

HOUSE BILL NO. HB0065

Municipal solid waste landfill remediation.

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

A BILL

for

1 AN ACT relating to public health and safety; creating the
2 municipal solid waste landfill remediation program;
3 creating criteria for the program; creating the municipal
4 solid waste landfill remediation account; providing
5 qualifications for expenditures from the account; providing
6 for reimbursement for the cost of remediation and
7 monitoring activities as specified; providing a definition;
8 providing rulemaking authority; providing an appropriation;
9 and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 35-11-528 through 35-11-532 are
14 created to read:

15

1 **35-11-528. Municipal solid waste landfill remediation**
2 **program created; purpose.**

3

4 (a) There is created the municipal solid waste
5 landfill remediation program. The program shall be
6 administered by the solid and hazardous waste division of
7 the department of environmental quality with the input of
8 the waste and water advisory board as provided in W.S.
9 35-11-528 through 35-11-532.

10

11 (b) The legislature recognizes the threat to the
12 public health, safety, welfare and the environment caused
13 by pollution to soil and water from leaking municipal solid
14 waste landfills. The purpose of this program is to take
15 state primacy of the municipal solid waste landfill
16 remediation program and to provide funding to take
17 remediation actions at eligible leaking municipal solid
18 waste landfills.

19

20 **35-11-529. Program criteria; requirements for local**
21 **operator.**

22

23 (a) The department shall contract with entities,
24 including contractors and local operators, to provide

1 monitoring and remediation activities, including but not
2 limited to groundwater remediation and monitoring, methane
3 mitigation and monitoring and landfill capping, at eligible
4 leaking municipal solid waste landfills. The department
5 shall oversee and fund up to seventy-five percent (75%) of
6 the cost of the investigation of contamination, the design
7 and installation of monitoring and remediation systems and
8 the operation and maintenance of monitoring and remediation
9 systems for up to ten (10) years. The department may
10 operate and maintain a system for a longer period of time
11 in consideration of site specific circumstances. The
12 period of time during which the department shall have
13 responsibility for the monitoring and remediation
14 activities at a leaking municipal solid waste landfill
15 shall be communicated to the local operator prior to
16 installation of the monitoring and remediation systems.

17

18 (b) The department shall contract for monitoring and
19 remediation activities under the program at leaking
20 municipal solid waste landfills based upon the priority
21 list of landfills developed pursuant to W.S. 35-11-524 and
22 other factors as provided in W.S. 35-11-531(a)(iv). The
23 department shall update the priority list of leaking
24 landfills requiring monitoring and remediation activities

1 periodically as conditions warrant and may consider all
2 relevant factors when developing and updating the priority
3 list.

4

5 (c) To be eligible for enrollment under the program,
6 the local operators of a leaking municipal solid waste
7 landfill shall:

8

9 (i) Enter into a written agreement with the
10 department to meet all regulatory obligations under the
11 program;

12

13 (ii) Implement and revise the community's solid
14 waste management plan as necessary to comply with all
15 regulatory obligations;

16

17 (iii) Cease disposal of all waste streams at a
18 leaking closed facility or the leaking portion of an
19 operating facility which is undergoing remediation
20 activities pursuant to department rules and regulations and
21 the written agreement between the department and the local
22 operator;

23

1 (iv) Cease disposal into units which do not have
2 engineered containment systems or do not conform to
3 performance based design standards;

4
5 (v) Agree to provide funding from any available
6 funding source for at least twenty-five percent (25%) of
7 the total costs of monitoring and remediation under the
8 program;

9
10 (vi) Control the source of releases of pollution
11 so as to reduce or eliminate further releases from the
12 leaking municipal solid waste landfill;

13
14 (vii) Ensure continued revenue or funding
15 streams sufficient to provide for all foreseeable costs of
16 solid waste facilities under the control of the local
17 operator or political subdivision, including but not
18 limited to the full costs of:

19
20 (A) Operations;

21
22 (B) Monitoring;

23

1 (C) Recycling, composting and other
2 diversion activities;

3

4 (D) Closure; and

5

6 (E) Post-closure activities.

7

8 (viii) Employ generally accepted accounting
9 principles in managing all solid waste facilities under the
10 control of the local operator or political subdivision,
11 including the recognition of liabilities associated with:

12

13 (A) Closure and post-closure costs; and

14

15 (B) The long-term cost of waste disposal
16 compared to recycling, composting or other diversion
17 activities.

18

19 (d) In carrying out monitoring and remediation
20 activities under the program the department has the right
21 to construct and maintain any structure, monitor well,
22 recovery system or any other reasonable and necessary item
23 associated with taking remediation and monitoring actions.

24

1 (e) The department shall notify the affected public
2 of all confirmed releases requiring a plan for remediation,
3 and upon request, provide or make available to the
4 interested public information concerning the nature of the
5 release and the remediation actions planned or taken.

6
7 (f) The department shall delegate and authorize a
8 local operator to conduct or oversee monitoring and
9 remediation under the program pursuant to a written
10 agreement between the department and the local operator
11 acknowledging that the local operator shall adhere to all
12 regulatory requirements of the program in conducting
13 monitoring and remediation activities. The department
14 shall approve the local operator's monitoring and
15 remediation plan prior to authorizing the local operator to
16 conduct or oversee the monitoring and remediation program.
17 The department shall take all actions necessary to ensure
18 that a local operator granted authority to conduct or
19 oversee monitoring and remediation activities under this
20 subsection complies with all regulatory requirements of the
21 program.

