

3041

2011-2012 Regular Sessions

I N S E N A T E

February 7, 2011

Introduced by Sen. KRUGER -- 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 restricting the use of chlorinated solvents in this state

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

1 Section 1. The legislature finds and declares that:

2 (a) Virtually all chlorinated organic compounds that have been studied
3 exhibit at least one of a wide range of serious toxic effects such as
4 endocrine dysfunction, developmental impairment, birth defects, repro-
5 ductive dysfunction and infertility, hormonal disruption, immunosuppres-
6 sion, and cancer, often at extremely low doses.

7 (b) Stratospheric ozone depletion caused in part by the use of chlori-
8 nated compounds including chlorinated solvents is expected to cause
9 millions of additional cases of human skin cancer, cataracts and immune
10 suppression, as well as major effects on aquatic and terrestrial food
11 chains.

12 (c) The use of chlorinated solvents such as methylene chloride,
13 trichloroethylene and perchloroethylene in industrial and manufacturing
14 processes has been recognized as posing significant workplace hazards.

15 (d) The weight of scientific evidence indicates that exposure to all
16 organochlorines should be presumed to pose a health risk, and therefore
17 policies to protect public health should be directed toward eventually
18 achieving no exposure to chlorinated organic chemicals as a class rather
19 than focusing on a series of individual chemicals.

20 (e) Numerous public health and environmental organizations including
21 the American Public Health Association and the International Joint
22 Commission have recommended that the only feasible and prudent approach
23 to eliminating the release and discharge of chlorinated organic chemi-
24 cals and consequent exposure is to avoid the use of chlorine and its
25 compounds in manufacturing processes.

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

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1 (f) The implementation of such a goal should proceed with priority
2 being given to industry sectors causing severe organochlorine pollution.

3 (g) Chlorinated solvents have been identified in numerous hazardous
4 waste sites in the state and are considered major contributors to the
5 toxic contamination of many of the state's public and private drinking
6 water sources.

7 (h) Alternative processes and substitute chemicals already exist for
8 most uses of chlorinated solvents.

9 S 2. The environmental conservation law is amended by adding a new
10 article 48 to read as follows:

11 ARTICLE 48

12 CHLORINATED SOLVENTS

13 SECTION 48-0101. DEFINITION.

14 48-0103. RESTRICTIONS ON THE USE, MANUFACTURE OR SALE OF CHLORI-
15 NATED SOLVENTS.

16 48-0105. SAFE ALTERNATIVES POLICY.

17 48-0107. SURCHARGE IMPOSED.

18 48-0109. REVOLVING LOAN PROGRAM.

19 48-0111. CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN ACCOUNT.

20 S 48-0101. DEFINITION.

21 AS USED IN THIS ARTICLE, "CHLORINATED SOLVENT" MEANS THE FOLLOWING
22 CHLORINE-BASED CHEMICALS: METHYLENE CHLORIDE, PERCHLOROETHYLENE,
23 TRICHLOROETHYLENE AND METHYL CHLOROFORM.

24 S 48-0103. RESTRICTIONS ON THE USE, MANUFACTURE OR SALE OF CHLORINATED
25 SOLVENTS.

26 1. EXCEPT AS PROVIDED UNDER SUBDIVISION TWO OR THREE OF THIS SECTION:

27 (A) ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, NO PERSON IN
28 THE STATE SHALL MANUFACTURE, USE OR SELL ANY AMOUNT OF CHLORINATED
29 SOLVENT FOR THE FOLLOWING PURPOSES: METAL CLEANING OPERATIONS, PAINT
30 REMOVERS, INDUSTRIAL SOLVENTS, FOAM BLOWING, PAINTS AND COATINGS,
31 AEROSOLS, SYNTHETIC PESTICIDES, AND FOOD PROCESSING;

32 (B) ON AND AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, NO PERSON IN THE
33 STATE SHALL MANUFACTURE, USE OR SELL ANY AMOUNT OF CHLORINATED SOLVENT
34 FOR THE FOLLOWING PURPOSES: DRY CLEANING AND TEXTILE PROCESSING;

35 (C) ON AND AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, NO PERSON IN
36 THE STATE SHALL MANUFACTURE, USE OR SELL ANY AMOUNT OF CHLORINATED
37 SOLVENT FOR ANY PURPOSE INCLUDING CHEMICAL PROCESSING, ELECTRONICS, FILM
38 PROCESSING AND FIBERS.

