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

5480

2011-2012 Regular Sessions

I N A S S E M B L Y

February 22, 2011

Introduced by M. of A. ENGLEBRIGHT, COLTON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to the creation of a nontoxic dry cleaning incentive grant and demonstration program and establishes an account to fund such grant and demonstration program

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

Section 1. The environmental conservation law is amended by adding a new article 48 to read as follows:

ARTICLE 48

NONTOXIC DRY CLEANING

SECTION 48-0101. NONTOXIC DRY CLEANING INCENTIVE FEE.

48-0103. NONTOXIC DRY CLEANING INCENTIVE GRANT AND DEMONSTRATION PROGRAM.

S 48-0101. NONTOXIC DRY CLEANING INCENTIVE FEE.

1. (A) THE DEPARTMENT SHALL IMPOSE A THREE DOLLAR PER GALLON FEE ON THE USE, MANUFACTURE AND SALE OF PERCHLOROETHYLENE IN THE STATE.

(B) THE AMOUNT OF THE FEE IMPOSED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL INCREASE BY ONE DOLLAR PER GALLON ON JANUARY FIRST, TWO THOUSAND THIRTEEN, AND SHALL INCREASE BY ONE DOLLAR EACH SUBSEQUENT YEAR, UNTIL JANUARY FIRST, TWO THOUSAND TWENTY.

2. MONEYS GENERATED BY THE FEE IMPOSED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE DEPOSITED IN THE NONTOXIC DRY CLEANING INCENTIVE FUND, ESTABLISHED BY SECTION NINETY-TWO-H OF THE STATE FINANCE LAW.

3. (A) MONEYS DEPOSITED IN THE NONTOXIC DRY CLEANING INCENTIVE TRUST FUND SHALL BE AVAILABLE FOR EXPENDITURE BY THE COMMISSIONER, UPON APPROPRIATION BY THE LEGISLATURE, TO FUND THE GRANT PROGRAM DESCRIBED IN SECTION 48-0103 OF THIS ARTICLE AND TO FUND THE DEMONSTRATION PROJECT DESCRIBED IN SUBDIVISION FIVE OF SECTION 48-0103 OF THIS ARTICLE.

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

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(B) THE COMMISSIONER SHALL ALLOCATE, FROM THE MONEYS DERIVED FROM THE IMPOSITION OF THE FEE PURSUANT TO THIS SECTION, MONEYS THAT IT DETERMINES ARE SUFFICIENT TO FUND THE DEMONSTRATION PROJECT DESCRIBED IN SUBDIVISION FIVE OF SECTION 48-0103 OF THIS ARTICLE, AND SHALL UTILIZE THE REMAINING MONEYS TO FUND THE NONTOXIC DRY CLEANING INCENTIVE GRANT PROGRAM.

4. NOT MORE THAN FIVE PERCENT OF THE MONEYS IN THE FUND, CALCULATED ANNUALLY, MAY BE UTILIZED BY THE COMMISSIONER TO ADMINISTER THE GRANT AND DEMONSTRATION PROGRAMS.

S 48-0103. NONTOXIC DRY CLEANING INCENTIVE GRANT AND DEMONSTRATION PROGRAM.

1. THE COMMISSIONER SHALL DEVELOP AND IMPLEMENT A GRANT PROGRAM THAT PROVIDES INCENTIVES FOR DRY CLEANERS IN THE STATE THAT UTILIZE PERCHLOROETHYLENE IN THEIR OPERATIONS TO TRANSITION TO UTILIZING DRY CLEANING SYSTEMS DETERMINED BY THE DEPARTMENT TO BE NONTOXIC AND NONSMOG-FORMING.

2. TO BE ELIGIBLE FOR A GRANT PURSUANT TO THIS SECTION, APPLICANTS SHALL COMPLETELY REPLACE THEIR PERCHLOROETHYLENE-BASED DRY CLEANING SYSTEM WITH A SYSTEM THAT THE DEPARTMENT DETERMINES TO BE APPROPRIATE, HAS DETERMINED TO BE NONTOXIC AND NONSMOG-FORMING. THE DEPARTMENT SHALL DETERMINE THE ELIGIBILITY OF GRANT RECIPIENTS.

