

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

AN ACT relating to environmental quality; providing for integrated solid waste management planning by local governmental entities; providing for monitoring of solid waste landfills; providing appropriations; authorizing additional positions; and providing for effective dates.

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

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

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

(a) Subject to the availability of funds, the director shall provide grants toward the costs of performing activities specified in subsection (b) of this section to local governmental entities who own or are responsible for any municipal solid waste landfill, for any project where a work plan has been submitted to the department for work performed or initiated after July 1, 2005.

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

(i) Conducting surface or subsurface geophysical studies to determine proper monitor system placement and to provide an indication of the presence or absence of groundwater beneath and adjacent to the landfill;

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

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

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

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

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

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

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

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

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

(e) By June 30, 2010, the department shall evaluate all available groundwater monitor data from municipal solid waste disposal facilities and shall provide a report to the joint minerals, business and economic development interim committee describing the extent to which such facilities cause or contribute to pollution of groundwater. The report shall contain an estimate of the statewide groundwater remediation cost obligation faced by local governmental owners of such facilities and shall recommend one (1) or more means to fund those costs.

ARTICLE 19

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

INTEGRATED SOLID WASTE PLANNING

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

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

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

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

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

(c) For the purposes of this article, the local governmental entity responsible for preparing an integrated solid waste management plan shall be the permitted operator of the solid waste disposal facility serving the planning area provided, however, that for any planning area where the permitted operator is a nongovernmental entity, the local government entity responsible for preparing a plan under this subsection shall be the county. Upon mutual written agreement, a local governmental entity may prepare an integrated solid waste management plan for another local governmental entity.

(d) The planning requirements of subsections (a) and (b) of this section shall be contingent upon the legislature making at least one million three hundred

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

thousand dollars (\$1,300,000.00) available to the department for grants to assist local governmental entities in the preparation of integrated solid waste management plans.

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

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

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

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

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

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

(A) Waste diversion, reduction, reuse, recycling or composting;

(B) Waste collection and transportation;

(C) Improving and maintaining waste management systems;

(D) Household hazardous waste management;  
and

(E) Special waste management.

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

ORIGINAL SENATE  
FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

(vii) Elements including:

(A) Strategies to meet each identified objective;

(B) A schedule for implementation; and

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

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

**Section 2.** There is appropriated from the general fund to the department of environmental quality seven million nine hundred seventy thousand dollars (\$7,970,000.00) for the purpose of providing monitoring grants under this act. Notwithstanding W.S. 9-4-207(a), any unexpended funds appropriated under this section shall not revert to the general fund at the end of the biennium.

**Section 3.**

(a) There is appropriated from the general fund to the department of environmental quality one million three hundred thousand dollars (\$1,300,000.00) or as much thereof

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FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

as is necessary for the purpose of providing planning grants to assist participating local governmental entities in the preparation of integrated solid waste management plans under W.S. 35-11-1902. The department shall provide planning grants to local governmental entities pursuant to W.S. 35-11-1902(c), subject to the appropriation amount as follows:

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

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

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

**Section 4.** There are authorized two (2) additional full-time positions to the department of environmental quality for the purposes of implementing this act. There is appropriated from the general fund to the department of environmental quality three hundred twenty thousand five hundred dollars (\$320,500.00) or as much thereof as is necessary to fund these two (2) positions. A request from the department of environmental quality shall be included in the 2009-2010 biennium standard budget request for



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FILE NO. 0038

ENROLLED ACT NO. 43, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

purposes of continuing funding of this program and these positions.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2006.

(b) Sections 1 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk