S T A T E O F N E W Y O R K

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I N A S S E M B L Y

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Introduced by M. of A. SWEENEY, GIANARIS, WEISENBERG, COLTON, DINOWITZ, GUNTHER, MARKEY, PAULIN, CLARK, CAHILL, JAFFEE, BING, MILLMAN, BENEDETTO, LUPARDO, ENGLEBRIGHT, ROSENTHAL, LIFTON, PEOPLES-STOKES, MAGNARELLI, BOYLAND, ALFANO, FIELDS, KAVANAGH, SCHIMEL, PERALTA -- Multi-Sponsored by -- M. of A. GALEF, HOOPER, JACOBS, LATIMER, V. LOPEZ, MAISEL, PERRY, PHEFFER, WEINSTEIN -- read once and referred to the Committee on Environmental Conservation -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to establishing the climate change solutions program act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. The legislature finds and declares that global climate change threatens the environment, natural resources and economy of New York state. In an effort to reduce its contribution to global climate change, the state has led the way in developing a region-wide cap and trade program to stabilize and reduce carbon dioxide emissions from electric generating facilities. In New York, one hundred percent of the state's emissions allowance budget will be auctioned for consumer benefit. The legislature finds that the proceeds from auctions should primarily be invested in energy efficiency and energy conservation programs, as well as programs that increase the state's investment in clean renewable sources of energy and programs that help meet the state's other air quality goals.

S 2. Article 19 of the environmental conservation law is amended by adding a new title 13 to read as follows:

TITLE 13

CLIMATE CHANGE SOLUTIONS PROGRAM ACT

SECTION 19-1301. SHORT TITLE.

19-1303. DEFINITIONS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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19-1305. POWERS AND DUTIES OF THE COMMISSIONER.
19-1307. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.
19-1309. ENERGY EFFICIENCY PROGRAM.
19-1311. RENEWABLE ENERGY DEVELOPMENT PROGRAM.
19-1313. CLEAN AIR TECHNOLOGY PROGRAM.

S 19-1301. SHORT TITLE.

THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE CLIMATE CHANGE SOLUTIONS PROGRAM ACT.

S 19-1303. DEFINITIONS.

AS USED IN THIS TITLE:

1. "AUTHORITY" SHALL MEAN THE STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, CONTINUED BY SECTION EIGHTEEN HUNDRED FIFTY-TWO OF THE PUBLIC AUTHORITIES LAW.

2. "MUNICIPALITY" MEANS A COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT, OR INDIAN TRIBE OR NATION RESIDING WITHIN NEW YORK STATE, OR ANY COMBINATION THEREOF.

3. "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.

4. "STATE ASSISTANCE PAYMENT" MEANS PAYMENT OF MONIES BY THE STATE FOR PROJECTS AUTHORIZED BY THE CLIMATE CHANGE SOLUTIONS FUND PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

S 19-1305. POWERS AND DUTIES OF THE COMMISSIONER.

IN ADMINISTERING THE PROVISIONS OF THIS TITLE, THE COMMISSIONER:

1. SHALL MAKE AN ITEMIZED ESTIMATE OF FUNDS OR APPROPRIATIONS REQUESTED ANNUALLY FOR INCLUSION IN THE EXECUTIVE BUDGET;

2. MAY, IN THE NAME OF THE STATE, AS FURTHER PROVIDED WITHIN THIS TITLE, CONTRACT TO MAKE, WITHIN THE LIMITATIONS OF APPROPRIATIONS AVAILABLE THEREFOR, STATE ASSISTANCE PAYMENTS TO MUNICIPALITIES AND NOT-FOR-PROFIT CORPORATIONS TOWARD THE COST OF ELIGIBLE ACTIVITIES PURSUANT TO THIS TITLE. SUCH CONTRACTS SHALL BE SUBJECT TO APPROVAL BY THE STATE COMPTROLLER AND, AS TO FORM, BY THE ATTORNEY GENERAL;

3. SHALL APPROVE VOUCHERS FOR THE PAYMENTS PURSUANT TO APPROVED CONTRACT. ALL SUCH PAYMENTS SHALL BE PAID ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER;

