

**DRAFT ONLY  
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INTRODUCTION**

SENATE FILE NO. \_\_\_\_\_

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:

1

2           **35-11-523. Annual report.**

3

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

8

9                   (i) The facility name, the name and address of  
10 the operator and the permit number;

11

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

16

17                           (A) The extent to which the landfill  
18 operations have been carried out;

19

20                           (B) The progress of all landfill work;

21

22                           (C) The extent to which regulatory  
23 requirements, expectations and predictions made in the

1 original permit or any previous annual reports have been  
2 fulfilled, and any deviation therefrom, including but not  
3 limited to the capacity of landfill used, the results of  
4 any environmental monitoring, any remediation required or  
5 completed and the remaining usable municipal solid waste  
6 landfill capacity.

7

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

11

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

19

20 (c) Within sixty (60) days after the receipt of the  
21 annual report the administrator shall conduct an inspection  
22 of the landfill. A report of this inspection shall be made

1 a part of the operator's annual report and a copy shall be  
2 delivered to the operator.

3

4 (d) Within sixty (60) days after receipt of the annual  
5 report, inspection report and other required materials, if  
6 the administrator finds the annual report in order and  
7 consistent with the landfill operation plan and solid waste  
8 management plan as set forth in the permit, or as amended  
9 to adjust to conditions encountered during landfill  
10 operations as provided by law, the director shall determine  
11 if any adjustment is necessary to the size of the bond  
12 required pursuant to W.S. 35-11-504.

13

14 **35-11-524. Municipal solid waste landfill assessments;**  
15 **priority list; monitoring.**

16

17 (a) As a result of the initial work done in  
18 determining the status of municipal solid waste landfills  
19 in Wyoming and the need for municipal solid waste landfill  
20 monitoring as submitted in the report under W.S. 35-11-522,  
21 the department shall conduct an assessment of the needs for  
22 municipal solid waste landfill monitoring and the necessity

1 for any remediation on leaking municipal solid waste  
2 landfills in Wyoming.

3

4 (b) The department shall establish a priority list for  
5 municipal solid waste landfills that need remediation. The  
6 criteria used to establish this priority list shall be  
7 developed and reviewed with the water and waste advisory  
8 board. The criteria shall include, but not be limited to  
9 the:

10

11 (i) Type of leachate;

12

13 (ii) Volume of leachate;

14

15 (iii) Proximity of the leachate to the nearest  
16 surface water;

17

18 (iv) Ability of the responsible municipality to  
19 remediate the contamination.

20

21 (c) For high priority sites identified on the list  
22 established under subsection (b) of this section, the  
23 department shall work with the local managers of the high

1 priority municipal solid waste landfills to gather data  
2 necessary for the report due under subsection (d) of this  
3 section.

4

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

7

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

11

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

14

15 (A) Monitoring results;

16

17 (B) Remediation results;

18

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

22

1                   (D) Estimated high priority sites to be  
2 addressed in the coming year;

3

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

6

7                   **35-11-525. Orphan landfill sites.**

8

9           (a) The director may expend funds contained within the  
10 account for remediation of orphan landfill sites and the  
11 performance of any other activity as defined in this  
12 article.

13

14           (b) As used in this section, "orphan landfill site"  
15 means:

16

17                   (i) A dump where the department determines:

18

19                           (A) There is no viable party responsible  
20 for causing or contributing to the dump site; and

21

22                           (B) The dump site is not the result of  
23 activities conducted on the site after September 13, 1989.

1

2 (ii) A dump site, where the department determines  
3 that the person responsible for the dump cannot be  
4 identified;

5

6 (iii) A dump site where the department must take  
7 prompt action to prevent hazards to human health or the  
8 environment where a responsible party fails to act  
9 promptly.

10

11 (c) To the extent funds are available, the department  
12 may expend funds from the account to conduct orphan  
13 landfill site evaluations and testing, evaluate remedial  
14 measures, select remediation requirements and construct,  
15 install, maintain and operate systems to remedy  
16 contamination in accordance with a remediation work plan  
17 prescribed by the director for the orphan landfill site.

18

19 (d) Revenue to the account shall include any monies  
20 which may be deposited in the account for use in  
21 identification, characterization, prioritization,  
22 remediation and monitoring of orphan landfill sites. The  
23 liability of the state to fulfill the requirements of this

1 section is limited to the amount of funds available in the  
2 account.

