

2764

2009-2010 Regular Sessions

I N S E N A T E

March 2, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

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

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

15 TITLE 13

16 CLIMATE CHANGE SOLUTIONS PROGRAM ACT

17 SECTION 19-1301. SHORT TITLE.

18 19-1303. DEFINITIONS.

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

20 19-1307. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.

21 19-1309. ENERGY EFFICIENCY PROGRAM.

22 19-1311. RENEWABLE ENERGY DEVELOPMENT PROGRAM.

23 19-1313. CLEAN AIR TECHNOLOGY PROGRAM.

24 S 19-1301. SHORT TITLE.

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

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

3 S 19-1303. DEFINITIONS.

4 AS USED IN THIS TITLE:

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

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

11 3. "NOT-FOR-PROFIT CORPORATION" MEANS A CORPORATION FORMED PURSUANT TO  
12 THE NOT-FOR-PROFIT CORPORATION LAW AND QUALIFIED FOR TAX-EXEMPT STATUS  
13 UNDER THE FEDERAL INTERNAL REVENUE CODE.

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

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

18 IN ADMINISTERING THE PROVISIONS OF THIS TITLE, THE COMMISSIONER:

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

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

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

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

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

44 B. A DETAILED LISTING OF FUND RECEIPTS INCLUDING:

45 (I) ALLOWANCE TRADING PRICES,  
46 (II) TOTAL QUARTERLY RECEIPTS,  
47 (III) TOTAL ANNUAL RECEIPTS, AND  
48 (IV) TOTAL LIFE-TO-DATE RECEIPTS;

49 C. A DETAILED DESCRIPTION OF EXPENDITURES INCLUDING:

50 (I) TOTAL APPROPRIATIONS,  
51 (II) TOTAL PROJECT COSTS,  
52 (III) TOTAL COMMITMENTS,  
53 (IV) TOTAL OUTSTANDING ENCUMBRANCES,  
54 (V) TOTAL YEAR-TO-DATE DISBURSEMENTS,  
55 (VI) TOTAL LIFE-TO-DATE DISBURSEMENTS, AND  
56 (VII) THE TOTAL REMAINING UNCOMMITTED FUND BALANCE; AND

1 5. MAY PERFORM SUCH OTHER AND FURTHER ACTS AS MAY BE NECESSARY, PROPER  
2 OR DESIRABLE TO CARRY OUT THE PROVISIONS OF THIS TITLE.  
3 S 19-1307. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.

4 1. AS USED IN THIS SECTION:

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

10 B. "COSTS" MEAN THE CAPITAL COST OF A GREENHOUSE GAS EMISSIONS  
11 REDUCTION PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITEC-  
12 TURAL SERVICES, SURVEYS, PLANS AND SPECIFICATIONS; CONSULTANT AND LEGAL  
13 SERVICES.

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

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

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

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

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

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

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

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

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

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

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

54 S 19-1309. ENERGY EFFICIENCY PROGRAM.

55 1. AS USED IN THIS SECTION:

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

4 B. "ENERGY EFFICIENCY PROJECTS" SHALL MEAN THE PURCHASE AND INSTALLA-  
5 TION OF ENERGY EFFICIENCY TECHNOLOGIES THAT WILL REDUCE THE CONSUMPTION  
6 OF ELECTRICITY AT NEW OR EXISTING BUILDINGS.

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

9 (I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES;

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

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

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

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

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

25 4. PRIORITY SHALL BE GIVEN TO PROJECTS THAT:

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

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

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

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

45 6. PRIOR TO PROCESSING APPLICATIONS FOR FINANCIAL ASSISTANCE TOWARD  
46 THE COST OF ENERGY EFFICIENCY PROJECTS, THE PRESIDENT OF THE AUTHORITY  
47 SHALL PROMULGATE, IN CONSULTATION WITH THE COMMISSIONER, RULES AND REGU-  
48 LATIONS WHICH SHALL INCLUDE CRITERIA FOR DETERMINING ELIGIBLE EXPENDI-  
49 TURES AND PROCEDURES FOR GOVERNING THE COMMITMENT AND DISBURSEMENT OF  
50 FINANCIAL ASSISTANCE IN ACCORDANCE WITH THIS SECTION.

51 7. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE  
52 AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXI-  
53 MUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

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

1 S 19-1311. RENEWABLE ENERGY DEVELOPMENT PROGRAM.

2 1. AS USED IN THIS SECTION:

3 A. "COST" SHALL MEAN THE CAPITAL COST OF A RENEWABLE ENERGY DEVELOP-  
4 MENT PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL  
5 SERVICES, SURVEYS, PLANS AND SPECIFICATIONS; CONSULTANT AND LEGAL  
6 SERVICES.

7 B. "FINANCIAL ASSISTANCE" SHALL MEAN STATE ASSISTANCE PAYMENTS AND/OR  
8 PERFORMANCE BASED INCENTIVES THAT ARE DIRECTLY PROPORTIONAL TO REAL,  
9 VERIFIED KWH PRODUCTION GENERATED BY THE RENEWABLE ELECTRIC POWER TECH-  
10 NOLOGY.

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

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

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

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

30 5. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE  
31 AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXI-  
32 MUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

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

36 S 19-1313. CLEAN AIR TECHNOLOGY PROGRAM.

37 1. AS USED IN THIS SECTION:

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

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

49 C. "CLEAN AIR TECHNOLOGY PROJECTS" SHALL MEAN PROJECTS TO PURCHASE AND  
50 INSTALL BEST AVAILABLE CONTROL TECHNOLOGIES, PROVIDED THAT THE AUTHORITY  
51 SHALL ALSO REQUIRE THE APPLICANT TO INSTALL A CLOSED CRANKCASE VENTI-  
52 LATION SYSTEM ON ALL ENGINES.

53 D. "CLOSED CRANKCASE VENTILATION SYSTEM" OR "CCV" SHALL MEAN EQUIPMENT  
54 THAT COMPLETELY CLOSES THE CRANKCASE OF A DIESEL ENGINE TO THE ATMOS-  
55 PHERE AND ROUTES THE CRANKCASE VAPOR TO THE ENGINE INTAKE AIR SYSTEM OR  
56 THE EXHAUST SYSTEM.

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

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

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

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

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

17 5. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE  
18 AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXI-  
19 MUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

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

23 S 3. This act shall take effect immediately or on the same date as a  
24 chapter of the laws of 2009 entitled "AN ACT to amend the environmental  
25 conservation law and the state finance law, in relation to the climate  
26 change solutions fund" takes effect, whichever is later.