

SENATE FILE NO. _____

Solid waste landfill planning and monitoring.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; providing for
2 integrated solid waste management planning by local
3 governmental entities; providing for monitoring of solid
4 waste landfills; providing appropriations; authorizing
5 additional positions; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 35-11-521 and 35-11-522 and
10 35-11-1901 through 35-11-1904 are created to read:

11

12 **35-11-521. Grants for municipal solid waste landfill**
13 **monitoring.**

14

15 (a) Subject to the availability of funds, the
16 director shall provide grants toward the costs of

1 performing activities specified in subsection (b) of this
2 section to local governmental entities who own or are
3 responsible for any municipal solid waste landfill, for any
4 project where a work plan has been submitted to the
5 department for work performed or initiated after July 1,
6 2005.

7

8 (b) Grant funding under this section may be provided
9 at existing or closed municipal solid waste landfills for
10 the following activities:

11

12 (i) Conducting surface or subsurface geophysical
13 studies to determine proper monitor system placement;

14

15 (ii) Preparing plans for installation of systems
16 to monitor or detect releases of subsurface pollutants from
17 landfills;

18

19 (iii) Installing new monitor systems or
20 upgrading existing monitor systems to meet standards for
21 the systems established by the department under this
22 article; and

23

1 (iv) Collecting and analyzing samples from
2 monitor systems installed under paragraph (iii) of this
3 subsection, for a period of time sufficient to determine if
4 there have been releases of subsurface pollutants from the
5 landfill for any landfill which ceased receipt of solid
6 wastes before September 13, 1989.

7

8 (c) Grants for eligible costs under subsection (b) of
9 this section may be awarded:

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11 (i) For up to fifty percent (50%) of the
12 eligible costs; or

13

14 (ii) For up to seventy-five percent (75%) of
15 eligible costs for applicants meeting the following
16 criteria:

17

18 (A) Municipalities with a population of
19 less than one thousand three hundred (1,300) according to
20 the latest federal decennial census or which are located
21 within a county where the three (3) year average of the
22 total local government share of state sales and use tax per
23 capita is less than seventy percent (70%) of the statewide
24 per capita average; or

1

2 (B) Counties, solid waste disposal
3 districts, joint powers boards, and special purpose
4 districts located within a county with a total assessed
5 valuation of less than two and one-half percent (2.5%) of
6 the state's total assessed valuation.

7

8 **35-11-522. Grant criteria; submission and review of**
9 **grant applications; recommendation from water and waste**
10 **advisory board; grant awards.**

11

12 (a) Following public notice and hearing before the
13 water and waste advisory board, the department shall adopt
14 criteria for awarding grants under W.S. 35-11-521.

15

16 (b) When funds are available, applications for grants
17 under W.S. 35-11-521 shall be submitted in a form approved
18 by the department. The department shall review all grant
19 applications, determine the eligibility of projects in
20 accordance with W.S. 35-11-521 and provide recommendations
21 for grant funding to the water and waste advisory board.

22

1 (c) Following a public hearing, the water and waste
2 advisory board shall provide recommendations for grant
3 awards to the director.

4

5 (d) The director shall award grants in consideration
6 of recommendations provided by the water and waste advisory
7 board.

8

9

ARTICLE 19

10

INTEGRATED SOLID WASTE PLANNING

11

12 **35-11-1901. Purpose.**

13

14 The purpose of this article is to establish a process for
15 local governmental entities to prepare and maintain
16 approved integrated solid waste management plans.

17

18 **35-11-1902. Integrated solid waste management plans.**

19

20 (a) Each local governmental entity shall prepare and
21 maintain an integrated solid waste management plan
22 describing management of solid waste generated within its
23 jurisdiction or shall participate in a multi-jurisdictional
24 integrated solid waste management plan.

1

2 (b) Integrated solid waste management plans shall be
3 completed and submitted to the department by July 1, 2009,
4 and shall be reviewed, revised as necessary and resubmitted
5 to the department every ten (10) years thereafter.

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7 (c) For the purposes of this article, the local
8 governmental entity responsible for preparing an integrated
9 solid waste management plan shall be the permitted operator
10 of the solid waste disposal facility serving the planning
11 area. Upon mutual written agreement, a local governmental
12 entity may prepare an integrated solid waste management
13 plan for another local governmental entity.

14

15 (d) The planning requirements of subsections (a) and
16 (b) of this section shall be contingent upon the
17 legislature making at least one million three hundred
18 thousand dollars (\$1,300,000.00) available to the
19 department for grants to assist local governmental entities
20 in the preparation of integrated solid waste management
21 plans.

