

STATE ENVIRONMENTAL REGULATION

Expert Analysis

How Sustainable Development Works in New York

Nearly three decades ago, the World Commission on Environment and Development, which had been established by the United Nations, presented a new concept: sustainable development. It defined that as development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”¹

Now, the New York State government is strongly promoting sustainable development, with regional conferences, various resources, and, perhaps most importantly, numerous opportunities for entities across the state to apply for and obtain state grants and other financing. Lawyers throughout the state may want to discuss the prospects with municipalities they represent and other clients, letting them know about the possibilities, the requirements for obtaining funding, and the application deadlines.

Background

In early August, Governor Andrew M. Cuomo kicked off the state’s first regional sustainable development and collaborative governance conference in Syracuse. Another conference was held earlier this month in Rochester.

In connection with the first conference, the state released the “Sustainable Development & Collaborative Governance Handbook for New York,”² a 92-page guide to sustainable development resources in the state—including more than 100 funding programs. As the title of the Handbook suggests, the state is prioritizing cross-collaboration between

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state agencies, local governments, and community groups.

Comprehensive planning, to identify a community’s goals and direct its resources to achieve these goals, is key to sustainable development, the Handbook makes clear. This comprehensive planning will be done by public, private, and non-profit sectors working together.

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New York’s 10 Regional Economic Development Councils (REDCs) are a main forum for comprehensive planning. The regions are the North Country, Mohawk Valley, Western New York, Central New York, Finger Lakes, Capital, Southern Tier, Mid-Hudson, New York City, and Long Island regions. The REDCs were established in 2011 and are public-private partnerships of local experts and stakeholders from private industry, academia, local governments, and not-for-profit organizations.

This year, businesses and other organizations using the Consolidated Funding Application (CFA) process applied to over 20 state programs for approximately

\$750 million in grants and tax credits. In 2016, the CFA window for applications ran from May to July. Information about the 2017 CFA grant process will be available on the REDCs’ website³ early next spring.

The REDCs review CFAs using statewide criteria, taking into account the degree to which an application helps implement the regional strategic plan and aligns with regional priorities. New York’s Empire State Development⁴ also is involved in the process by specifying annual statewide priorities for the regional planning and CFA processes.

Applicants need to be cognizant of each REDC’s priorities for its region. For instance, the priorities for the Capital Region are research, development, and commercialization. The priorities for the Finger Lakes Region are optics, photonics, and imaging. Biotechnology is the priority for Long Island, while materials processing and machinery manufacturing are the priorities for Western New York.

Each REDC developed an “Opportunity Agenda” for the revitalization of its most distressed and disadvantaged communities. This is supposed to ensure that projects in these communities are not overlooked for CFA funding.

Environmental Projects

A wide range of grants, low-cost financing, and other assistance is available in New York for environmental-related projects. A short summary of some of the most interesting follows.

- New York State Water Grants⁵ are available for drinking water and wastewater infrastructure projects that improve water quality or protect public health. Applicants generally are limited to municipalities,

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public benefit corporations, public authorities, or state agencies to build and operate water supply facilities or sewage treatment plants, replace or repair infrastructure, or comply with water quality standards and regulations.

- The Clean Water State Revolving Fund (CWSRF)⁶ provides low-cost financing to municipalities to construct, upgrade, or replace water quality protection projects. The CWSRF is administered jointly by the Environmental Facilities Corporation (EFC) and the New York State Department of Environmental Conservation (NYSDEC).

- The Drinking Water State Revolving Fund (DWSRF)⁷ provides low-cost financing to municipalities to construct, upgrade, or replace drinking water infrastructure projects. These include water treatment plants, distribution mains, and storage facilities.

assistance to local municipalities for coastal zone erosion issues.¹⁰

- The Conservation Partnership Program is a public-private partnership between the NYSDEC and the Land Trust Alliance that invests in New York land trusts.¹¹ Local land trusts are eligible for grants for outreach initiatives, and conservation, stewardship, and education programs. The grants support farmland protection, enhance public access and recreation opportunities, and conserve open space.