39 ALL PRODUCERS, USERS OR SELLERS OF CHLORINATED SOLVENTS OR PRODUCTS
40 CONTAINING ANY CHLORINATED SOLVENT SHALL ANNUALLY PROVIDE TO THE COMMIS-
41 SIONER AN INVENTORY AND DESCRIPTION OF THEIR PRODUCTION, USE AND SALE OF
42 CHLORINATED SOLVENTS WITHIN THE STATE. THE COMMISSIONER SHALL, NO LATER
43 THAN JANUARY FIRST, TWO THOUSAND TWELVE, ISSUE REGULATIONS PRESCRIBING
44 THE REPORTING REQUIREMENTS OF THIS SUBDIVISION.

45 2. ANY PERSON MAY PETITION THE COMMISSIONER FOR AN EXEMPTION FROM THE
46 REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, AND THE COMMISSIONER
47 MAY GRANT BY RULE SUCH AN EXEMPTION IF THE COMMISSIONER FINDS THAT:

48 (A) THE CONTINUED USE OF THE CHLORINATED SOLVENT SERVES A COMPELLING
49 PUBLIC NEED;

50 (B) AN UNREASONABLE RISK OF INJURY TO HEALTH OR ENVIRONMENT WOULD NOT
51 RESULT; AND

52 (C) GOOD FAITH EFFORTS HAVE BEEN MADE TO DEVELOP AN ALTERNATIVE PROC-
53 ESS OR CHEMICAL SUBSTANCE WHICH DOES NOT PRESENT AN UNREASONABLE RISK OF
54 INJURY TO HEALTH OR THE ENVIRONMENT AND WHICH MAY BE SUBSTITUTED FOR
55 SUCH CHLORINATED SOLVENT.

1 AN EXEMPTION GRANTED UNDER THIS SUBDIVISION SHALL BE SUBJECT TO SUCH
2 TERMS AND CONDITIONS AS THE COMMISSIONER MAY PRESCRIBE AND SHALL BE IN
3 EFFECT FOR SUCH PERIOD (BUT NOT MORE THAN TWO YEARS FROM THE DATE WHICH
4 IT IS GRANTED) AS THE COMMISSIONER MAY PRESCRIBE. SUCH AN EXEMPTION
5 SHALL NOT BE RENEWED MORE THAN ONCE.

6 3. EDUCATIONAL/MEDICAL USERS SHALL BE EXEMPT FROM THE PROVISIONS OF
7 SUBDIVISION ONE OF THIS SECTION, PROVIDED THAT SAID EDUCATIONAL/MEDICAL
8 USERS SHALL ANNUALLY PROVIDE TO THE COMMISSIONER AN INVENTORY AND
9 DESCRIPTION OF THEIR USE OF ANY CHLORINATED SOLVENT WITHIN THE STATE.
10 SAID EDUCATIONAL/MEDICAL USERS SHALL USE ANY SUCH SUBSTANCE ONLY IN
11 CONNECTION WITH INSTRUCTION, EDUCATION, RESEARCH OR MEDICAL TREATMENT.
12 THE COMMISSIONER SHALL, NO LATER THAN JANUARY FIRST, TWO THOUSAND
13 TWELVE, ISSUE REGULATIONS PRESCRIBING THE REPORTING REQUIREMENTS OF THIS
14 SUBDIVISION.

15 4. THE DEPARTMENT AND THE ENVIRONMENTAL FACILITIES CORPORATION, IN
16 COOPERATION WITH USERS AND PRODUCERS OF CHLORINATED SOLVENTS, SHALL
17 ESTABLISH AN INTENSIVE TECHNOLOGY TRANSFER, RESEARCH AND TECHNICAL
18 ASSISTANCE PROGRAM TO DISSEMINATE INFORMATION REGARDING AVAILABLE ALTER-
19 NATIVES TO THE USE OF CHLORINATED SOLVENTS AND TO DEVELOP NEW TECHNOLO-
20 GIES THAT MAY BE SUBSTITUTED FOR CHLORINATED SOLVENT USE.

