

SENATE FILE NO. SF0073

Municipal solid waste landfills.

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

A BILL

for

1 AN ACT relating to environmental quality; providing for
2 municipal solid waste landfill lifetime permits; requiring
3 annual reports; providing definitions; establishing
4 priorities for municipal solid waste landfill remediation;
5 providing for orphan landfill site remediation; making
6 conforming amendments; expanding the use of previously
7 appropriated funds for environmental assessments; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 35-11-523 through 35-11-525 are
13 created to read:

14

15 **35-11-523. Annual report.**

16

1 (a) Effective January 1, 2012, every operator shall
2 file an annual report with the administrator on or within
3 thirty (30) days prior to the anniversary date of each
4 permit. The report shall include:

5

6 (i) The facility name, the name and address of
7 the operator and the permit number;

8

9 (ii) A report in such detail as the administrator
10 shall require supplemented with maps, cross sections,
11 aerial photographs, photographs or other material
12 indicating:

13

14 (A) The extent to which the landfill
15 operations have been carried out;

16

17 (B) The progress of all landfill work;

18

19 (C) The extent to which regulatory
20 requirements, expectations and predictions made in the
21 original permit or any previous annual reports have been
22 fulfilled, and any deviation therefrom, including but not
23 limited to the capacity of landfill used, the results of
24 any environmental monitoring, any remediation required or

1 completed and the remaining usable municipal solid waste
2 landfill capacity.

3

4 (iii) A revised schedule or timetable of landfill
5 operations and an estimate of the available capacity to be
6 affected during the next one (1) year period.

7

8 (b) Upon receipt of the annual report the
9 administrator shall make such further inquiry as deemed
10 necessary. If the administrator objects to any part of the
11 report or requires further information he shall notify the
12 operator as soon as possible and shall allow a reasonable
13 opportunity to provide the required information, or take
14 such action as necessary to resolve the objection.

15

16 (c) Within forty-five (45) days after the receipt of
17 the annual report the administrator shall conduct an
18 inspection of the landfill. A report of this inspection
19 shall be made a part of the operator's annual report and a
20 copy shall be delivered to the operator.

21

22 (d) Within sixty (60) days after receipt of the annual
23 report, inspection report and other required materials, if
24 the administrator finds the annual report in order and

1 consistent with the landfill operation plan and solid waste
2 management plan as set forth in the permit, or as amended
3 to adjust to conditions encountered during landfill
4 operations as provided by law, the director shall determine
5 if any adjustment is necessary to the size of the bond
6 required pursuant to W.S. 35-11-504.

7

8 **35-11-524. Municipal solid waste landfill assessments;**
9 **priority list; monitoring.**

10

11 (a) As a result of the initial work done in
12 determining the status of municipal solid waste landfills
13 in Wyoming and the need for municipal solid waste landfill
14 monitoring as submitted in the report under W.S. 35-11-522,
15 the department shall conduct an assessment of the needs for
16 municipal solid waste landfill monitoring and the necessity
17 for any remediation on leaking municipal solid waste
18 landfills in Wyoming.

19

20 (b) The department shall establish a priority list for
21 municipal solid waste landfills that need remediation. The
22 criteria used to establish this priority list shall be
23 developed and reviewed with the water and waste advisory

1 board. The criteria shall include, but not be limited to
2 the:

3

4 (i) Type of leachate;

5

6 (ii) Volume of leachate;

7

8 (iii) Proximity of the leachate to the nearest
9 surface or ground water;

10

11 (iv) Ability of the responsible municipality to
12 remediate the contamination;

13

14 (v) Naturally occurring contaminants;

15

16 (vi) Maximum contaminant levels.

17

18 (c) For high priority sites identified on the list
19 established under subsection (b) of this section, the
20 department shall work with the local managers of the high
21 priority municipal solid waste landfills to gather data
22 necessary for the report due under subsection (d) of this
23 section.

24

1 (d) The department shall submit to the joint minerals,
2 business and economic development interim committee:

3

4 (i) No later than June 30, 2012, an initial
5 report describing an assessment of the clean-up costs at
6 the high priority municipal solid waste landfills;

7

8 (ii) No later than June 30, 2013, and annually
9 thereafter, a report including, but not limited to:

10

11 (A) Monitoring results;

12

13 (B) Remediation results;

14

15 (C) The assessment of the clean-up costs at
16 municipal solid waste landfills, including high, medium and
17 low priority landfills;

18

19 (D) Estimated high priority sites to be
20 addressed in the coming year;

21

22 (E) Orphan landfill sites information and
23 data as required pursuant to W.S. 35-11-525(e).

24

1 **35-11-525. Orphan landfill sites.**

2

3 (a) The director may expend funds contained within the
4 account for remediation of orphan landfill sites and the
5 performance of any other activity as defined in this
6 article.

7

8 (b) As used in this section, "orphan landfill site"
9 means:

10

11 (i) A landfill where the department determines:

12

13 (A) There is no viable party responsible
14 for causing or contributing to the landfill site; and

15

16 (B) The landfill site is not the result of
17 activities conducted on the site after September 13, 1989.

