§ 54-0509. Contracts for state assistance payments for municipal landfill closure projects and municipal landfill gas management projects.

After approval of the application, the commissioner and the municipality shall enter into a contract for state assistance payments toward the cost of such project which shall include the following provisions:

1. A current estimate of the cost of the project as determined by the commissioner at the time of the execution of the contract.

2. An agreement by the commissioner to make state assistance payments toward the cost of the project by periodically reimbursing the municipality for costs incurred during the progress of the project. For a municipal landfill closure project, which does not include a landfill gas management system, such reimbursement shall be a maximum of either fifty percent of the cost, or ninety percent of the cost for a municipality with a population smaller than thirty-five hundred as determined by the current federal decennial census, or two million dollars, whichever is less. For a landfill gas management system, which is part of a municipal landfill closure project, reimbursement shall be a maximum of either fifty percent of the cost, or ninety percent of the cost for a municipality with a population smaller than thirty-five hundred as determined by the current federal decennial census, or two million dollars, whichever is less. For a municipal landfill gas management project, reimbursement shall be a maximum of either fifty percent of the cost, or ninety percent of the cost for a municipality with a population smaller than thirty-five hundred as determined by the current federal decennial census, or two million dollars, whichever is less. Project costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum cost set forth in the contract. For purposes of this subdivision, the approved project cost shall be reduced by the amount of any specific state assistance payments for municipal landfill closure or municipal landfill gas management project purposes received by the municipality from any source; provided, however, that non-specific state

assistance payments, such as amounts paid pursuant to section fifty-four of the state finance law, shall not be included in such cost reduction.

3. An agreement by the municipality to proceed expeditiously with the project and to complete the project in accordance with plans and reports approved by the department and with the conditions of applicable permits, administrative orders or judicial orders.