21 5. THE COMMISSIONER SHALL, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF
22 THIS ARTICLE, ESTABLISH AN ADVISORY TASK FORCE TO INVESTIGATE AND
23 ANALYZE THE IMPACT OF THIS ARTICLE ON THE WORK FORCE AND INDUSTRY OF THE
24 STATE. IN ADDITION, THE TASK FORCE SHALL RECOMMEND MEASURES TO PROVIDE
25 TRAINING FOR AFFECTED WORKERS, TO ATTRACT NEW BUSINESSES TO THE STATE IN
26 THE AREA OF ALTERNATIVE TECHNOLOGIES, AND TO OTHERWISE ASSIST THE
27 STATE'S LABOR FORCE IN ADAPTING TO THE PROVISIONS OF THIS ARTICLE. THE
28 TASK FORCE SHALL CONSIST OF NINE MEMBERS INCLUDING THREE REPRESENTING
29 THE PUBLIC HEALTH SECTOR AND TWO EACH REPRESENTING THE LABOR, BUSINESS
30 AND ENVIRONMENTAL SECTORS.

31 S 48-0105. SAFE ALTERNATIVES POLICY.

32 NO FACILITY SHALL REPLACE THE MANUFACTURE, PROCESSING, USE OR SALE OF
33 ANY CHLORINATED SOLVENT WITH ANY SUBSTITUTE TOXIC SUBSTANCE THAT IS A
34 KNOWN OR PROBABLE CARCINOGEN, TERATOGEN OR MUTAGEN, OR WITH ANY ALTERNA-
35 TIVE PRODUCT OR PROCESS THAT CREATES AN UNREASONABLE RISK OF HARM TO
36 PUBLIC HEALTH, WORKERS, CONSUMERS OR ANY PART OF THE ENVIRONMENT AS
37 DETERMINED BY THE COMMISSIONER.

38 S 48-0107. SURCHARGE IMPOSED.

39 1. ON AND AFTER APRIL FIRST, TWO THOUSAND TWELVE, A SURCHARGE SHALL BE
40 LEVIED ON THE PRIVILEGE OF PRODUCING IN, IMPORTING INTO OR CAUSING TO BE
41 IMPORTED INTO THE STATE METHYLENE CHLORIDE, PERCHLOROETHYLENE (TETRA-
42 CHLOROETHYLENE), TRICHLOROETHYLENE OR METHYL CHLOROFORM. A SURCHARGE OF
43 FIVE DOLLARS PER GALLON SHALL BE LEVIED ON EACH GALLON OF METHYLENE
44 CHLORIDE, PERCHLOROETHYLENE (TETRACHLOROETHYLENE), TRICHLOROETHYLENE AND
45 METHYL CHLOROFORM WHEN FIRST IMPORTED INTO OR PRODUCED IN THE STATE. THE
46 SURCHARGE SHALL BE IMPOSED WHEN TRANSFER OF TITLE OR POSSESSION, OR
47 BOTH, OF THE PRODUCT OCCURS IN THIS STATE OR WHEN THE PRODUCT COMMINGLES
48 WITH THE GENERAL MASS OF THIS STATE.

49 2. ANY PERSON PRODUCING IN, IMPORTING INTO OR CAUSING TO BE IMPORTED
50 INTO THIS STATE METHYLENE CHLORIDE, PERCHLOROETHYLENE (TETRACHLOROETHY-
51 LENE), TRICHLOROETHYLENE AND/OR METHYL CHLOROFORM FOR SALE, USE OR
52 OTHERWISE SHALL REGISTER WITH THE COMMISSIONER AND BECOME LICENSED FOR
53 THE PURPOSE OF REMITTING THE SURCHARGE PURSUANT TO THIS SECTION. SUCH
54 PERSON MUST REGISTER AS EITHER A PRODUCER OR IMPORTER OF METHYLENE CHLO-
55 RIDE, PERCHLOROETHYLENE (TETRACHLOROETHYLENE), TRICHLOROETHYLENE AND/OR
56 METHYL CHLOROFORM. PERSONS OPERATING AT MORE THAN ONE LOCATION SHALL

1 ONLY BE REQUIRED TO HAVE A SINGLE REGISTRATION. EACH SUCH PERSON SHALL
2 PAY AN ANNUAL REGISTRATION FEE OF THIRTY DOLLARS.

