

HOUSE BILL NO. HB0071

Community landfill remediation.

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

A BILL

for

1 AN ACT relating to environmental quality; providing for
2 regional and community landfill remediation; providing for
3 inspections and corrective actions; creating corrective
4 action accounts; providing for municipal and regional
5 landfill eligibility for payments from the accounts;
6 providing for reduction of solid waste; providing for solid
7 waste planning and review and approval of plans submitted
8 by local governmental entities; authorizing rulemaking;
9 prohibiting certain grants and loans to local governments
10 without approval plans; providing definitions; providing
11 appropriations; authorizing additional positions; and
12 providing for an effective date.

13

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

15

1 **Section 1.** W.S. 35-11-1901 through 35-11-1910 and
2 35-11-2001 through 35-11-2006 are created to read:

3

4

ARTICLE 19

5

COMMUNITY LANDFILL REMEDIATION

6

7

35-11-1901. Purpose.

8

9 The purpose of this article is to provide a process and
10 funding mechanism for corrective action at sites
11 contaminated by municipal solid waste landfills.

12

13

35-11-1902. Corrective action account created.

14

15 There is created the state leaking landfill corrective
16 action account. This account shall provide for financial
17 assurance coverage required by state law for municipal
18 solid waste landfills and shall be used by the department
19 to take corrective action at the landfills in response to a
20 release. The department shall use the state leaking
21 landfill corrective action account as appropriated by the
22 legislature for the administration of this article.
23 Interest earned by this account shall be deposited in the
24 state leaking landfill corrective action account.

1

2 **35-11-1903. Regional landfill trust account created.**

3

4 There is created the state regional landfill trust account.

5 This account shall provide for payments for corrective

6 actions at regional landfills owned or operated by a

7 municipality as defined in W.S. 35-11-103 as required by

8 state law and shall be used by the department to take

9 corrective action as required at any regional landfill.

10 The department shall use monies from the state regional

11 landfill trust account as appropriated by the legislature

12 for the administration of this article. Interest earned by

13 the state regional landfill trust account shall be

14 deposited in the state leaking landfill corrective action

15 account.

16

17 **35-11-1904. Corrective action fees; regional landfill**
18 **trust account fees.**

19

20 (a) Annual fees shall be paid to the department for

21 the purpose of providing the local government contribution

22 to the state leaking landfill corrective action account as

23 follows:

24

1 (i) Each operating solid waste landfill used for
2 the disposal of municipal solid waste within the state
3 shall pay to the department an annual fee, beginning on
4 July 1, 2006. For landfills constructed after July 1,
5 2006, the annual fee shall begin on July 1 of the first
6 year the landfill is in operation. For the first year the
7 fee shall be equivalent to three dollars (\$3.00) for each
8 person residing within the service area of the solid waste
9 landfill. This fee shall be deposited in the state leaking
10 landfill corrective action account. The annual fee under
11 this paragraph shall be paid for a period of no more than
12 thirty (30) years, or until the landfill closes, whichever
13 occurs first; and

14

15 (ii) For any city, town or any portion of a
16 county of the state where municipal solid wastes generated
17 are disposed at any facility not subject to the fees
18 specified in paragraph (i) of this subsection, the city,
19 town, county or other political subdivision shall pay to
20 the department an annual fee. For the first year the fee
21 shall be equivalent to three dollars (\$3.00) for each
22 person residing within the city, town or portion of a
23 county. This fee shall be deposited in the state leaking
24 landfill corrective action account. The annual fee under

1 this paragraph shall be paid for a period of no more than
2 thirty (30) years, or until the city, town or affected
3 portion of the county sends municipal solid wastes to a
4 facility subject to the fee requirements of paragraph (i)
5 of this subsection, whichever occurs first.

6
7 (b) In addition to any fees paid under subsection (a)
8 of this section for operating landfills, owners or
9 operators of a municipal landfill accepted by the
10 department for participation in the state leaking landfill
11 corrective action program shall pay an annual fee to the
12 department for a period of ten (10) years for the purpose
13 of providing the local government contribution to the state
14 leaking landfill corrective action account. For the first
15 year of the ten (10) year fee period the annual fee shall
16 be established by the department for each participating
17 municipal landfill and shall be calculated to require
18 payment equivalent to two dollars and fifty cents (\$2.50)
19 for each person residing within the service area of the
20 participating municipal landfill when it was operating.
21 Failure to meet these requirements may subject the
22 municipality which owns the landfill to a civil action by
23 the department or for cost recovery of any funds from the
24 state leaking landfill corrective action account which have

1 been expended by the department at the landfill. The fees
2 collected under this subsection shall be deposited in the
3 state leaking landfill corrective action account.