3

4 (e) The department shall provide a report to the joint  
5 appropriations committee and the joint minerals, business  
6 and economic development interim committee. The report  
7 shall be included in the report required under W.S.  
8 35-11-524(d) and shall include:

9

10 (i) The work completed on the identification,  
11 characterization, prioritization, remediation and  
12 monitoring of orphan landfill sites within the state;

13

14 (ii) The estimated funding need for the  
15 identification, characterization, prioritization,  
16 remediation and monitoring of orphan landfill sites within  
17 the state for:

18

19 (A) The next year or the next biennium, as  
20 applicable; and

21

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

23

1           (f) In any case under paragraph (b)(iii) of this  
2 section where the department expends funds to remediate or  
3 contain contamination resulting from a dump, and where the  
4 department has identified a responsible party, the  
5 responsible party shall reimburse the department in an  
6 amount equal to two (2) times the expenditure from the  
7 account. The attorney general shall bring suit to recover  
8 the reimbursement amount required in this subsection where  
9 recovery is deemed possible.

10  
11           (g) For purposes of this section, "account" means the  
12 account created under W.S. 35-11-515(a).

13  
14           **Section 2.** W.S. 35-11-103(d) by creating new  
15 paragraphs (viii) through (x) and 35-11-502 by creating new  
16 subsections (o) through (r) are amended to read:

17  
18           **35-11-103. Definitions.**

19  
20           (d) Specific definitions applying to solid waste  
21 management:

22

1           (viii) "Aquifer" means a geologic formation,  
2 group of formations or portion of a formation capable of  
3 yielding significant quantities of groundwater to wells or  
4 springs;

5  
6           (ix) "Groundwater" means water below the land  
7 surface in a saturated zone of soil or rock;

8  
9           (x) "Lifetime" means the estimated time to fill  
10 and close a solid waste landfill, not to exceed twenty-five  
11 (25) years.

12  
13           **35-11-502. Solid waste management facilities permits;**  
14 **term; renewals.**

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16           (o) Effective July 1, 2011, the term for a new or  
17 renewed solid waste landfill permit shall be for the  
18 lifetime of the solid waste landfill, through closure, not  
19 to exceed twenty-five (25) years.

20  
21           (p) Effective July 1, 2011, for any existing solid  
22 waste landfill permit, the next renewal permit shall be  
23 converted to a lifetime solid waste permit.

1

2 (q) If, during the operation of the solid waste  
3 landfill, the life of the solid waste landfill is  
4 anticipated to exceed the term specified in the permit, the  
5 operator shall:

6

7 (i) Submit a solid waste landfill permit  
8 amendment which shall include updates on any necessary  
9 provisions of the permit;

10

11 (ii) No later than three (3) years prior to the  
12 expiration of the lifetime solid waste landfill permit,  
13 submit permit renewal information as required by the  
14 department. The solid waste landfill permit may be renewed  
15 for another lifetime period, not to exceed twenty-five (25)  
16 years.

17

18 (r) Notice and opportunity for hearing for an amended  
19 solid waste landfill permit shall be as provided for a new  
20 solid waste landfill permit under this section.

21

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

23

1           **Section 4.**

2

3           (a) Funds appropriated under 2006 Wyoming  
4 Session Laws, Chapter 101, not awarded or encumbered by the  
5 director for purposes of that act prior to June 30, 2011,  
6 shall be available to the department for the purposes of  
7 conducting priority assessments, evaluating high priority  
8 municipal solid waste landfills and refining clean-up cost  
9 estimates for those sites. These sites may include  
10 orphaned, abandoned, closed and operating landfills that  
11 have indications of more serious groundwater contamination  
12 as identified in the report submitted under W.S 35-11-522.

13

14           (b) To complete work under subsection (a) of  
15 this section, the amount the department may expend shall  
16 not exceed one million seven hundred fifty thousand dollars  
17 (\$1,750,000.00) of the appropriation under 2006 Wyoming  
18 Session Laws, Chapter 101.

19

20           **Section 5.** This act is effective immediately upon  
21 completion of all acts necessary for a bill to become law  
22 as provided by Article 4, Section 8 of the Wyoming  
23 Constitution.

1

2

(END)