22

23 **35-11-1903. Recommendations for integrated solid**
24 **waste management planning areas.**

1

2 By July 31, 2006, the department shall assess the patterns
3 of generation of municipal solid waste within the state and
4 issue a report identifying those areas of the state where
5 integrated solid waste management plans may be prepared by
6 local governmental entities. The identification of
7 planning areas shall be considered guidance to local
8 governmental entities. Local governmental entities shall
9 not be required to adhere to any planning area boundaries
10 identified by the department.

11

12 **35-11-1904. Integrated solid waste management plan**
13 **content; department approval.**

14

15 (a) Integrated solid waste management plans shall
16 address a period of not less than twenty (20) years and
17 shall contain the following information:

18

19 (i) A description of the planning area covered
20 by the integrated waste management plan and the names of
21 all local governmental entities participating in the plan,
22 including a copy of each governing body's resolution
23 adopting the plan;

24

1 (ii) An evaluation of current and projected
2 volumes for all major waste types within the planning area,
3 including a discussion of expected population growth and
4 development patterns;

5

6 (iii) An evaluation of reasonable alternate
7 solid waste management services, a description of the
8 selected procedures, facilities and systems for solid waste
9 collection, transfer, treatment, storage and information
10 about how the procedures, facilities and systems are to be
11 funded;

12

13 (iv) A discussion of how the plan shall be
14 implemented, including public participation, public
15 education and information strategies which may include, but
16 are not limited to, citizen advisory committees and public
17 meetings during the preparation, maintenance and
18 implementation of the plan;

19

20 (v) Objectives for solid waste management within
21 the jurisdiction, including but not limited to:

22

23 (A) Waste diversion, including:

24

1 (I) Reduction;

2

3 (II) Reuse;

4

5 (III) Recycling and composting.

6

7 (B) Waste collection and transportation;

8

9 (C) Improving and maintaining waste
10 management systems;

11

12 (D) Household hazardous waste management;

13 and

14

15 (E) Special waste management.

16

17 (vi) An economic analysis of the total cost of
18 alternatives and final systems selected by the
19 participating local governmental entities to achieve the
20 plan's objectives, including capital and operating costs;

21 and

22

23 (vii) Elements including:

24

1 (A) Strategies to meet each identified
2 objective;

3

4 (B) A schedule for implementation; and

5

6 (C) Any financial or other incentives
7 offered to residents to encourage participation in local
8 recycling programs.

9

10 (b) Each plan shall be submitted for public review
11 prior to submission to the department. The plan submission
12 shall include a statement describing public comments
13 received and how the public comments were addressed. The
14 department shall review each plan for completeness. If the
15 department determines that the plan is not complete, the
16 department shall provide a written statement identifying
17 the elements of subsection (a) of this section which are
18 not included in the plan. Upon addressing the incomplete
19 elements, a local governmental entity may resubmit the plan
20 for subsequent review by the department.

21

22 **Section 2.** There is appropriated from the general
23 fund to the department of environmental quality seven
24 million nine hundred seventy thousand dollars

1 (\$7,970,000.00) for the purpose of providing monitoring
2 grants under this act. Notwithstanding W.S. 9-4-207(a),
3 any unexpended funds appropriated under this section shall
4 not revert to the general fund at the end of the biennium.

5

6 **Section 3.**

7

8 (a) There is appropriated from the general fund to
9 the department of environmental quality one million three
10 hundred thousand dollars (\$1,300,000.00) or as much thereof
11 as is necessary for the purpose of providing planning
12 grants to assist participating local governmental entities
13 in the preparation of integrated solid waste management
14 plans under W.S. 35-11-1902. The department shall provide
15 planning grants to local governmental entities as defined
16 in W.S. 35-11-1902(c), subject to the appropriation amount
17 as follows:

18

19 (i) An amount not to exceed fifty percent (50%)
20 of estimated plan preparation costs shall be provided to
21 the local governmental entity preparing an integrated solid
22 waste management plan for a planning area encompassing a
23 single local governmental entity;

24

1 (ii) An amount not to exceed seventy percent
2 (70%) of estimated plan preparation costs shall be provided
3 to the local governmental entity preparing an integrated
4 solid waste management plan for a planning area
5 encompassing two (2) local governmental entities;

6
7 (iii) An amount not to exceed ninety percent
8 (90%) of estimated plan preparation costs shall be provided
9 to the local governmental entity preparing an integrated
10 solid waste management plan for a planning area
11 encompassing three (3) or more local governmental entities.

12
13 **Section 4.** There are authorized two (2) additional
14 full-time positions to the department of environmental
15 quality for the purposes of implementing this act. There
16 is appropriated from the general fund to the department of
17 environmental quality three hundred twenty thousand five
18 hundred dollars (\$320,500.00) or as much thereof as is
19 necessary to fund these two (2) positions. A request from
20 the department of environmental quality shall be included
21 in the 2009-2010 biennium standard budget request for
22 purposes of continuing funding of this program and these
23 positions.

24

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)