4

5 (c) Beginning July 1, 2006, owners or operators of
6 each operating municipal solid waste disposal facility
7 shall pay an annual fee to the department as specified in
8 this subsection for the purpose of funding the state
9 regional landfill trust account. The annual fee shall be
10 a fee equivalent to two dollars (\$2.00) for each person
11 residing within the service area of the solid waste
12 disposal facility. This fee shall be deposited in the
13 state regional landfill trust account. The fee under this
14 subsection shall be suspended for any fiscal year in which
15 the state regional landfill trust account contains more
16 than twenty million dollars (\$20,000,000.00) as of the
17 first day of the fiscal year. The fee shall be
18 reinstated by the department on July 1 of any year in
19 which the account contains less than twelve million dollars
20 (\$12,000,000.00).

21

22 (d) For purposes of this article:

23

1 (i) The number of persons residing within a
2 service area shall be determined by the department based
3 upon the most recent population data available from the
4 United States census bureau;

5
6 (ii) The percentage increase in the annual fees
7 specified in subsections (a) and (b) of this section shall
8 be equal to the annual percentage increase in the cost of
9 living as of the immediately preceding January 1, as shown
10 by the Wyoming cost-of-living index as determined by the
11 division of economic analysis of the department of
12 administration and information.

13

14 **35-11-1905. Eligibility; corrective actions; landfill**
15 **priorities.**

16

17 (a) To be eligible for use of the state leaking
18 landfill corrective action account, the owner or operator
19 of the municipal landfill shall:

20

21 (i) Demonstrate that the municipal landfill was
22 closed before July 1, 2010;

23

1 (ii) Demonstrate the municipal solid waste
2 currently being generated within the former service area of
3 the municipal landfill is being managed as described in an
4 integrated solid waste management plan under W.S.
5 35-11-2005 and is being disposed at a regional landfill;
6 and

7

8 (iii) Be a city, town, county or other political
9 subdivision of the state.

10

11 (b) The department is authorized to expend funds from
12 the state leaking landfill corrective action account to
13 take corrective actions at sites contaminated by municipal
14 landfills that are eligible and are participating in the
15 state leaking landfill corrective action program, and to
16 make reimbursement payments as may be allowed by W.S.
17 35-11-1906. The department shall take corrective actions
18 based on a landfill's placement on the priority list. If
19 an emergency threat to public health, safety and welfare or
20 to the environment exists, or costs of cleanup may be
21 significantly reduced, a municipal landfill may be moved up
22 on the priority list for immediate corrective action. The
23 department may expend funds from the state leaking landfill
24 corrective action account to install control systems at

1 municipal landfills where, in the judgment of the
2 department, installing systems is necessary to prevent
3 future releases from the landfill. In taking a corrective
4 action the department shall comply with requirements for
5 municipal landfill corrective action established in rules
6 and regulations promulgated under W.S. 35-11-501 through
7 35-11-520.

8

9 (c) The department shall establish, and may from time
10 to time revise, a priority list of leaking municipal
11 landfills. The priorities shall be based on public health,
12 safety and welfare and environmental concerns.

13

14 (d) If, after due diligence, no owner or operator of
15 the municipal landfill can be found, a leaking landfill may
16 be placed on the priority list in appropriate rank with
17 other sites. The department may expend funds from the
18 leaking landfill corrective action account to perform
19 corrective actions at the landfill.

20

21 (e) If any state leaking landfill corrective action
22 funds have been expended at an eligible municipal landfill,
23 and the landfill ceases to maintain eligibility, the
24 department may continue to operate corrective action

1 systems or perform any other action necessary to abate
2 pollution from the landfill. The department may recover
3 actual expenses incurred by the department in taking a
4 corrective action by bringing a civil action against the
5 owner or operator of the landfill. These recoverable
6 expenses include, but are not limited to, costs of
7 investigating a release, monitoring, installing and
8 operating corrective action systems, capping,
9 administrative costs and reasonable attorney fees. The
10 department's certification of expenses is prima facie
11 evidence the expenses are reasonable and necessary.
12 Expenses recovered under this section shall be deposited in
13 the state leaking landfill corrective action account.

