§ 56-0101. Definitions. As used in this article the following terms shall mean and include:

1. "Aquatic habitat restoration project" means the planning, design, construction, management, maintenance, reconstruction, revitalization, or rejuvenation activities intended to improve waters of the state of ecological significance or any part thereof, including, but not limited to ponds, bogs, wetlands, bays, sounds, streams, rivers, or lakes and shorelines thereof, to support a spawning, nursery, wintering, migratory, nesting, breeding, feeding, or foraging environment for fish and wildlife and other biota.

2. "Clean water project" means a project undertaken pursuant to title 3 of this article but shall not include navigational dredging projects.

3. "Combined or separate sewer overflow abatement" means the planning, design, construction of, or improvement to, a system that prevents, eliminates, or partially eliminates raw untreated sewage from entering the receiving water as the result of a precipitation event, including but not limited to temporary storage tanks, pumping stations related thereto, sewer pipe, and pilot or demonstration technologies.

4. "Cost" means the cost of an approved project, which shall include appraisal, surveying, engineering and architectural services, plans and specifications, consultant and legal services, construction and other direct expenses incident to such project less any federal or state funds, other than those provided pursuant to this article, for such project received or to be received.

5. "Drinking water infrastructure project" or "water supply project" means the planning, design, construction, improvement, or acquisition of facilities, equipment, sites, or buildings for the supply, control, treatment, distribution, and transport of drinking water and the testing and monitoring to ensure the integrity and quality of such water intended to improve drinking water facilities including achievement of compliance with the federal safe drinking water act or other applicable federal law and state drinking water quality goals and standards taking

into consideration the water resources management strategy prepared pursuant to title twenty-nine of article fifteen of this chapter.

6. "Environmental compliance assistance project" means the planning, design, construction, improvement, maintenance, or acquisition of facilities, production processes, equipment, buildings or water or wastewater infrastructure for compliance with environmental laws and regulations or other pollution avoidance activities.

7. "Environmental restoration project" means a project to investigate or to remediate contamination pursuant to title five of this article.

8. "Federal assistance" means funds available, other than by loan, from the federal government, either directly or through allocation by the state for construction or program purposes pursuant to any federal law or program.

9. "Governing body" means:

(a) in the case of a county outside of the city of New York, the county board of supervisors or other elective governing body;

(b) in the case of a city or village, the local legislative body thereof, as the term is defined in the municipal home rule law;

(c) in the case of a town, the town board;

(d) in the case of a school district, the board of education thereof;

(e) in the case of a supervisory district, the board of cooperative educational services thereof;

(f) in the case of a public benefit corporation, the board of directors, members or trustees thereof;

(g) in the case of a public authority, the governing board of directors, members, or trustees thereof;

(h) in the case of a not-for-profit corporation, the board of directors thereof or such other body designated in the certificate of incorporation to manage the corporation; and

(i) in the case of an Indian tribe, any governing body recognized by the United States or the state of New York.

10. "Air quality project" means a project undertaken pursuant to title

six of this article.

11. "Hazardous substances" mean substances found on the list of substances hazardous to the public health, safety or the environment promulgated pursuant to article 37 of this chapter and petroleum, as that term is defined in subdivision fifteen of section one hundred seventy-two of the navigation law.

12. "Heritage area project" means a project undertaken by or through a municipality, public benefit corporation or a not-for-profit corporation identified in a management plan prepared and approved by the commissioner of the office of parks, recreation and historic preservation in accordance with the provisions of section 35.05 of the parks, recreation and historic preservation law.

13. "Historic preservation project" means a project undertaken by a municipality or a not-for-profit corporation to acquire, improve, restore or rehabilitate property listed on the state or national registers of historic places, including, but not limited to, projects at zoos, botanical gardens, and aquaria, to protect the historic, cultural, archeological, or architectural significance thereof, or undertaken by the office of parks, recreation and historic preservation to improve, restore or rehabilitate state historic properties listed on the state or national registers of historic places to protect the historical, cultural or architectural significance thereof.

14. "Marine holding tank" means any container aboard any vessel, as defined in section two of the navigation law, that is designed and used for the purpose of collecting and storing treated or untreated sewage from marine toilets.

15. "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof. In the case of

aquatic habitat restoration projects, the term municipality shall include the state.

16. "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code.

17. "Office" means the office of parks, recreation and historic preservation.

18. "Open space land conservation project" means acquisition projects undertaken with willing sellers including, but not limited to, the purchase of conservation easements, undertaken by the commissioner, the commissioner of the office of parks, recreation and historic preservation or by municipalities pursuant to article twenty-five-AAA of the agriculture and markets law.

19. "Park project" means a project undertaken by a municipality, state agency, public benefit corporation, public authority, or not-for-profit corporation for the acquisition, development or improvement of parks, preserves, beaches, shorefronts, recreational sites and facilities including construction of structures, roads and parking facilities.

20. "Pollution prevention project" means the planning, design, construction, improvement, maintenance or acquisition of facilities, production processes, equipment or buildings owned or operated by municipalities for the reduction, avoidance, or elimination of the use of toxic or hazardous substances or the generation of such substances or pollutants so as to reduce risks to public health or the environment, including changes in production processes or raw materials; such projects shall not include incineration, transfer from one medium of release or discharge to another media, off-site or out-of-production recycling, end-of-pipe treatment or pollution control.

21. "Responsible party" means a party responsible under applicable principles of statutory or common law liability to remediate the contamination located at, or emanating from, real property subject to an

environmental restoration project.

22. "Safe drinking water project" means a project undertaken pursuant to title 2 of this article.

23. "Small business" means any business which is resident in this state, independently owned and operated, not dominant in its field, and employs not more than one hundred individuals.

24. "Solid waste project" means a project undertaken pursuant to title 4 of this article.

25. "Solid waste" shall have the definition set forth in title 5 of article 27 of this chapter but shall not include hazardous waste as defined in title 9 of article 27 of this chapter.

26. "State assistance payment" means payment of the state share of the cost of projects authorized by this act to preserve, enhance, restore and improve the quality of the state's environment.

27. "Stormwater collecting system" means systems of conduits and all other constructions, devices, and appliances appurtenant thereto, designed and used to collect and carry stormwater and surface water, street wash, and other wash and drainage waters to a point source for discharge.

28. "Vessel pumpout station" means a project for the planning, design, acquisition or construction of a permanent or portable device capable of removing human sewage from a marine holding tank.

29. "Wastewater treatment improvement project" means the planning, design, construction, acquisition, enlargement, extension, or alteration of a sewage treatment plant to treat, neutralize, stabilize, eliminate or partially eliminate sewage or reduce pollutants in treatment plant effluent or to create mechanisms to transport wastewater to a treatment plant, including permanent or pilot demonstration wastewater treatment, outfall and dispersal apparatus, pumping stations integral to such

plants or sewers, sewer pipes, combined sewer overflow abatement, stormwater collecting systems, vessel pumpout stations, or equipment or furnishings thereof.

30. "Waterbodies" means waters or waters of the state as defined in section 17-0105 of this chapter except private waters which do not provide public access.

31. "Water quality improvement project" means:

(a) wastewater treatment improvement projects;

(b) non-point source abatement and control program projects developed pursuant to section eleven-b of the soil and water conservation districts law, title 14 of article 17 of this chapter, section 1455b of the federal coastal zone management act, or article forty-two of the executive law;

(c) aquatic habitat restoration projects; and

(d) pollution prevention projects.

32. "Contamination" or "contaminated" shall have the same meaning as provided in section 27-1405 of this chapter.