4. NO LATER THAN THIRTY DAYS AFTER THE END OF EACH CALENDAR YEAR, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE ON THE IMPLEMENTATION OF THE CLIMATE CHANGE SOLUTIONS PROGRAM AND SHALL MAKE SUCH REPORT AVAILABLE ON THE DEPARTMENT'S WEBSITE. THE DEPARTMENT MAY CONSULT OTHER STATE DEPARTMENTS, AGENCIES AND PUBLIC AUTHORITIES FOR INFORMATION AS MAY BE REQUIRED IN THE PREPARATION OF SUCH REPORT AND SUCH STATE DEPARTMENTS AND AGENCIES AND AUTHORITIES SHALL PROVIDE DATA AND ASSISTANCE AS APPROPRIATE. SUCH REPORT SHALL INCLUDE:

A. AN ASSESSMENT OF THE EFFECTIVENESS OF THE PROGRAM, INCLUDING THE ESTIMATED GREENHOUSE GAS REDUCTION RESULTING FROM THE ACTIVITIES DESCRIBED IN THIS TITLE, THE ESTIMATED IMPACT ON CONSUMER ELECTRIC AND HEATING BILLS, AND THE PROGRAM'S OVERALL IMPACT ON ENERGY DEMAND;

B. A DETAILED LISTING OF FUND RECEIPTS INCLUDING:

(I) ALLOWANCE TRADING PRICES,

(II) TOTAL QUARTERLY RECEIPTS,

(III) TOTAL ANNUAL RECEIPTS, AND

(IV) TOTAL LIFE-TO-DATE RECEIPTS;

C. A DETAILED DESCRIPTION OF EXPENDITURES INCLUDING:

(I) TOTAL APPROPRIATIONS,

(II) TOTAL PROJECT COSTS,
(III) TOTAL COMMITMENTS,
(IV) TOTAL OUTSTANDING ENCUMBRANCES,
(V) TOTAL YEAR-TO-DATE DISBURSEMENTS,
(VI) TOTAL LIFE-TO-DATE DISBURSEMENTS, AND
(VII) THE TOTAL REMAINING UNCOMMITTED FUND BALANCE; AND

5. MAY PERFORM SUCH OTHER AND FURTHER ACTS AS MAY BE NECESSARY, PROPER OR DESIRABLE TO CARRY OUT THE PROVISIONS OF THIS TITLE.

S 19-1307. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.

1. AS USED IN THIS SECTION:

A. "CLEAN-FUELED VEHICLE" SHALL MEAN ANY MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, THAT USES ELECTRICITY, INCLUDING ELECTRICITY EITHER STORED OR GENERATED ON-BOARD, AS ITS PRIMARY MOTIVE FORCE, OR THAT IS FUELED BY NATURAL GAS, PROPANE, OR HYDROGEN.

B. "COSTS" MEAN THE CAPITAL COST OF A GREENHOUSE GAS EMISSIONS REDUCTION PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL SERVICES, SURVEYS, PLANS AND SPECIFICATIONS; CONSULTANT AND LEGAL SERVICES.

C. "GREENHOUSE GAS EMISSION REDUCTION PROJECTS" MEAN THE PURCHASE AND INSTALLATION OF GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES.

D. "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES" SHALL INCLUDE BUT NOT BE LIMITED TO:

(I) COGENERATION TECHNOLOGIES, WHICH SHALL MEAN ANY ONE OF THE SEVERAL TECHNOLOGIES WHEREIN WASTE HEAT FROM ON-SITE ELECTRIC GENERATION PROCESS IS RECOVERED TO PROVIDE STEAM OR HOT WATER TO MEET ON-SITE NEEDS, SUCH AS HEATING AND/OR AIR CONDITIONING AND WHICH ATTAINS OVERALL SYSTEM EFFICIENCY AS ESTABLISHED BY THE DEPARTMENT, CONSIDERING BOTH THERMAL AND ELECTRICAL PROCESSES TOGETHER;

(II) FURNACE AND BOILER REPLACEMENTS AND RETROFITS, PROVIDED THAT NEW OR RETROFITTED FURNACES AND BOILERS SHALL NOT AT ANY TIME OPERATE ON DIESEL FUEL WITH A SULFUR CONTENT GREATER THAN 0.05 PERCENT BY WEIGHT;

(III) THE PURCHASE OF CLEAN FUELED VEHICLES OR THE CONVERSION OF EXISTING VEHICLES TO CLEAN FUELED VEHICLES; AND

(IV) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ENERGY, INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT IN CONSULTATION WITH THE AUTHORITY.