14

15 (f) Nothing in this section shall be construed to
16 authorize payments or commitments for payments in amounts
17 in excess of the monies available.

18

19 (g) For any eligible municipal landfill subject to
20 requirements for corrective action under article 5 of this
21 act, no later than one hundred eighty (180) days following
22 receipt of notification that the state leaking landfill
23 corrective action account has become incapable of paying
24 for corrective actions, the owner or operator shall assume

1 financial responsibility to meet the corrective action
2 requirements. Upon assumption of the corrective action
3 requirements by the owner or operator, the fee required
4 under W.S. 35-11-1904(a) and (b) shall no longer apply.

5

6 **35-11-1906. Reimbursement; appeals.**

7

8 (a) The state shall not reimburse any person for
9 expenses incurred to comply with state solid waste rules
10 regarding remediation of releases from a regulated
11 municipal solid waste disposal facility, if the expenses
12 were incurred by the owner or operator of the facility
13 prior to the facility's acceptance in the state leaking
14 landfill corrective action program as provided in W.S.
15 35-11-1905(a), unless:

16

17 (i) The expenses occurred after April 1, 2005;

18 and

19

20 (ii) The expenses were approved in writing by
21 the department before they were incurred by the owner or
22 operator.

23

1 (b) Any reimbursement made pursuant to subsection (a)
2 of this section shall only be made upon demonstration that
3 the landfill meets the eligibility requirements of W.S.
4 35-11-1905(a), and shall be made by the department from the
5 state leaking landfill corrective action account to the
6 owner or operator of the landfill who incurred the
7 allowable expense, provided that:

8

9 (i) For any given year, the department shall
10 limit repayments under subsection (a) of this section to no
11 more than fifty percent (50%) of all actual deposits to the
12 state leaking landfill corrective action account which were
13 made from all deposits during the prior year;

14

15 (ii) The department shall have the authority to
16 suspend reimbursement payments under subsection (a) of this
17 section in any given year if payments preclude the
18 department from addressing a higher priority corrective
19 action problem under this article; and

20

21 (iii) The department may schedule reimbursement
22 payments under subsection (a) of this section to allow the
23 department to comply with the limitations of this
24 subsection.

1

2 (c) No reimbursement of expenses to an owner or
3 operator shall be made for any expense incurred to comply
4 with rules and regulations of the department for detection
5 or assessment monitoring to detect releases of pollutants
6 from a regulated municipal solid waste landfill, or to
7 comply with any other rules and regulations respecting
8 operations, closure or post closure care of a landfill.

9

10 (d) In any case where an owner or operator disputes
11 the department's decision to approve or deny allowance of
12 expenditures for corrective action at a municipal solid
13 waste landfill pursuant to paragraph (a)(ii) of this
14 section, the owner or operator may appeal the decision to
15 the council within ten (10) days of receipt of the
16 decision.

17

18 **35-11-1907. No insurance proviso; dismissal of suits;**
19 **release of past obligations.**

20

21 (a) Nothing in this article shall be construed as
22 creating an insurance company nor in any way subjecting the
23 accounts created under this article to the laws of the
24 state regulating insurance or insurance companies.

1

2 (b) The state attorney general shall move to dismiss
3 any pending or ongoing suit or administrative action based
4 on the requirement that any municipal landfill owner or
5 operator take corrective action or actions for the cost
6 recovery of state corrective actions, for any municipal
7 landfill electing to participate and eligible for
8 participation in the state landfill corrective action
9 program. The party in a dismissed suit may become eligible
10 for state leaking landfill corrective action account monies
11 in the same manner as any other owner or operator. Failure
12 to take the necessary actions to become eligible shall
13 result in the owner or operator in a dismissed suit being
14 considered ineligible for use of the state leaking landfill
15 corrective action account monies in the same manner as any
16 other owner or operator.

17

18 (c) Any obligations a municipal owner or operator
19 owes the state under a court order or a negotiated
20 settlement resulting from a suit requiring corrective
21 action shall be released by the state if the owner or
22 operator of the site takes action necessary to become
23 eligible for use of state leaking landfill corrective
24 action account monies.

1

2 **35-11-1908. Public notice.**

3

4 The department shall notify adjacent landowners of all
5 confirmed releases from municipal landfills participating
6 in the state leaking landfill corrective action program.

