§ 56-0305. Application procedure.

1. Any municipality or soil and water conservation district may make an application for such state assistance payment, in a manner, form, and time frame and containing such information as the respective commissioner, the president of the environmental facilities corporation or the secretary of state may require. Subject to the provisions of section thirty-two of the chapter of the laws of 1996 which added this section, the respective commissioner, the president of the environmental facilities corporation or the secretary of state shall review such application and may approve, disapprove, or recommend modifications thereto consistent with applicable law, criteria, standards, or rules and regulations relative to such projects.

2. In reviewing such applications for eligibility, the respective commissioner, the president of the environmental facilities corporation or the secretary of state shall give due consideration to:

(a) the suitability and feasibility of the project in relation to the goals of the applicable program or plan;

(b) the priority of the project in relationship to other projects proposed under the same program or plan. Highest priority shall be granted to projects which will provide the greatest reduction in pollutants or most significant habitat improvement. For water quality improvement projects which have been developed with the assistance of, or by any other state agencies, the respective commissioner, the president of the environmental facilities corporation or secretary of state shall be consulted with when determining the priority of the project;

(c) the availability of matching funds on the part of the municipality or the soil and water conservation district to finance the municipality's or soil and water conservation district's share of the project cost. In submitting the application, the municipality or soil and water conservation district shall submit proof to the satisfaction of the respective commissioner, the president of the environmental facilities corporation or secretary of state of the availability of such matching funds; and

(d) the urgency of the need to provide state assistance payments for

the project in relation to the availability of other funding sources and the municipality's or soil and water conservation district's ability to finance such project based on the availability of other moneys including federal funds.

3. Upon approval of an application for such assistance payment, the respective commissioner, the president of the environmental facilities corporation or the secretary of state and the municipality or soil and water conservation district shall enter into a contract for such payment toward the cost of the approved project which shall include the following provisions:

(a) A current estimate of the cost of the project as determined by the respective commissioner, the president of the environmental facilities corporation or the secretary of state at the time of the execution of the contract and a specific timetable for progress and completion of the project;

(b) An agreement by the respective commissioner, the president of the environmental facilities corporation or secretary of state to make state assistance payments toward the cost of the project by periodically reimbursing the municipality or soil and water conservation district for costs incurred during the progress of the project to the maximum agreed upon state share. Such costs are subject to final computation and determination by the respective commissioner, the president of the environmental facilities corporation or secretary of state upon completion of the project; and

(c) An agreement by the municipality or soil and water conservation district to proceed expeditiously with the project and to complete the project in accordance with the timetable set out in the contract as so approved by the respective department or authority and with the conditions of applicable permits, administrative orders, or judicial orders. A finding by the respective commissioner, the president of the environmental facilities corporation or secretary of state that the municipality or soil and water conservation district has not met the conditions of the contract in good faith shall constitute a material breach of the contract.