§ 51-0905. Approval of municipal solid waste management projects.

1. Municipal solid waste recovery and management projects shall be undertaken pursuant to this title only with the approval of the commissioner, and pursuant to an approved contract or contracts for state assistance.

2. In reviewing applications for solid waste recovery and management projects, the commissioner shall give due consideration to:

a. the adequacy of the municipality's solid waste recovery and management system and its relationship to the needs or plans of other area municipalities;

b. the suitability and feasibility of the project in relation to the solid waste recovery and management system and the area to be served;

c. the proportion of solid waste for which resource recovery is contemplated;

d. implementation of the system or components thereof and their expected terms of usefulness, singly or in combination;

e. present and projected population, land use, and rates and composition of solid waste generation;

f. potential or contemplated markets for recovered resources;

g. potential or contemplated opportunities for direct relationships with other public facilities, such as for processing residual materials from existing incinerators or treating sludge from a sewage treatment plant;

h. intergovernmental arrangements integral to the project;

i. non-governmental arrangements integral to the project;

j. the urgency of the project, in relationship to all solid waste management project needs in the state;

k. environmental soundness, including assurance that the project will meet all applicable law, criteria, rules or regulations.

3. The state share of the cost of a municipal solid waste management project shall not exceed fifty percent of the cost of resource recovery equipment and source separation equipment and twenty-five percent of the cost of disposal equipment. The commissioner may not otherwise limit the state's share of the cost of small scale, low technology approaches to resource recovery.

4. The commissioner shall annually review the status of projects which have been the subject of appropriations in furtherance of this title to determine whether sufficient progress has been made to warrant continuance of such appropriations. In making such determination, the commissioner shall take into account whether and to what extent progress has been made in accomplishing a project feasibility study, preparation and distribution of a request for proposals, the award of a design contract, the award of a construction contract, the commencement of construction, the profferment of bonds by the municipality, or other factors reasonably indicative of progress upon the project. Primary consideration shall be given to the reallocation of funds to meet the requirements of section 51-0901 of this title relative to small scale, low-technology approaches. The commissioner shall annually submit his determination made hereunder, reflecting reallocations as appropriate, to the governor in a form and at a time sufficient to be taken into account by the governor and legislature in fulfilling their budgetary responsibilities.