

SENATE FILE NO. SF0038

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 effective dates.

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 and to
14 provide an indication of the presence or absence of
15 groundwater beneath and adjacent to the landfill;

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

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

1

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

8

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

11

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

14

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

18

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

1 capita is less than seventy percent (70%) of the statewide
2 per capita average; or

3

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

9

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

13

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

17

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

24

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

19
20 ARTICLE 19

21 INTEGRATED SOLID WASTE PLANNING

22
23 **35-11-1901. Purpose.**

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

4

5 **35-11-1902. Integrated solid waste management plans.**

6

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

12

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

17

18 (c) For the purposes of this article, the local
19 governmental entity responsible for preparing an integrated
20 solid waste management plan shall be the permitted operator
21 of the solid waste disposal facility serving the planning
22 area. Upon mutual written agreement, a local governmental
23 entity may prepare an integrated solid waste management
24 plan for another local governmental entity.

1

2 (d) The planning requirements of subsections (a) and
3 (b) of this section shall be contingent upon the
4 legislature making at least one million three hundred
5 thousand dollars (\$1,300,000.00) available to the
6 department for grants to assist local governmental entities
7 in the preparation of integrated solid waste management
8 plans.

9

10 **35-11-1903. Recommendations for integrated solid**
11 **waste management planning areas.**

12

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

22

23 **35-11-1904. Integrated solid waste management plan**
24 **content; department approval.**

1

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

5

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

11

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

16

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

23

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

7

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

10

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

13

14 (B) Waste collection and transportation;

15

16 (C) Improving and maintaining waste
17 management systems;

18

19 (D) Household hazardous waste management;
20 and

21

22 (E) Special waste management.

23

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

6
7 (vii) Elements including:

8
9 (A) Strategies to meet each identified
10 objective;

11
12 (B) A schedule for implementation; and

13
14 (C) Any financial or other incentives
15 offered to residents to encourage participation in local
16 recycling programs.

17
18 (b) Each plan shall be submitted for public review
19 prior to submission to the department. The plan submission
20 shall include a statement describing public comments
21 received and how the public comments were addressed. The
22 department shall review each plan for completeness. If the
23 department determines that the plan is not complete, the
24 department shall provide a written statement identifying

1 the elements of subsection (a) of this section which are
2 not included in the plan. Upon addressing the incomplete
3 elements, a local governmental entity may resubmit the plan
4 for subsequent review by the department.

5
6 **Section 2.** There is appropriated from the general
7 fund to the department of environmental quality seven
8 million nine hundred seventy thousand dollars
9 (\$7,970,000.00) for the purpose of providing monitoring
10 grants under this act. Notwithstanding W.S. 9-4-207(a),
11 any unexpended funds appropriated under this section shall
12 not revert to the general fund at the end of the biennium.

13
14 **Section 3.**

15
16 (a) There is appropriated from the general fund to
17 the department of environmental quality one million three
18 hundred thousand dollars (\$1,300,000.00) or as much thereof
19 as is necessary for the purpose of providing planning
20 grants to assist participating local governmental entities
21 in the preparation of integrated solid waste management
22 plans under W.S. 35-11-1902. The department shall provide
23 planning grants to local governmental entities pursuant to

1 W.S. 35-11-1902(c), subject to the appropriation amount as
2 follows:

3

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

9

10 (ii) An amount not to exceed seventy percent
11 (70%) of estimated plan preparation costs shall be provided
12 to the local governmental entity preparing an integrated
13 solid waste management plan for a planning area
14 encompassing two (2) local governmental entities;

15

16 (iii) An amount not to exceed ninety percent
17 (90%) of estimated plan preparation costs shall be provided
18 to the local governmental entity preparing an integrated
19 solid waste management plan for a planning area
20 encompassing three (3) or more local governmental entities.

21

22 **Section 4.** There are authorized two (2) additional
23 full-time positions to the department of environmental
24 quality for the purposes of implementing this act. There

1 is appropriated from the general fund to the department of
2 environmental quality three hundred twenty thousand five
3 hundred dollars (\$320,500.00) or as much thereof as is
4 necessary to fund these two (2) positions. A request from
5 the department of environmental quality shall be included
6 in the 2009-2010 biennium standard budget request for
7 purposes of continuing funding of this program and these
8 positions.

9

10 **Section 5.**

11

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

14

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

19

20 (END)