3. (A) THE DEPARTMENT SHALL MAKE GRANTS AVAILABLE IN THE AMOUNT OF TEN THOUSAND DOLLARS TO ANY ELIGIBLE DRY CLEANING OPERATION FOR THE PURCHASE OF A PROFESSIONAL DRY CLEANING SYSTEM THAT USES A NONTOXIC AND NONSMOG-FORMING PROCESS.

(B) THE DEPARTMENT SHALL ENSURE THAT AT LEAST FIFTY PERCENT OF THE GRANT MONEYS PROVIDED PURSUANT TO THIS SECTION ARE AWARDED IN A MANNER THAT DIRECTLY REDUCES AIR CONTAMINANTS OR REDUCES THE PUBLIC HEALTH RISK ASSOCIATED WITH AIR CONTAMINANTS IN COMMUNITIES WITH THE MOST SIGNIFICANT EXPOSURE TO AIR CONTAMINANTS OR LOCALIZED AIR CONTAMINANTS, OR BOTH, INCLUDING, BUT NOT LIMITED TO, COMMUNITIES OF MINORITY POPULATIONS OR LOW-INCOME POPULATIONS, OR BOTH.

4. COMMENCING JANUARY FIRST, TWO THOUSAND FOURTEEN, AND EVERY THREE YEARS THEREAFTER, THE DEPARTMENT SHALL PROVIDE A REPORT TO THE LEGISLATURE EVALUATING EFFECTIVENESS OF THE GRANT PROGRAM.

5. THE DEPARTMENT SHALL ESTABLISH A DEMONSTRATION PROGRAM TO SHOWCASE PROFESSIONAL NONTOXIC AND NONSMOG-FORMING DRY CLEANING TECHNOLOGIES IN THE STATE. THE DEMONSTRATION PROGRAM SHALL REQUIRE FIFTY PERCENT MATCHING FUNDS TO COVER THE COSTS OF THE DEMONSTRATION PROGRAM. ANY ENTITY MAY CONTRIBUTE MONIES AS MATCHING FUNDS, INCLUDING, BUT NOT LIMITED TO, A STATE OR FEDERAL AGENCY, AN AIR POLLUTION CONTROL DISTRICT OR AIR QUALITY MANAGEMENT DISTRICT, A PUBLIC UTILITY DISTRICT, OR A NONPROFIT ENTITY. NOT MORE THAN THIRTY PERCENT OF THE FUNDS DEPOSITED ANNUALLY IN THE NONTOXIC DRY CLEANING INCENTIVE TRUST FUND MAY BE USED FOR THE DEMONSTRATION PROGRAM.

S 2. The state finance law is amended by adding a new section 92-h to read as follows:

S 92-H. NONTOXIC DRY CLEANING INCENTIVE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NONTOXIC DRY CLEANING INCENTIVE FUND".

2. SUCH FUND SHALL CONSIST OF REVENUES COLLECTED AND DEPOSITED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FROM THE FEE ON THE USE, MANUFACTURE AND SALE OF PERCHLOROETHYLENE PURSUANT TO SECTION 48-0101 OF THE ENVIRONMENTAL CONSERVATION LAW AND ALL OTHER MONEYS APPROPRIATED. ANY INTEREST EARNED BY THE INVESTMENT OF MONEY IN SUCH FUND SHALL BE ADDED

TO SUCH FUND, BECOME A PART OF SUCH FUND, AND BE USED FOR THE PURPOSE OF SUCH FUND.

3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET, SHALL BE AVAILABLE FOR THE PURPOSE OF FUNDING THE NONTOXIC DRY CLEANING INCENTIVE GRANT AND DEMONSTRATION PROGRAM ESTABLISHED IN SECTION 48-0103 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 3. This act shall take effect immediately.