§ 56-0403. Municipal landfill projects.

1. As used in this title the following terms mean and include:

(a) "Landfill" means a disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, and at which solid waste will remain after closure and which is not a land spreading facility, a surface impoundment, or an injection well.

(b) "Municipal landfill closure project" means activities undertaken to close, including by reclamation, a landfill owned or operated by a municipality to achieve compliance with regulations promulgated by the department, or activities undertaken to implement a landfill gas management system project.

(c) "Landfill gas management system" means a system for the control, capture, and management of gas created within and emitted from a solid waste landfill.

(d) "Adirondack landfill project" means a project undertaken by the state and a municipality or municipalities, where such project has the effect of eliminating the potential for the disposal of waste originating outside the Adirondack park at a municipal solid waste landfill located within the Adirondack park.

2. A municipality, upon the approval of its governing body, may submit an application to the commissioner, in such form and containing such information as the commissioner may require, for state assistance payments toward the cost of a municipal landfill closure project incurred after April first, nineteen hundred ninety-three or Adirondack landfill project which is within the state of New York and which is eligible for state assistance pursuant to this title.

3. The commissioner shall review such project application and may approve, disapprove or recommend modifications thereto consistent with applicable law, criteria, standards or rules and regulations relative to such projects. In reviewing applications for projects pursuant to this section, the commissioner shall give due consideration to:

(a) the urgency of need to provide state assistance payments for the project in relation to the provision of monies for other project needs

in the state known at the time such application is made;

(b) any adverse environmental impact resulting from the municipal landfill, including effects on groundwater; and

(c) the ability of the municipality to pay for the costs of the project.

4. After approval of an 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:

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

(b) 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 to 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. The commissioner may consider landfill gas management projects separately from landfill closure projects. Such costs are subject to final computation and determination by the commissioner upon completion of the project. For purposes of this subdivision, the approved project cost shall be reduced by the amount of any specific state assistance payments for landfill closure 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.

(c) 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.

5. In administering the provisions of this title the commissioner:

(a) shall make an itemized estimate of funds or appropriations requested annually for inclusion in the executive budget;

(b) may, in the name of the state, as further provided within this

article, contract to make, within the limitations of appropriations available therefor, state assistance payments toward the costs of an approved project. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general;

(c) shall approve vouchers for the payments pursuant to an approved contract. All such payments shall be paid on the audit and warrant of the state comptroller; and

(d) may perform such other and further acts as may be necessary, proper or desirable to carry out the provisions of this article.

6. A municipality shall have the power and authority to:

(a) undertake and carry out any project for which state assistance payments and loans pursuant to contract are received or are to be received pursuant to this article and maintain and operate such project;

(b) expend money received from the state pursuant to this article for costs incurred in conjunction with an approved project; and

(c) perform such other and further acts as may be necessary, proper or desirable to carry out a project or obligation, duty or function related thereto.

7. Any municipal solid waste landfill or portion thereof that has closed or is in the process of closing that is required by federal or state law or regulation to install a landfill gas management system shall be eligible for state assistance for such landfill gas management system project pursuant to this section.

8. Notwithstanding paragraph (b) of subdivision four of this section, the commissioner, the commissioners of the Adirondack park agency, and such other state agencies as may be appropriate, may enter into an agreement with a municipality or municipalities for an Adirondack landfill project, the capital costs of which shall be eligible for state assistance payments pursuant to this section. Such project may be part of a locally created, region wide solution to the solid waste problems within the adirondack park.