2. THE DEPARTMENT IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED, TO MAKE STATE ASSISTANCE PAYMENTS ON A COMPETITIVE BASIS FOR APPROVED GREENHOUSE GAS EMISSIONS REDUCTION PROJECTS TO MUNICIPALITIES AND NOT-FOR-PROFIT CORPORATIONS.

3. ANY MUNICIPALITY OR NOT-FOR-PROFIT CORPORATION UPON APPROVAL OF ITS GOVERNING BODY MAY SUBMIT AN APPLICATION TO THE DEPARTMENT IN SUCH FORM CONTAINING SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE FOR STATE ASSISTANCE PAYMENTS FOR THE COSTS OF GREENHOUSE GAS EMISSION REDUCTION PROJECTS.

4. TO THE FULLEST EXTENT PRACTICABLE, IT IS THE POLICY OF THE STATE TO PROMOTE AN EQUITABLE REGIONAL DISTRIBUTION OF GREENHOUSE GAS REDUCTION PROJECTS, PROVIDED THAT PRIORITY SHALL BE GIVEN TO PROJECTS THAT RESULT IN THE HIGHEST GREENHOUSE GAS EMISSION REDUCTIONS.

5. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF THE COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION ANY OTHER MONIES OF THE AUTHORITY OR THE DEPARTMENT MAY NOT BE USED FOR THE LOCAL SHARE. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE COMMISSIONER UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXIMUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

6. THE DEPARTMENT SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE, DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE LAW.

S 19-1309. ENERGY EFFICIENCY PROGRAM.

1. AS USED IN THIS SECTION:

A. "COST" SHALL MEAN THE CAPITAL COST OF AN ENERGY EFFICIENCY PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL SERVICES, PLANS AND SPECIFICATIONS, CONSULTANT AND LEGAL SERVICES.

B. "ENERGY EFFICIENCY PROJECTS" SHALL MEAN THE PURCHASE AND INSTALLATION OF ENERGY EFFICIENCY TECHNOLOGIES THAT WILL REDUCE THE CONSUMPTION OF ELECTRICITY AT NEW OR EXISTING BUILDINGS.

C. "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO:

(I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES;

(II) APPLIANCES AND EQUIPMENT THAT MEET ENERGY EFFICIENCY PERFORMANCE STANDARDS AS IDENTIFIED IN CHAPTER FOUR HUNDRED THIRTY-ONE OF THE LAWS OF TWO THOUSAND FIVE; AND

(III) OTHER SUCH MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE AUTHORITY.

D. "FINANCIAL ASSISTANCE" MEANS STATE ASSISTANCE PAYMENTS, LOANS, INTEREST SUBSIDIES, ZERO PERCENT INTEREST LOANS, AND/OR ENERGY PERFORMANCE CONTRACTS, AS DEFINED IN SUBDIVISION FOUR OF SECTION 9-102 OF THE ENERGY LAW.

2. THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT IS AUTHORIZED WITHIN AMOUNTS APPROPRIATED, TO PROVIDE FINANCIAL ASSISTANCE ON A COMPETITIVE BASIS FOR APPROVED ENERGY EFFICIENCY PROJECTS.

3. ANY NEW YORK ELECTRIC UTILITY CUSTOMER MAY SUBMIT AN APPLICATION TO THE AUTHORITY FOR THE COST OF ENERGY EFFICIENCY PROJECTS IN SUCH FORM CONTAINING SUCH INFORMATION AS THE AUTHORITY MAY REQUIRE.

4. PRIORITY SHALL BE GIVEN TO PROJECTS THAT:

A. ESTIMATE THE HIGHEST AMOUNT OF ENERGY SAVINGS AS MEASURED AGAINST A THREE YEAR BASELINE; OR

B. ARE CONDUCTED IN (I) AREAS WITH CENSUS TRACTS AND BLOCK NUMBERING AREAS WHICH, AS OF THE TWO THOUSAND CENSUS HAVE A POVERTY RATE OF AT LEAST TWENTY PERCENT FOR THE YEAR TO WHICH THE DATA RELATE OR (II) AREAS WITH AN UNEMPLOYMENT RATE OF AT LEAST ONE AND ONE-QUARTER TIMES THE STATEWIDE UNEMPLOYMENT RATE FOR THE YEAR TO WHICH THE DATA RELATE.