7 The department shall upon request, provide or make
8 available to the interested public information concerning
9 the nature of the release and the corrective actions
10 planned or taken.

11

12 **35-11-1909. Right of entry; inspections; notice of**
13 **inspections; off-site locations.**

14

15 (a) When requested by an authorized agent of the
16 state a municipal landfill owner or operator shall:

17

18 (i) Provide information to determine compliance
19 with statutes and rules and regulations;

20

21 (ii) Provide access to any site or premises
22 where the landfill is located or where any records relevant
23 to the operation of the landfill are kept;

24

1 (iii) Provide copies of any records relevant to
2 the operation of the landfill;

3

4 (iv) Allow the authorized agent to obtain
5 samples of soil, gas or groundwater;

6

7 (v) Allow the authorized agent to inspect or
8 conduct monitoring or testing at the landfill; and

9

10 (vi) Allow the authorized agent entry on the
11 premises to do assessments and corrective actions.

12

13 (b) In carrying out a corrective action the
14 department has the right to construct and maintain any
15 structure, monitor well, recovery system or any other
16 reasonable and necessary item associated with taking
17 corrective action.

18

19 (c) The department shall give a minimum of one (1)
20 business day's notice prior to an investigation unless an
21 imminent or substantial threat to human health or the
22 environment exists.

23

1 (d) The department shall, prior to accessing any off-
2 site location to which pollution may have migrated from a
3 participating municipal landfill, for the purpose of
4 installing corrective action systems, monitoring systems or
5 other necessary corrective action system components, secure
6 the permission of the owner of the off-site location. An
7 off-site location owner may deny access to the department,
8 but in such case the off-site location owner shall not be
9 considered an innocent owner as defined in W.S.
10 35-11-1801(a) and may be held liable to perform corrective
11 actions on the off-site location.

12

13 **35-11-1910. Third party liability.**

14

15 Nothing in this article shall require the state to pay
16 damages or other costs for third party liability claims
17 arising from any release of pollution from an eligible
18 municipal landfill or regional landfill.

19

20 ARTICLE 20

21 EFFICIENT SOLID WASTE MANAGEMENT

22

23 **35-11-2001. Rulemaking authority.**

24

1 The department shall by rule establish specific goals for
2 the management of municipal solid waste within the state,
3 including goals for community recycling rates considering
4 the availability of markets for collected recyclable
5 materials, goals for diversion of waste from municipal
6 landfill disposal, goals for the beneficial reuse of
7 municipal solid waste, goals for the use of cost effective
8 regional solid waste management systems and other goals to
9 achieve the purpose and objectives of this article.

10

11 **35-11-2002. Local government incentives.**

12

13 (a) To assist local governmental entities in
14 achieving the goals established by W.S. 35-11-2001 and by
15 rules of the department, the department shall:

16

17 (i) Assume corrective action responsibility for
18 leaking landfills from participating local governmental
19 entities in accordance with the provisions of article 19 of
20 this act; and

21

22 (ii) Provide technical assistance to local
23 governmental entities by issuing guidance, providing advice
24 and information about community recycling and waste

1 diversion systems, developing state and local markets for
2 collected recyclable materials and performing other
3 activities to assist them in meeting state waste management
4 goals.

5

6 (b) Local governmental entities that meet state waste
7 management goals established by the department under W.S.
8 35-11-2001 shall not be required to implement waste bans or
9 volume based disposal fees established under W.S.
10 35-11-2003.

11

12 (c) The department shall establish and administer
13 programs to recognize local governmental entities and
14 community leaders who meet or exceed state waste management
15 goals under W.S. 35-11-2001.

16

17 **35-11-2003. Rules for landfill bans; volume based**
18 **fees; record keeping; reporting.**

19

20 (a) The department shall establish rules which:

21

22 (i) Require owners or operators of municipal
23 solid waste disposal facilities to institute waste bans at
24 disposal facilities serving any area of the state which

1 fail to meet state waste management goals established under
2 W.S. 35-11-2001; and

3

4 (ii) Require local governmental entities to
5 institute volume based disposal fees in the event of a
6 failure by the entity to meet state waste management goals
7 established under W.S. 35-11-2001.

8

9 (b) The department shall establish methods and
10 practices for local governmental entities to record
11 information about waste generation rates, waste reduction,
12 recycling and diversion rates, waste disposal rates and
13 require periodic reporting of that information to the
14 department.

