

6404

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

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:

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

3 ARTICLE 48

4 NONTOXIC DRY CLEANING

5 SECTION 48-0101. NONTOXIC DRY CLEANING INCENTIVE FEE.

6 48-0103. NONTOXIC DRY CLEANING INCENTIVE GRANT AND DEMONSTRATION
7 PROGRAM.

8 S 48-0101. NONTOXIC DRY CLEANING INCENTIVE FEE.

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

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

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

18 3. (A) MONEYS DEPOSITED IN THE NONTOXIC DRY CLEANING INCENTIVE TRUST
19 FUND SHALL BE AVAILABLE FOR EXPENDITURE BY THE COMMISSIONER, UPON APPRO-
20 PRIATION BY THE LEGISLATURE, TO FUND THE GRANT PROGRAM DESCRIBED IN
21 SECTION 48-0103 OF THIS ARTICLE AND TO FUND THE DEMONSTRATION PROJECT
22 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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1 (B) THE COMMISSIONER SHALL ALLOCATE, FROM THE MONEYS DERIVED FROM THE
2 IMPOSITION OF THE FEE PURSUANT TO THIS SECTION, MONEYS THAT IT DETER-
3 MINES ARE SUFFICIENT TO FUND THE DEMONSTRATION PROJECT DESCRIBED IN
4 SUBDIVISION FIVE OF SECTION 48-0103 OF THIS ARTICLE, AND SHALL UTILIZE
5 THE REMAINING MONEYS TO FUND THE NONTOXIC DRY CLEANING INCENTIVE GRANT
6 PROGRAM.

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

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

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

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

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

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

32 4. COMMENCING JANUARY FIRST, TWO THOUSAND SIXTEEN, AND EVERY THREE
33 YEARS THEREAFTER, THE DEPARTMENT SHALL PROVIDE A REPORT TO THE LEGISLA-
34 TURE EVALUATING EFFECTIVENESS OF THE GRANT PROGRAM.

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

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

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

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

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

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

8 S 3. This act shall take effect immediately.