



Note from the Director – Karren Bee-Donohoe

Executive Order 88 (EO 88) continues to be a major focus for the Office for Capital Facilities. The first annual report was provided to the Governor’s team in early October followed by the preliminary Operations and Maintenance (O&M) Plan, which was submitted November 1st.

An initial review of the Annual Report data, before weather normalization, indicates SUNY is showing a reduction in Systemwide Energy Use intensity (EUI) of approximately 6%, though re-

ductions by campus vary. SUNY’s official reduction will be reported in January as part of the Statewide report on EO 88. The 6% reduction is a great start toward the Governor’s goal of 20% and the SUNY Strategic Plan goal of 30%.

The EO 88 O&M Plan is a recommendation of the ideal state of O&M at SUNY campuses in the year **2030**. The preliminary O&M plan was formulated using information provided by campuses in the annual report and meetings with the EO 88 team. The O&M

Plan will be shared with the campuses, who should carefully review it and provide input, as this plan will guide SUNY for the next 17 years.

In other OCF news, Jessica Miller recently completed six Campus Let regional training sessions as a follow-up to the Fund’s fiscal stewardship training. Feedback on this training session has been positive. Please let us know if there are other training sessions campuses would like OCF to develop.

- Karren Bee-Donohoe, Director

Residence Hall Update: A Successful 2013 Bond Sale – by David Ferrari

The Residence Hall finance program was restructured with the passing of the 2013-14 State Budget. As important as this step was, it was only the first toward our goal of selling bonds to pay for construction projects. To achieve this objective, the working group (SUNY’s controllers office, budget office, legal counsel, and office for capital facilities along with DASNY public finance and legal, outside counsel and underwriters) developed new legal documents, received new ratings for the credit from the rating agencies, and solicited interest from the investment community.

There were four primary legal changes required for the program to move forward. The existing Lease and Agreement between SUNY and DASNY was amended to address concerns related to outstanding debt. The Assignment of all revenues associated with the Program was changed from being held in the State Treasury, to accounts held with the Department of Tax and Finance. The Financing and Development Agreement which outlines how operating and procedural protocols for the new program are handled was created. Finally, the Dormitory Facilities

Revenue Fund Administration Agreement between SUNY, Tax and Finance, and DASNY established the procedures for all transactions related to the newly created accounts held at Tax and Finance.

After the legal framework was established, several steps were necessary to help establish a credit rating for the new program. The Wall Street community sought information related to how the Program would operate and specifics regarding the security that would be provided to existing and future bond holders. The working group presented the details to each major rating agency: Moody’s, Standard & Poor’s, and Fitch. This allowed for in depth Q & A sessions that eventually helped establish new credit ratings for the Program at Aa3, A+ and A+.

Once the credit ratings were established, marketing was needed to educate potential bond buyers about this new credit. The working group created an internet “Road Show” which was a recording made available to any investor seeking information related to the new credit. The working group also hosted one-on-one calls with nine

investment firms to answer questions related to the Program and new credit.

The hard work paid off with the 2013 bond sale priced the week of August 19th. The total bond sale of \$440M included \$175M in new money as well as \$265M to refund existing bonds, which produced a savings of \$3.8M for the Program. The sale received positive reviews from the investment community, including this comment from the publication The Bond Buyer:

The Dormitory Authority of the State of New York was the focus of the municipal bond market Wednesday as traders said the \$443 million sale was attractively priced, allowing the issuer to accelerate the institutional sale and cut yields.

This positive demand resulted in achieving an overall true interest cost of 4.386% for the total sale. The success of this bond sale helps to ensure that the program will remain strong and viable, and finances over one hundred projects at twenty six state operated campuses.

Hazard Communication Training Requirements

<p>Health Hazard</p>  <ul style="list-style-type: none"> • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity 	<p>Flame</p>  <ul style="list-style-type: none"> • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides 	<p>Exclamation Mark</p>  <ul style="list-style-type: none"> • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
<p>Gas Cylinder</p>  <ul style="list-style-type: none"> • Gases Under Pressure 	<p>Corrosion</p>  <ul style="list-style-type: none"> • Skin Corrosion/ Burns • Eye Damage • Corrosive to Metals 	<p>Exploding Bomb</p>  <ul style="list-style-type: none"> • Explosives • Self-Reactives • Organic Peroxides
<p>Flame Over Circle</p>  <ul style="list-style-type: none"> • Oxidizers 	<p>Environment (Non-Mandatory)</p>  <ul style="list-style-type: none"> • Aquatic Toxicity 	<p>Skull and Crossbones</p>  <ul style="list-style-type: none"> • Acute Toxicity (fatal or toxic)

Revisions in the OSHA Hazard Communication Standard called Global Harmonization require that, by December 1, 2013, all covered employees be trained to understand these pictograms that will begin appearing on labels of products that contain potentially hazardous chemicals and how to read the revised Safety Data Sheets (SDS).