3 3. THE SURCHARGE IMPOSED BY THIS SECTION SHALL BE DUE ON THE FIRST DAY
4 OF THE MONTH SUCCEEDING THE MONTH OF PRODUCTION, IMPORTATION OR REMOVAL
5 FROM A STORAGE FACILITY AND MUST BE PAID ON OR BEFORE THE TWENTIETH OF
6 EACH MONTH. THE SURCHARGE SHALL BE REPORTED ON FORMS IN THE MANNER
7 PRESCRIBED BY THE COMMISSIONER.

8 4. ANY PERSON SUBJECT TO THE SURCHARGE UNDER THIS SECTION OR ANY
9 PERSON WHO SELLS SURCHARGE-PAID METHYLENE CHLORIDE, PERCHLOROETHYLENE
10 (TETRACHLOROETHYLENE), TRICHLOROETHYLENE AND/OR METHYL CHLOROFORM, OTHER
11 THAN A RETAIL DEALER, SHALL SEPARATELY STATE THE AMOUNT OF SUCH
12 SURCHARGE PAID ON ANY CHARGE TICKET, SALES SLIP, INVOICE OR OTHER TANGI-
13 BLE EVIDENCE OF THE SALE OR MUST CERTIFY ON THE SALES DOCUMENT THAT THE
14 SURCHARGE REQUIRED PURSUANT TO THIS SECTION HAS BEEN PAID.

15 5. ALL METHYLENE CHLORIDE, PERCHLOROETHYLENE (TETRACHLOROETHYLENE),
16 TRICHLOROETHYLENE AND METHYL CHLOROFORM IMPORTED, PRODUCED OR SOLD IN
17 THIS STATE IS PRESUMED TO BE SUBJECT TO THE SURCHARGE IMPOSED BY THIS
18 SECTION. ANY PERSON, EXCEPT THE FINAL RETAIL CONSUMER, WHO HAS PURCHASED
19 METHYLENE CHLORIDE, PERCHLOROETHYLENE (TETRACHLOROETHYLENE), TRICHLOROE-
20 THYLENE OR METHYL CHLOROFORM MUST DOCUMENT THAT THE SURCHARGE IMPOSED BY
21 THIS SECTION HAS BEEN PAID OR MUST PAY SUCH SURCHARGE DIRECTLY TO THE
22 DEPARTMENT IN ACCORDANCE WITH THIS SECTION.

23 6. THE DEPARTMENT MAY AUTHORIZE A QUARTERLY RETURN AND PAYMENT WHEN
24 THE SURCHARGE REMITTED BY THE LICENSEE FOR A PRECEDING QUARTER DID NOT
25 EXCEED ONE HUNDRED DOLLARS; MAY AUTHORIZE A SEMIANNUAL RETURN AND
26 PAYMENT WHEN THE SURCHARGE REMITTED BY THE LICENSEE FOR THE PRECEDING
27 SIX MONTHS DID NOT EXCEED TWO HUNDRED DOLLARS; AND MAY AUTHORIZE AN
28 ANNUAL RETURN AND PAYMENT WHEN THE SURCHARGE REMITTED BY THE LICENSEE
29 FOR THE PRECEDING TWELVE MONTHS DID NOT EXCEED FOUR HUNDRED DOLLARS.

30 7. THE SURCHARGE IMPOSED BY THIS SECTION SHALL BE REPORTED TO THE
31 DEPARTMENT. THE PAYMENT SHALL BE ACCOMPANIED BY SUCH FORMS AS THE
32 DEPARTMENT PRESCRIBES. THE PROCEEDS OF THE SURCHARGE, AFTER DEDUCTING
33 THE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT IN ADMINISTERING,
34 AUDITING, COLLECTING, DISTRIBUTING AND ENFORCING THE SURCHARGE SHALL BE
35 TRANSFERRED BY THE DEPARTMENT INTO THE CHLORINATED SOLVENT PHASE-OUT
36 REVOLVING LOAN ACCOUNT AND SHALL BE USED IN ACCORDANCE WITH THE REVOLV-
37 ING LOAN PROGRAM ESTABLISHED IN SECTION 48-0109 OF THIS ARTICLE.