- Environmental Justice Community Impact Grants are aimed at low-income and minority communities that often are burdened by environmental problems. These community-based grants help implement environmental and public health projects. Examples of environmental justice projects include those that seek to reduce or eliminate releases of noise, air, and water pollution, address contaminated sites, or address the lack of green space and waterfront access.¹²

- The NYSDEC's Bureau of Flood Protection and Dam Safety, in partnership with the Army Corps of Engineers, provides assistance to municipalities to address flooding issues.¹³ The NYSDEC also provides assistance to municipalities to address flood plain management, including compliance with the requirements of the Federal Emergency Management Agency (FEMA) for participation in the National Flood Insurance Program. The NYSDEC also assists with damage assessment for assistance from FEMA after a flood.¹⁴

- The NYSDEC provides grants to municipalities for household hazardous waste (HHW) collection and for construction of HHW collection facilities.¹⁵

- The NYSDEC provides grants to municipalities for waste reduction and prevention projects, recycling capital projects, and recycling coordination and education projects. These grants provide up to 50 percent reimbursement for costs of recycling facilities and related items.¹⁶

Quite a number of other grant and funding opportunities also are available, including the Hudson River Estuary Program, the South Shore Estuary Reserve, the Mohawk River Basin Program, "smart growth," and even "Urban Forestry Cost Share Grants," which help communities

with comprehensive planning, management, and education to create healthy urban and community forests. Eligible projects include tree inventories and management plans, tree planting and maintenance, invasive pest detection surveys, and \$1,000 Quick Start Arbor Day grants (grants for communities to conduct Arbor Day tree planting programs and Arbor Day ceremonies).¹⁷

Conclusion

The state's efforts at promoting sustainable development through collaborative governance go beyond the environmental arena, which is the focus of this column. There also are funding and grant opportunities available in housing, energy, and transportation. Regardless of the focus of the project, if it fits within sustainable development, the Handbook should be consulted to see what funds may be available for New York State.

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1. See, Report of the World Commission on Environment and Development: Our Common Future, at 16, available at <http://www.un-documents.net/our-common-future.pdf>.

2. The Handbook is available at https://www.ny.gov/sites/ny.gov/files/atoms/files/Sustain_Book_Final.pdf.

3. See, <http://regionalcouncils.ny.gov/>.

4. See, <https://esd.ny.gov/>.

5. See, www.ny.gov/WaterGrants.

6. See, www.ny.gov/CWSRF.

7. See, www.ny.gov/DWSRF.

8. See, www.ny.gov/Watershed.

9. See, www.ny.gov/BCP.

10. See, www.ny.gov/CoastalErosion.

11. See, www.ny.gov/CPP.

12. See, www.ny.gov/EnviroJustice.

13. See, www.ny.gov/FloodControl.

14. See, www.ny.gov/FloodPlain.

15. See, www.ny.gov/HHW.

16. See, www.ny.gov/MWR.

17. See, www.ny.gov/HREP; www.ny.gov/SSER; www.ny.gov/MRBP; www.ny.gov/SmartGrowth; www.ny.gov/UFCSG.

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The DWSRF is administered jointly by the EFC and the New York State Department of Health.

- Water Quality Planning and Implementation Grants⁸ assist watershed communities with comprehensive plans, community development tools and local laws, and strategic plans for hamlets, villages, and other potentially developable areas within the watershed. This program is open to East and West-of-Hudson watershed municipalities.

- The Brownfield Cleanup Program (BCP)⁹ seeks to encourage private-sector cleanups and redevelopment of brownfields. The BCP offers tax credits of 22 to 50 percent of the cost of cleanup. The BCP provides additional credits for redevelopment of manufacturing or affordable housing sites.

- The NYSDEC, in partnership with the U.S. Army Corps of Engineers, provides