

## HOUSE BILL NO. HB0129

Reclamation of surface coal mines-turbine blades.

Sponsored by: Representative(s) Barlow, Burkhart, Clem, Greear, Harshman, Larsen, Miller, Sommers and Stith and Senator(s) Anderson, Bebout, Rothfuss and Von Flatern

A BILL

for

1 AN ACT relating to environmental quality; requiring the  
2 environmental quality council to establish rules and  
3 regulations for uses of wind turbine materials as  
4 specified; amending definitions; making conforming  
5 amendments; 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. 35-11-103(d)(ii)(E), (F), by creating  
10 a new subparagraph (G) and (iv), 35-11-402(a) by creating a  
11 new paragraph (xiii) and by renumbering (xiii) as (xiv) and  
12 35-12-102(a)(vii)(A) are amended to read:

13

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

1

2 (d) Specific definitions applying to solid waste  
3 management:

4

5 (ii) "Solid waste management facility" means any  
6 facility for the transfer, treatment, processing, storage  
7 or disposal of solid waste, but does not include:

8

9 (E) Lands and facilities owned by a person  
10 engaged in farming or ranching and used to dispose of solid  
11 waste generated incidental to his farming and ranching  
12 operations; ~~or~~

13

14 (F) Transport vehicles, storage containers  
15 and treatment of the waste in containers; ~~or~~

16

17 (G) Lands and facilities subject to W.S.  
18 35-11-402(a)(xiii).

19

20 (iv) "Commercial solid waste management  
21 facility" means any facility receiving a monthly average  
22 greater than five hundred (500) short tons per day of  
23 unprocessed household refuse or mixed household and

1 industrial refuse for management or disposal, excluding  
2 lands and facilities subject to W.S. 35-11-402(a)(xiii);

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4 **35-11-402. Establishment of standards.**

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6 (a) The council shall, upon recommendation by the  
7 advisory board through the administrator and the director,  
8 establish rules and regulations pursuant to the following  
9 reclamation standards for the affected areas, including but  
10 not limited to:

11

12 (xiii) Rules and regulations governing the use  
13 of decommissioned wind turbine blades and towers to  
14 backfill surface coal mining sites as part of an approved  
15 reclamation plan. Rules promulgated under this paragraph  
16 shall, at a minimum, provide for:

17

18 (A) Minimum depth requirements for the  
19 burial of decommissioned wind turbine blades and towers to  
20 be buried below the surface and above any aquifers as  
21 defined in W.S. 35-11-103(h)(i). In setting depth  
22 requirements under this subparagraph, the council,  
23 administrator and director may consult standards for solid

1 waste management facilities established by the solid and  
2 hazardous waste management division;

3

4 (B) The removal of all mechanical,  
5 electrical and other materials from the decommissioned wind  
6 turbine blades and towers allowing only the base material  
7 of the blades and towers to be buried;

8

9 (C) Disposal fees to be remitted to the  
10 department by the operator who allows disposal of  
11 decommissioned wind turbine blades and towers in surface  
12 coal mining sites, which shall be twenty-five percent (25%)  
13 of any revenues collected by the operator for the disposal  
14 of the decommissioned wind turbine blades and towers. The  
15 fees collected under this subparagraph shall be credited to  
16 the general fund;

17

18 (D) The incorporation or amendment of any  
19 rules pertaining to solid and hazardous waste necessary to  
20 allow for the disposal of decommissioned wind turbine  
21 blades and towers in surface coal mining sites to be  
22 reclaimed.

23

1           ~~(xiii)~~(xiv) Establishing such other rules and  
2 regulations necessary to insure full compliance with all  
3 requirements relating to reclamation, and the attainment of  
4 those objectives directed to public health, safety, and  
5 welfare.

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7           **35-12-102. Definitions.**

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9           (a) As used in this chapter:

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11           (vii) "Industrial facility" or "facility" means  
12 any industrial facility with an estimated construction cost  
13 of at least ninety-six million nine hundred thousand  
14 dollars (\$96,900,000.00) as of May 30, 1987. Exempt  
15 activities shall not be included in the estimated  
16 construction cost of an industrial facility. The council  
17 shall adjust this amount, up or down, each year using  
18 recognized construction cost indices as the council  
19 determines to be relevant to the actual change in  
20 construction cost applicable to the general type of  
21 construction covered under this chapter. "Facility" also  
22 includes, regardless of construction cost:

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