Every Drop Counts, cont.

ter's interaction with impervious surfaces. Impervious surfaces are often man made structures and include roads, sidewalks, driveways and parking lots as well as structures that contain impenetrable materials such as concrete, brick, and stone. These surfaces wreak havoc on the movement, distribution and quality of water. Run-off accumulates contaminants such as oil, lawn fertilizers, garbage, debris, sediment, and noxious chemicals which directly pollute the waterways. The consequences include risks to human health and quality of life, the death of fish and aquatic life, and widespread negative ecological impacts.

Institutes of higher education across the US are taking steps to address run-off issues on campus. Using rain gardens, green roofs, permeable pavement and rainwater storage campuses are mimicking the natural timing and flow of runoff. A growing number of institutions, such as Emory University in Georgia, collect rainwater to use for flushing toilets and irrigating surrounding landscape vegetation. Others, such as Oberlin College in Ohio and Furman University in South

Every Drop Counts - by Adam Costello

Approximately 1% of the fresh water on the planet is available for human use, a drop in the bucket. This makes efficient, responsible use and management of water resources extremely important. New York is fortunate to have an abundance of fresh water; therefore water efficiency measures are not as critical as they are in places such as the Southwest. However, the

quality of New York's waterways is still a significant concern. A 2013 EPA study found 55% of US waterways, many of them in the East, in poor condition, meaning they are unable to fully support the drinking, recreational and ecological needs of humans and wildlife.

One factor that contributes to the declining condition of waterways is wa-

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Visions of Vermiculite - by Barbara Boyle

The summer brought a new twist in the plot of the asbestos-vermiculite story that may impact your campus projects. ELAP (NYS Department of Health's Environmental Laboratory Accreditation Program) changed how they require labs to look at the asbestos content in samples that contain vermiculite and how the labs must report results. The vermiculite can sometimes hide the lab's view of asbestos fibers and there is no good way to get rid of the vermiculite. ELAP does not currently have an approved method for this situation, although they are working to identify and approve one. Fireproofing is one material that may contain vermiculite and/or asbestos.

All asbestos bulk testing in New York State must comply with the laboratory requirements from ELAP. When there are changes in the ELAP program, labs must change their procedures to remain accredited.

Last year, ELAP said that if a sample contained more than 10% vermiculite, the sample had to be reported as asbestos containing material (ACM), that is, the asbestos content was assumed to be greater than 1%. ELAP

argued that at 10% vermiculite there could be 1% asbestos hidden. The decision created consternation in the regulated community, since many previously scheduled construction projects suddenly had an unexpected added asbestos abatement project component. ELAP modified its position in July 2013, and said that some greater than 10% vermiculite samples can be reported as "non-ACM," but with a disclaimer that the lab method may undercount asbestos fibers. Results may include notation that asbestos fibers were detected at low concentrations or not at all. Basically, you may end up with a result where the lab says "It's non-ACM, but we really can't be sure."

So what is a campus with the "non-ACM, but we can't really be sure" result supposed to do?

One option would be to wait until ELAP has an approved method. They are working hard on the problem, but it might be 6 to 12 months until a new method is identified and approved. A second option would be to treat the material as though it were ACM. The initial cost is greater, but the long term liability is reduced.

Campuses may opt to treat this material under some other approach, but should do so with caution and an understanding of potential long term liabilities that might be associated with the decision. Strong documentation from the manufacturer may support such a decision. The type of task, size of the task or project, and location of the work should be considered, as should additional information that the lab may be able to provide (e.g., did they identify any asbestos fibers). This material arguably falls out of the scope of Code Rule 56 and may fall outside of most of the OSHA asbestos standards. (Note that some of the OSHA asbestos rules apply to disturbance of materials with any level of asbestos.) A prudent campus would consider precautions such as restricted work practices, critical barriers, training and personal protective equipment for the workers. Their project would also likely include air sampling and establishment of Negative Exposure Assessments.

This Office for Capital Facilities will keep campuses apprised of any changes in the ELAP program. Questions on the topic may be directed to Barbara Boyle.

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Carolina, are harnessing the water purifying abilities of freshwater ecosystems to clean water using the [John Todd Eco-Machine](#) and [Living Machine](#), respectively.

Close to home, the SUNY College of Environmental Science and Forestry (ESF) is addressing runoff by testing permeable pavement walkways on their quad, installing two green roofs, and creating a multitude of rain gardens across campus. These initiatives improve permeability on campus because they mimic the natural timing

and flow of runoff, filtering out contaminants, and recharging groundwater.

Campuses are in a position to realize significant and widespread sustainability benefits by improving water management. Using resources such as those provided by The [Association for the Advancement of Sustainability in Higher Education \(AASHE\)](#), and applying innovative and intelligent technologies, colleges and universities across the US are taking steps to become more water conscious. As cam-

pus make the commitment to becoming sustainable they should seize the opportunity to enhance our environmental and social performance and save money through responsible water management and consciousness.



Rain Garden at ESF