15

16 **35-11-2004. Recommendations for planning areas.**

17

18 The administrator of the solid and hazardous waste division
19 shall, by June 30, 2006, assess the patterns of generation
20 of municipal solid waste within the state and issue a
21 report identifying those areas of the state which, in the
22 judgment of the administrator, constitute areas where
23 integrated solid waste management plans should be developed
24 by local governmental entities. The identification of

1 planning areas shall be considered to be guidance to local
2 governmental entities and the department may not require
3 local governmental entities to adhere to any planning area
4 boundaries recommended by the administrator.

5

6 **35-11-2005. Integrated solid waste management plans.**

7

8 (a) Each local governmental entity shall develop and
9 maintain an integrated solid waste management plan
10 describing management of solid waste generated within its
11 jurisdiction, or shall participate in a multijurisdictional
12 integrated solid waste management plan.

13

14 (b) Local governmental entities may comply with the
15 requirements of this section by creating plans
16 incorporating more than one (1) multijurisdictional area.

17

18 (c) Plans shall be completed and submitted to the
19 department by June 30, 2008, and shall be reviewed, revised
20 as necessary, and resubmitted to the department every ten
21 (10) years thereafter.

22

23 (d) To be considered part of a plan, a local
24 governmental entity shall have and maintain a written

1 agreement with other plan participants including, but not
2 limited to, a joint powers agreement, to provide for solid
3 waste management services within the multijurisdictional
4 area addressed by the plan.

5

6 (e) Integrated solid waste management plans shall
7 describe solid waste management practices for all service
8 areas of each local governmental entity participating in
9 the integrated solid waste management plan. Election of
10 one (1) or more cities or towns not to participate in an
11 integrated solid waste management planning effort
12 undertaken in compliance with this section shall not affect
13 the eligibility of the remaining local governmental
14 entities engaged in the planning effort to receive state
15 funding under this article, nor the ability of the
16 department to approve the resulting integrated solid waste
17 management plan. A local governmental entity declining to
18 participate in an integrated solid waste management plan
19 may conduct its own integrated solid waste planning effort
20 but shall not be eligible to receive state funding under
21 this article, nor shall any solid waste disposal facility
22 maintained for the exclusive use of the local governmental
23 entity be designated a regional landfill under this
24 article.

1

2 **35-11-2006. Integrated solid waste management plan**
3 **content; department approval; funding of plan**
4 **implementation.**

5

6 (a) Integrated solid waste management plans shall
7 contain information required by the director including, but
8 not limited to, the following information showing how the
9 state waste management goals of W.S. 35-11-2001 shall be
10 achieved:

11

12 (i) Identification of the waste streams that
13 shall be managed and how these waste streams shall be
14 managed;

15

16 (ii) An analysis of current systems;

17

18 (iii) Waste management plans which address a
19 period of not less than twenty (20) years;

20

21 (iv) Plans for the development and permitting of
22 facilities to achieve the plan's goals;

23

1 (v) An economic analysis of the full cost of
2 systems selected by the participating local governmental
3 entities to achieve the plan's goals;

4
5 (vi) A demonstration that the participating
6 local governmental entities have sufficient financial
7 ability to design, construct, operate, monitor, close and
8 conduct post closure care and corrective action activities
9 for selected options;

10
11 (vii) Identification of the solid waste disposal
12 facility or facilities to which solid waste generated
13 within the jurisdiction of the plan is to be sent;

14
15 (viii) Identification of financial or other
16 incentives to be offered to residents to encourage
17 participation in local recycling programs; and

18
19 (ix) A description of how the plan shall be
20 implemented and how the plan's recommended management
21 practices shall be funded.

22
23 (b) Each plan shall be submitted for public review
24 prior to submission to the department. The plan submission

1 shall include a statement describing public comments
2 received and discussing how the public comments were
3 addressed. The department shall review each plan and
4 approve or disapprove the plan based upon its evaluation of
5 whether the plan is likely to result in the achievement of
6 state waste management goals established under W.S.
7 35-11-2001. The department shall not have the power to
8 order modification of a plan or implementation of a
9 specific waste management activity unless otherwise
10 required by law or rule of the department. Whenever the
11 department disapproves a plan, it shall provide a statement
12 of the basis for its disapproval. Plans that are
13 disapproved by the department may be resubmitted for
14 subsequent review by the department.