THE AUTHORITY SHALL ESTABLISH ADDITIONAL INCOME AND OTHER ELIGIBILITY CRITERIA TO PROMOTE AN EQUITABLE DISTRIBUTION OF ENERGY EFFICIENCY PROJECTS THROUGHOUT THE STATE. SUCH CRITERIA SHALL SEEK TO ENSURE THAT PROJECTS ARE CONDUCTED IN LOW-INCOME COMMUNITIES THROUGHOUT THE STATE AND THAT LOW AND MIDDLE CLASS RESIDENTIAL CUSTOMERS RECEIVE ACCESS TO SUCH PROJECT FUNDING.

5. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF THE COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION ANY OTHER MONIES OF THE AUTHORITY OR THE DEPARTMENT MAY NOT BE USED FOR THE LOCAL SHARE. OTHER FINANCIAL ASSISTANCE SHALL NOT EXCEED LIMITS ESTABLISHED IN RULES AND REGULATIONS DEVELOPED BY THE AUTHORITY AND SUBJECT TO THE APPROVAL OF THE DEPARTMENT.

6. PRIOR TO PROCESSING APPLICATIONS FOR FINANCIAL ASSISTANCE TOWARD THE COST OF ENERGY EFFICIENCY PROJECTS, THE PRESIDENT OF THE AUTHORITY SHALL PROMULGATE, IN CONSULTATION WITH THE COMMISSIONER, RULES AND REGULATIONS WHICH SHALL INCLUDE CRITERIA FOR DETERMINING ELIGIBLE EXPENDITURES AND PROCEDURES FOR GOVERNING THE COMMITMENT AND DISBURSEMENT OF FINANCIAL ASSISTANCE IN ACCORDANCE WITH THIS SECTION.

7. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXIMUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

8. THE AUTHORITY SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE, DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE LAW.

S 19-1311. RENEWABLE ENERGY DEVELOPMENT PROGRAM.

1. AS USED IN THIS SECTION:

A. "COST" SHALL MEAN THE CAPITAL COST OF A RENEWABLE ENERGY DEVELOPMENT PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL SERVICES, SURVEYS, PLANS AND SPECIFICATIONS; CONSULTANT AND LEGAL SERVICES.

B. "FINANCIAL ASSISTANCE" SHALL MEAN STATE ASSISTANCE PAYMENTS AND/OR PERFORMANCE BASED INCENTIVES THAT ARE DIRECTLY PROPORTIONAL TO REAL, VERIFIED KWH PRODUCTION GENERATED BY THE RENEWABLE ELECTRIC POWER TECHNOLOGY.

C. "RENEWABLE ENERGY DEVELOPMENT PROJECTS" MEAN THE PURCHASE AND INSTALLATION OF TECHNOLOGIES DESIGNED TO CONVERT RENEWABLE ENERGY INTO ELECTRICITY OR OTHER END USES, WHERE RENEWABLE ENERGY INCLUDES SOLAR, WIND, TIDAL, FUEL CELL, GEOTHERMAL AND HYDROGEN, BUT DOES NOT INCLUDE COMBUSTION OR PYROLOSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF THIS CHAPTER OR ELECTRICITY GENERATED FROM NUCLEAR POWER PLANTS.

2. THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED, TO PROVIDE FINANCIAL ASSISTANCE ON A COMPETITIVE BASIS FOR APPROVED RENEWABLE ENERGY DEVELOPMENT PROJECTS.

3. ANY NEW YORK ELECTRIC UTILITY CUSTOMER MAY SUBMIT AN APPLICATION TO THE AUTHORITY FOR THE COST OF RENEWABLE ENERGY DEVELOPMENT PROJECTS OR PERFORMANCE BASED INCENTIVES IN SUCH FORM CONTAINING SUCH INFORMATION AS THE AUTHORITY MAY REQUIRE.

4. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION ANY OTHER MONIES OF THE AUTHORITY OR THE DEPARTMENT MAY NOT BE USED FOR THE LOCAL SHARE. OTHER FINANCIAL ASSISTANCE SHALL NOT EXCEED LIMITS ESTABLISHED IN RULES AND REGULATIONS DEVELOPED BY THE AUTHORITY AND SUBJECT TO THE APPROVAL OF THE DEPARTMENT.

5. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXIMUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

6. THE AUTHORITY SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE, DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE LAW.

S 19-1313. CLEAN AIR TECHNOLOGY PROGRAM.

1. AS USED IN THIS SECTION:

A. "BEST AVAILABLE CONTROL TECHNOLOGIES" SHALL MEAN A VERIFIED DIESEL EMISSION CONTROL DEVICE THAT ACHIEVES A PARTICULATE MATTER (PM) EMISSION REDUCTION OF EIGHTY-FIVE PERCENT OR MORE FROM UNCONTROLLED ENGINE EMISSION LEVELS, OR THAT REDUCES EMISSIONS TO LESS THAN OR EQUAL TO 0.01 GRAMS OF PM PER BRAKE HORSEPOWER-HOUR. BEST AVAILABLE CONTROL ALSO INCLUDES REPOWERING OR REPLACING THE EXISTING DIESEL ENGINE WITH AN ENGINE MEETING USEPA'S 2007 HEAVY-DUTY HIGHWAY DIESEL STANDARDS, OR IN THE CASE OF A NON-ROAD ENGINE, AN ENGINE MEETING THE USEPA'S TIER 4 NON-ROAD DIESEL STANDARDS; BEST AVAILABLE CONTROL ALSO INCLUDES NEW DIESEL ENGINES MEETING SAID EMISSIONS STANDARDS.

B. "CARB" MEANS THE CALIFORNIA AIR RESOURCES BOARD.

C. "CLEAN AIR TECHNOLOGY PROJECTS" SHALL MEAN PROJECTS TO PURCHASE AND INSTALL BEST AVAILABLE CONTROL TECHNOLOGIES, PROVIDED THAT THE AUTHORITY

SHALL ALSO REQUIRE THE APPLICANT TO INSTALL A CLOSED CRANKCASE VENTILATION SYSTEM ON ALL ENGINES.

D. "CLOSED CRANKCASE VENTILATION SYSTEM" OR "CCV" SHALL MEAN EQUIPMENT THAT COMPLETELY CLOSES THE CRANKCASE OF A DIESEL ENGINE TO THE ATMOSPHERE AND ROUTES THE CRANKCASE VAPOR TO THE ENGINE INTAKE AIR SYSTEM OR THE EXHAUST SYSTEM.

E. "USEPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

F. "VERIFIED DIESEL EMISSION CONTROL DEVICE" MEANS AN EMISSION CONTROL DEVICE OR STRATEGY THAT HAS BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL PM REDUCTION BY USEPA OR CARB; OR REPLACEMENT OR REPOWERING WITH AN ENGINE THAT IS CERTIFIED TO SPECIFIC PM EMISSIONS PERFORMANCE BY USEPA OR CARB.

2. THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED, TO MAKE STATE ASSISTANCE PAYMENTS ON A COMPETITIVE BASIS TO APPROVED CLEAN AIR TECHNOLOGY PROJECTS.

3. ANY MUNICIPALITY UPON APPROVAL OF ITS GOVERNING BODY MAY SUBMIT AN APPLICATION TO THE DEPARTMENT IN SUCH FORM CONTAINING SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE FOR STATE ASSISTANCE PAYMENTS FOR THE COSTS OF CLEAN AIR TECHNOLOGY PROJECTS.

4. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION ANY OTHER MONIES OF THE AUTHORITY MAY NOT BE USED FOR THE LOCAL SHARE.

5. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXIMUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

6. THE AUTHORITY SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE, DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE LAW.

S 3. This act shall take effect immediately or on the same date as a chapter of the laws of 2010 amending the environmental conservation law and the state finance law, relating to the climate change solutions fund as proposed in legislative bills numbers S. 5641 and A. 7017, takes effect, whichever is later.