22
23 **35-11-530. Municipal solid waste landfill remediation**
24 **account; authorized expenditures from the account.**

1

2 (a) There is created the municipal solid waste
3 landfill remediation account. The department shall use
4 monies from the municipal solid waste landfill remediation
5 account as appropriated by the legislature for the
6 administration of the program. Interest earned by this
7 account shall be deposited in the general fund.
8 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a),
9 funds deposited in this account shall not revert without
10 further action of the legislature.

11

12 (b) For a leaking municipal solid waste landfill to
13 be eligible for use of monies in the account, the owner or
14 operator of the site shall comply with all requirements of
15 the program and regulations of the council adopted pursuant
16 to W.S. 35-11-531.

17

18 (c) Pursuant to subsection (d) of this section, in
19 addition to expenditures from the account authorized by
20 W.S. 35-11-529(a), the department shall reimburse costs
21 incurred by a local operator who performed remediation and
22 monitoring activities from the account if:

23

1 (i) A work plan for the remediation and
2 monitoring activities was submitted to and approved by the
3 department;

4
5 (ii) The remediation and monitoring activities
6 were initiated between July 1, 2006 and December 31, 2012;

7
8 (iii) The local operator of a municipal solid
9 waste landfill provides the department with an accurate
10 accounting of the costs of remediation and monitoring
11 activities conducted at the municipal solid waste landfill
12 between July 1, 2006 and December 31, 2012; and

13
14 (iv) The local operator conducts additional
15 remediation and monitoring activities at the leaking
16 municipal solid waste landfill which are eligible for
17 funding under W.S. 35-11-529(a) on or after July 1, 2013.

18
19 (d) Reimbursement authorized under subsection (c) of
20 this section shall not exceed:

21
22 (i) For all reimbursements, a total of four
23 million dollars (\$4,000,000.00);

1 (ii) For any one (1) municipal solid waste
2 landfill, an amount equal to the local operator's twenty-
3 five percent (25%) share of the total cost of remediation
4 and monitoring activities required by W.S. 35-11-529(c)(v)
5 for remediation and monitoring activities eligible for
6 funding under W.S. 35-11-529(a) conducted at the municipal
7 solid waste landfill after July 1, 2013.

8
9 **35-11-531. Rules and regulations.**

10
11 (a) The council shall promulgate rules and
12 regulations necessary to administer the program after
13 recommendation from the director of the department, the
14 administrator of the solid and hazardous waste division and
15 the water and waste advisory board. The rules shall
16 include but shall not be limited to rules and regulations
17 which:

18
19 (i) Provide for landfill monitoring and
20 remediation system design, construction, installation and
21 monitoring standards which shall be no less stringent than
22 federal requirements;

23

1 (ii) Specify the requirements for delegating
2 installation or modification inspection authority including
3 but not limited to requirements for contractors and local
4 operators;

5

6 (iii) Establish a procedure or procedures for
7 reporting any release from a municipal solid waste
8 landfill;

9

10 (iv) Include provisions under which priorities
11 for remediation actions shall be established in addition to
12 the priority list created pursuant to W.S. 35-11-524.
13 Those priorities shall be established considering, but not
14 limited to, the following factors:

15

16 (A) Funding availability;

17

18 (B) Cost efficiencies achieved by
19 allocation of resources;

20

21 (C) Opportunities for increased cost
22 sharing between monitoring and remediation actions at
23 multiple leaking municipal solid waste landfills;

24

1 (D) Timeliness of remediation in reducing
2 risk to public health, safety and welfare or the
3 environment;

4
5 (E) The likelihood that the remedy will
6 reduce or eliminate the threat posed to public health,
7 safety and welfare or the environment by continuing
8 releases; and

9
10 (F) Whether the facility has completed
11 closure and transfer actions at the leaking municipal solid
12 waste facility. Priority shall be given to solid waste
13 facilities which have completed closure and transfer
14 actions.

15
16 (v) Require records for compliance with repairs
17 and upgrades to be maintained for the operational life of
18 the landfill remediation and monitoring system;

19
20 (vi) Create requirements for participation in
21 the program and for the return of the facility to local
22 control pursuant to W.S. 35-11-529(a); and

23

1 (vii) Specify standards for restoration of the
2 environment.

3

4 **35-11-532. Restoration standard.**

5

6 Any owner or operator, the department or other person
7 taking a corrective action shall restore the environment to
8 a condition and quality consistent with standards
9 established in rules and regulations.

10

11 **Section 2.** W.S. 35-11-103(d) by creating a new
12 paragraph (xi) is amended to read:

13

14 **35-11-103. Definitions.**

15

16 (d) Specific definitions applying to solid waste
17 management:

18

19 (xi) "Eligible leaking municipal solid waste
20 landfill" means the landfills identified by the department
21 under the priority list for municipal solid waste landfills
22 that need remediation created pursuant to W.S.
23 35-11-524(b) .

24

1 Section 3.

2

(a) There is appropriated forty million dollars (\$40,000,000.00) from the permanent Wyoming mineral trust fund reserve account to the municipal solid waste remediation account. Funds in this account shall only revert upon further action of the legislature.

8

9 (b) Monies appropriated to the municipal solid waste
10 landfill account by 2011 Wyoming Session Laws, Chapter 88,
11 Section 354, and all other monies deposited or designated
12 for that account shall be deposited in the municipal solid
13 waste landfill remediation account created by this section.

14

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

19

20 (END)