15

16 (c) Following any disapproval by the department of
17 any integrated solid waste plan, no loan or grant under
18 W.S. 9-4-604 shall be provided to any local governmental
19 entity within the integrated solid waste management
20 planning area by the state loan and investment board for
21 any solid waste management facility. The loan and grant
22 ban established by this subsection shall continue in effect
23 until the plan has been approved.

24

1 **Section** **2.** W.S. 9-4-604(a) (intro) and
2 35-11-103(a) (xiii) and by creating a new subsection (h) are
3 amended to read:

4

5 **9-4-604. Distribution and use; capital construction**
6 **projects and bonds; municipal, county and special district**
7 **purposes.**

8

9 (a) Revenues received under W.S. 9-4-601(a) (vi) and
10 (b) (i) shall be credited to a capital construction account.
11 No money shall be expended from the account until the money
12 has been appropriated by the legislature to the state loan
13 and investment board through the normal budget process to
14 be used in the board's discretion for any purpose
15 authorized by this section. The revenues shall be used to
16 finance state revenue bonds as provided by this section.
17 The balance shall be used for the making of loans or grants
18 to incorporated cities and towns, counties and special
19 districts as provided in this section. No loan or grant
20 shall be made by the state loan and investment board under
21 the provisions of this section until the loan or grant
22 application has been referred by the board to a state
23 agency for review as determined by the board. The state
24 agency shall provide the board with a written review of any

1 loan or grant application referred to the agency and any
2 other assistance requested by the board. No loan or grant
3 shall be provided to any local governmental entity within
4 an integrated solid waste management planning area defined
5 under W.S. 35-11-2004, for a solid waste management
6 facility until an integrated solid waste plan has been
7 approved in accordance with W.S. 35-11-2006. No grant
8 shall be made by the state loan and investment board under
9 this section to any county unless the county imposes at
10 least eleven (11) or ninety-one and sixty-seven one-
11 hundredths percent (91.67%) of the available mills
12 authorized by article 15, section 5 of the Wyoming
13 constitution, or unless the county is imposing the optional
14 sales tax authorized under W.S. 39-15-204(a)(i) or (iii).
15 No grant shall be made by the state loan and investment
16 board under this section to any municipality unless the
17 municipality imposes at least seven (7) or eighty-seven and
18 five-tenths percent (87.5%) of the available mills
19 authorized by article 15, section 6 of the Wyoming
20 constitution. No grant shall be made by the state loan and
21 investment board under this section to any special district
22 or other lawful entity which imposes less than eighty
23 percent (80%) of any authorized mill levy. The state loan
24 and investment board may waive the taxation requirements

1 imposed by this subsection for good cause shown such as
2 other funding sources, but in no case shall the state loan
3 and investment board authorize any grant to any
4 municipality under this section which does not impose at
5 least two (2) or twenty-five percent (25%) of the available
6 mills authorized by article 15, section 6 of the Wyoming
7 constitution. The state loan and investment board shall
8 grant money as authorized by this section only when the
9 board finds the grant is necessary to:

10
11 **35-11-103. Definitions.**

12
13 (a) For the purpose of this act, unless the context
14 otherwise requires:

15
16 (xiii) "This act" means W.S. 35-11-101 through
17 35-11-403, 35-11-405, 35-11-406, 35-11-408 through
18 35-11-1106, 35-11-1414 through 35-11-1428, 35-11-1601
19 through 35-11-1613, 35-11-1701, ~~and~~ 35-11-1801 through
20 35-11-1803, 35-11-1901 through 35-11-1910 and 35-11-2001
21 through 35-11-2006.

22
23 (h) Specific definitions applying to community
24 landfill remediation and efficient solid waste management:

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(i) "Corrective action" means an action taken to investigate, minimize, eliminate or clean up a release to protect the public health, safety, welfare or the environment;

(ii) "Integrated solid waste management" means the complementary use of a variety of practices to handle municipal solid waste safely and effectively. Integrated solid waste management techniques include source reduction, recycling, composting, combustion, landfilling and other methods to finally dispose of municipal solid waste;

(iii) "Multijurisdictional area" means all or parts of two (2) or more incorporated municipalities, counties or other political subdivisions of the state;

(iv) "Municipal landfill" means a landfill for the disposal of household and other solid wastes which is owned or operated by a city, town, county or other political subdivision of the state;

(v) "Municipal landfill owner or operator" means a city, town, county or other political subdivision of the

1 state that either owned, or is responsible for the
2 operation of, a municipal solid waste disposal facility;