38 8. FOR THE PURPOSES OF THIS SECTION, THE PROCEEDS OF THE SURCHARGE
39 SHALL INCLUDE FUNDS COLLECTED AND RECEIVED BY THE DEPARTMENT, INCLUDING
40 INTEREST AND PENALTIES ON DELINQUENT SURCHARGES.

41 9. METHYLENE CHLORIDE, PERCHLOROETHYLENE (TETRACHLOROETHYLENE),
42 TRICHLOROETHYLENE AND METHYL CHLOROFORM EXPORTED FROM THE FIRST STORAGE
43 FACILITY AT WHICH IT IS HELD IN THIS STATE BY THE PRODUCER OR IMPORTER
44 SHALL BE EXEMPT FROM THE SURCHARGE PURSUANT TO THIS SECTION. ANYONE
45 EXPORTING METHYLENE CHLORIDE, PERCHLOROETHYLENE (TETRACHLOROETHYLENE),
46 TRICHLOROETHYLENE AND METHYL CHLOROFORM ON WHICH A SURCHARGE HAS BEEN
47 PAID MAY APPLY FOR A REFUND OR CREDIT. THE COMMISSIONER MAY REQUIRE SUCH
48 INFORMATION AS HE OR SHE DEEMS NECESSARY IN ORDER TO APPROVE THE REFUND
49 OR CREDIT.

50 10. ANY PERSON WHO FAILS TO TIMELY REGISTER OR WHO KNOWINGLY GIVES OR
51 CAUSES TO BE GIVEN ANY FALSE INFORMATION AS A PART OF THE REGISTRATION
52 OR APPLICATION FOR FINANCIAL ASSISTANCE OR FAILS TO REMIT THE SURCHARGE
53 IN A TIMELY FASHION SHALL BE LIABLE FOR A PENALTY OF NOT MORE THAN TEN
54 THOUSAND DOLLARS IN A COURT OF COMPETENT JURISDICTION. IF THE VIOLATION
55 IS OF A CONTINUING NATURE, EACH DAY DURING WHICH IT CONTINUES SHALL
56 CONSTITUTE AN ADDITIONAL, SEPARATE AND DISTINCT OFFENSE.

1 S 48-0109. REVOLVING LOAN PROGRAM.

2 THE ENVIRONMENTAL FACILITIES CORPORATION, IN CONSULTATION WITH THE
3 COMMISSIONER, SHALL ESTABLISH A REVOLVING LOAN PROGRAM TO BE FUNDED BY
4 APPROPRIATIONS FROM THE CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN
5 ACCOUNT ESTABLISHED PURSUANT TO SECTION 48-0111 OF THIS ARTICLE TO
6 PROVIDE FINANCIAL ASSISTANCE TO ANY PERSON TO MEET COSTS IN SATISFYING
7 THE REQUIREMENTS AS PROVIDED IN THIS SECTION. UPON CERTIFICATION FROM
8 THE ENVIRONMENTAL FACILITIES CORPORATION AND THE COMMISSIONER, THE
9 ADMINISTRATOR MAY PROVIDE SUCH LOAN TO A PERSON UPON RECEIPT OF A WRIT-
10 TEN AGREEMENT PROVIDING REASONABLE ASSURANCES OF REPAYMENT THAT IS
11 SATISFACTORY TO THE COMPTROLLER. SUCH LOAN SHALL NOT BEAR INTEREST ON
12 THE REPAYMENT OF SUCH LOAN PROVIDED THAT THE TERM OF THE LOAN DOES NOT
13 EXCEED ONE YEAR. THE AMOUNT OF THE LOAN SHALL NOT EXCEED ONE HUNDRED
14 THOUSAND DOLLARS. THE ENVIRONMENTAL FACILITIES CORPORATION AND THE
15 COMMISSIONER SHALL ONLY CERTIFY SUCH LOANS AFTER A FINDING THAT SUCH
16 PERSON HAS A PLAN TO MEET THE REQUIREMENTS AS PROVIDED IN THIS SECTION.
17 THE ENVIRONMENTAL FACILITIES CORPORATION AND THE DEPARTMENT, WITH
18 CONSULTATION FROM THE COMPTROLLER, SHALL PROMULGATE RULES AND REGU-
19 LATIONS WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE FOR THE
20 OPERATION OF THE CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN ACCOUNT
21 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CRITERIA TO BE USED IN
22 DETERMINING ELIGIBILITY FOR ASSISTANCE; A PROCEDURE AND ANY NECESSARY
23 INFORMATION THAT ANY PERSON NEEDS TO SUBMIT APPLICATIONS FOR A LOAN FROM
24 THE CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN ACCOUNT; AND A SCHEDULE
25 OF REVIEWING SUCH APPLICATIONS, NOT TO EXCEED THIRTY DAYS, AND NOTIFICA-
26 TION TO AN APPLICANT OF APPROVAL OR DISAPPROVAL OF SUCH APPLICATION FOR
27 FUNDING AND ANY OTHER REQUIREMENTS DEEMED NECESSARY BY THE COMPTROLLER.
28 THE ENVIRONMENTAL FACILITIES CORPORATION AND THE COMMISSIONER SHALL
29 COMPILE AND MAKE AVAILABLE INFORMATION REGARDING THE AVAILABILITY AND
30 APPLICATION FOR SUCH LOANS.