18

19 (ii) A landfill site, where the department
20 determines that the person responsible for the landfill
21 cannot be identified;

22

23 (iii) A landfill site where the department must
24 take prompt action to prevent hazards to human health or

1 the environment where a responsible party fails to act
2 promptly.

3

4 (c) To the extent funds are available, the department
5 may expend funds from the account to conduct orphan
6 landfill site evaluations and testing, evaluate remedial
7 measures, select remediation requirements and construct,
8 install, maintain and operate systems to remedy
9 contamination in accordance with a remediation work plan
10 prescribed by the director for the orphan landfill site.

11

12 (d) Revenue to the account shall include any monies
13 which may be deposited in the account for use in
14 identification, characterization, prioritization,
15 remediation and monitoring of orphan landfill sites. The
16 liability of the state to fulfill the requirements of this
17 section is limited to the amount of funds available in the
18 account.

19

20 (e) The department shall provide a report to the joint
21 appropriations interim committee and the joint minerals,
22 business and economic development interim committee. The
23 report shall be included in the report required under W.S.
24 35-11-524(d) and shall include:

1

2 (i) The work completed on the identification,
3 characterization, prioritization, remediation and
4 monitoring of orphan landfill sites within the state;

5

6 (ii) The estimated funding need for the
7 identification, characterization, prioritization,
8 remediation and monitoring of orphan landfill sites within
9 the state for:

10

11 (A) The next year or the next biennium, as
12 applicable; and

13

14 (B) The next ten (10) years.

15

16 (f) In any case under paragraph (b)(iii) of this
17 section where the department expends funds to remediate or
18 contain contamination resulting from a landfill, and where
19 the department has identified a responsible party, the
20 responsible party shall reimburse the department in an
21 amount equal to two (2) times the expenditure from the
22 account. The attorney general shall bring suit to recover
23 the reimbursement amount required in this subsection where
24 recovery is deemed possible.

1

2 (g) For purposes of this section, "account" means the
3 account created under W.S. 35-11-515(a).

4

5 **Section 2.** W.S. 35-11-103(d) by creating new
6 paragraphs (viii) through (xi) and 35-11-502 by creating
7 new subsections (o) through (r) are amended to read:

8

9 **35-11-103. Definitions.**

10

11 (d) Specific definitions applying to solid waste
12 management:

13

14 (viii) "Aquifer" means a geologic formation,
15 group of formations or portion of a formation capable of
16 yielding significant quantities of groundwater to wells or
17 springs;

18

19 (ix) "Credible data" means as defined in
20 paragraph (c)(xix) of this section;

21

22 (x) "Groundwater" means interstitial water below
23 the land surface in a saturated zone of soil or rock

1 capable of entering a well in sufficient amounts to be
2 utilized as a water supply;

3
4 (xi) "Lifetime" means the estimated time to fill
5 and close a municipal solid waste landfill, not to exceed
6 twenty-five (25) years.

7
8 **35-11-502. Solid waste management facilities permits;**
9 **term; renewals.**

10
11 (o) Effective July 1, 2012, the term for a new or
12 renewed solid waste landfill permit shall be for the
13 lifetime of the solid waste landfill, through closure, not
14 to exceed twenty-five (25) years.

15
16 (p) Effective July 1, 2012, for any existing solid
17 waste landfill permit, the next renewal permit shall be
18 converted to a lifetime solid waste permit.

19
20 (q) If, during the operation of the solid waste
21 landfill, the life of the solid waste landfill is
22 anticipated to exceed the term specified in the permit, the
23 operator shall:

1 (i) Submit a solid waste landfill permit
2 amendment which shall include updates on any necessary
3 provisions of the permit;

4
5 (ii) No later than three (3) years prior to the
6 expiration of the lifetime solid waste landfill permit,
7 submit permit renewal information as required by the
8 department. The solid waste landfill permit may be renewed
9 for another lifetime period, not to exceed twenty-five (25)
10 years.

11
12 (r) Notice and opportunity for hearing for an amended
13 solid waste landfill permit shall be as provided for a new
14 solid waste landfill permit under this section.

15
16 **Section 3.** W.S. 35-11-522(e) is repealed.

17
18 **Section 4.**

19
20 (a) Funds appropriated under 2006 Wyoming Session
21 Laws, Chapter 101, not awarded or encumbered by the
22 director for purposes of that act prior to June 30, 2011,
23 shall be available to the department for the purposes of
24 conducting priority assessments, evaluating high priority

1 municipal solid waste landfills and refining clean-up cost
2 estimates for those sites. These sites may include
3 orphaned, abandoned, closed and operating landfills that
4 have indications of more serious groundwater contamination
5 as identified in the report submitted under W.S 35-11-522.

6
7 (b) To complete work under subsection (a) of this
8 section, the amount the department may expend shall not
9 exceed one million seven hundred fifty thousand dollars
10 (\$1,750,000.00) of the appropriation under 2006 Wyoming
11 Session Laws, Chapter 101.

12
13 **Section 5.** This act is effective immediately upon
14 completion of all acts necessary for a bill to become law
15 as provided by Article 4, Section 8 of the Wyoming
16 Constitution.

17
18 (END)