3
4 (vi) "Regional landfill" means a disposal
5 facility that is constructed with an engineered containment
6 system, serves a multijurisdictional area, has been
7 designated as a regional disposal facility in an integrated
8 solid waste management plan submitted under W.S. 35-11-2005
9 and approved by the department, and if owned by a person
10 who is not a municipality, has insurance or other financial
11 assurance or other capability for corrective action costs
12 in an amount not less than two million five hundred
13 thousand dollars (\$2,500,000.00);

14
15 (vii) "Release" means any spilling, leaking,
16 emitting, discharging, escaping, leaching or disposing of
17 any pollutant from a municipal landfill into groundwater,
18 surface water or subsurface soils;

19
20 (viii) "State leaking landfill corrective action
21 account" means the account established in W.S. 35-11-1902;

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23 (ix) "State regional landfill trust account"
24 means the account established in W.S. 35-11-1903;

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(x) "Volume based disposal fees" mean a local government ordinance or operating practice which establishes a disposal fee system for users of a municipal solid waste landfill where users who dispose a larger quantity of solid waste in any given time period pay a larger disposal fee than users who dispose a lower quantity of solid waste;

(xi) "Waste bans" mean a local government ordinance or operating practice to prohibit the disposal of specified solid waste at a municipal solid waste landfill.

Section 3. There is appropriated to the state leaking landfill corrective account from the general fund three million five hundred thousand dollars (\$3,500,000.00) or as much thereof as is necessary for the purposes of implementing W.S. 35-11-1901 through 35-11-1910. This general fund appropriation is for the period beginning with the effective date of this act and ending June 30, 2006. A request of seven million dollars (\$7,000,000.00) shall be included in the department of environmental quality's 2007-2008 biennium standard budget request for purposes of continuing funding of this program.

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2 **Section 4.** There are authorized seven (7) additional
3 positions to the department of environmental quality for
4 the purposes of implementing this act. There is
5 appropriated to the department of environmental quality
6 funds in the amount of three hundred fifty thousand dollars
7 (\$350,000.00) or as much thereof as is necessary from the
8 state leaking landfill corrective action account and two
9 hundred fifty-five thousand dollars (\$255,000.00) from the
10 general fund for the period beginning with the effective
11 date of this act and ending June 30, 2006. A request of
12 seven hundred thousand dollars (\$700,000.00) from the state
13 leaking landfill corrective action account and five hundred
14 ten thousand dollars (\$510,000.00) from the general fund
15 shall be included in the department of environmental
16 quality's 2007-2008 biennium standard budget request for
17 purposes of continuing funding of this program and these
18 positions.

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20 **Section 5.**

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22 (a) There is appropriated from the general fund to
23 the department of environmental quality seven hundred
24 thousand dollars (\$700,000.00) or as much thereof as is

1 necessary for the purpose of providing grants to assist
2 participating local governmental entities in the
3 preparation of integrated solid waste management plans
4 under W.S. 35-11-2001 through 35-11-2006. The department
5 shall provide grants to local governmental entities,
6 subject to the appropriation amount provided herein:

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8 (i) An amount not to exceed fifteen thousand
9 dollars (\$15,000.00) may be provided to the local
10 governmental entity preparing an integrated solid waste
11 management plan for a multijurisdictional area encompassing
12 all or parts of no more than a total of two (2) counties or
13 incorporated municipalities;

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15 (ii) An amount not to exceed thirty thousand
16 dollars (\$30,000.00) may be provided to the local
17 governmental entity preparing an integrated solid waste
18 management plan for a multijurisdictional area encompassing
19 all or parts of at least a total of three (3) counties or
20 incorporated municipalities; and

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22 (iii) A supplemental grant amount not to exceed
23 forty-five thousand dollars (\$45,000.00) may be provided to
24 the local government entity preparing an integrated solid

1 waste management plan encompassing all or parts of at least
2 a total of four (4) incorporated municipalities or counties
3 and who currently is, or certifies to the department that
4 they intend to be, the host of a regional solid waste
5 disposal facility for the receipt of municipal solid wastes
6 generated within the planning area.

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8 **Section 6.** The department of environmental quality
9 shall submit to the joint minerals, business and economic
10 development interim committee by October 1, 2006 a report
11 identifying the actions taken and monies expended pursuant
12 to this act and shall submit the report by October 1,
13 annually thereafter.

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15 **Section 7.** 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.

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(END)