31 S 48-0111. CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN ACCOUNT.

32 1. THE CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN ACCOUNT IS HEREBY
33 ESTABLISHED TO CARRY OUT THE PURPOSES OF THIS ARTICLE. SUCH ACCOUNT
34 SHALL CONSIST OF ALL FINES, PENALTIES, JUDGMENTS, RECOVERIES, AND OTHER
35 FEES AND CHARGES COLLECTED FOR NONREMITTANCE OF THE SURCHARGE AS
36 REQUIRED BY SECTION 48-0107 OF THIS ARTICLE, SURCHARGE REVENUES LEVIED,
37 COLLECTED AND CREDITED PURSUANT TO THE SURCHARGE PROVIDED IN SECTION
38 48-0107 OF THIS ARTICLE, INTEREST RECEIVED ON SUCH MONEY AND ANY MONEY
39 MADE AVAILABLE PURSUANT TO APPROPRIATION. THE COMPTROLLER SHALL APPOINT
40 AND SUPERVISE AN ADMINISTRATOR OF THE FUND. THE ADMINISTRATOR SHALL BE
41 THE CHIEF EXECUTIVE OF THE FUND AND SHALL DISBURSE MONEY FROM THE FUND
42 PURSUANT TO CERTIFICATION FROM THE ENVIRONMENTAL FACILITIES CORPORATION
43 AND THE COMMISSIONER.

44 2. THE COMPTROLLER MAY INVEST AND REINVEST ANY MONEYS IN SAID FUND IN
45 OBLIGATIONS IN WHICH THE COMPTROLLER IS AUTHORIZED TO INVEST PURSUANT TO
46 THE PROVISIONS OF SECTION NINETY-EIGHT OF THE STATE FINANCE LAW. ANY
47 INCOME OR INTEREST DERIVED FROM SUCH INVESTMENT SHALL BE INCLUDED IN THE
48 ACCOUNT.

49 3. MONIES WITHIN THE CHLORINATED SOLVENT PHASE-OUT REVOLVING LOAN
50 ACCOUNT, UPON APPROPRIATION BY THE LEGISLATURE, SHALL BE MADE AVAILABLE
51 TO THE ENVIRONMENTAL FACILITIES CORPORATION FOR THE PURPOSE OF THIS
52 ARTICLE. NO MONIES WITHIN THIS ACCOUNT SHALL BE USED TO FUND STATE
53 PERSONNEL. MONIES SHALL BE PAID OUT OF THE ACCOUNT ON THE AUDIT AND
54 WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE
55 ADMINISTRATOR OF THE ACCOUNT.

1 S 3. Severability. The provisions of this act are severable, and if
2 any of its provisions or an application thereof shall be held unconsti-
3 tutional by any court of competent jurisdiction, the decision of such
4 court shall not affect or impair any of the remaining provisions or
5 other applications thereof.

6 S 4. This act shall take effect immediately.