.

Regional Coordination Working Group: GOSR will continue to work with the Sandy Regional Infrastructure Resilience Coordination Group (SRIRC) to ensure that this Initiative maximizes the resources available and collaboratively recovers from these storms while preparing with region for future resiliency. GOSR will submit an Individual Project Plan (IPP) to provide information on the project including its environmental review and permitting.

Monitoring and Compliance: The Bergen Point Outfall will be subject monitoring and be required to comply with all rules and regulations similar to all other GOSR sub-recipients and

under the Infrastructure Program Monitoring Plan as outlined the Compliance and Monitoring Policy and Procedure Manual.

Public Comments:

GOSR had a 30 day public comment period with two public hearings. The first public hearing was held in Nassau County on July 21, 2015 and the second one was in Schoharie County on July 27, 2015. GOSR received a handful of comments either in person at the hearings, via the website or through the mail. Many of the comments received were Homeowners commenting on their specific application. These issues were referred to case management specialists. Below are the comments and responses that are related to the items in APA 10:

1) Bergen Point Wastewater Treatment Plant Outfall Replacement

Comment:

A commenter was happy that the outfall pipe is being replaced and suggested that while that work was being done it was a good opportunity to try to install pilot programs in the source points to help reduce the nitrogen influx into the Bergen Point Wastewater Treatment Plant and thus the Great South Bay.

Response:

GOSR is diligently working with the municipalities, scientists and other subject matter experts to make certain that the work being done at Bergen Point Wastewater Treatment Plant addresses the daily demands as well as preparing the facility for the difficult demands placed on the system during inclement weather. Addressing environmental issues are a priority. Innovative and forward thinking technology is being implemented.

2) NY Rising Housing Recovery Program

Comment:

Erase Racism sent a letter highlighting three areas of concern with APA 10. They thought that “APA 10 is limited to a narrow group of homeowners and provides no support for renters.” Secondly, “APA 10 and other GOSR documents are unclear in terms of fund allocations to the housing programs and disbursement to victims of Sandy under the housing program.” And there was a general concern about the recovery assistance for rental properties.

Response:

1. Throughout implementing all of our various NY Rising Housing Recovery Programs, GOSR recognized that two small segments of very vulnerable applicants needed assistance in order to recover that was not previously provided by our Programs.

APA 10 was purposely written to make certain that these populations were able to receive necessary recovery assistance. The Manufactured Homeowners, almost all of which are LMI households, had a unique issue impeding their recovery which was not covered in through the programs as previously designed and implemented. The changes we have incorporated in APA 10 will allow them to receive assistance that ensures recovery.

2. GOSR has been consistent and transparent in its allocation of funding to all of its Programs, including the NY Rising Housing Recovery Programs, both in its Action Plan Amendments as well as in the federally mandated Quarterly Performance Report (QPR). At the time of APA 10 there was not any change in the allocation of funding for the GOSR Programs. Our QPR's are very clear as to how much money has been both allocated and spent in each GOSR Program.
3. Finally, GOSR remains committed to ensuring that the rental market in the State of New York continues to recover from the effects of Hurricane Irene, Tropical Storm Lee and Superstorm Sandy.

Comment:

The Health and Welfare Council of Long Island sent a letter indicating that they were generally happy with the choices GOSR made in APA 10. They had some specific questions which were answered when we reached out to them. Additionally they are asking that the Interim Mortgage Assistance Program be extended beyond 20 months.

Response:

GOSR is prohibited by federal regulations to extend the IMA Program but we are working on a solution that will assist Homeowners with rental housing expenses that are incurring while temporarily displaced.