

SENATE FILE NO. SF0135

Risk management.

Sponsored by: Senator(s) Bebout, Case, Cooper and Vasey
and Representative(s) Brown, Childers,
Miller, Quarberg and Simpson

A BILL

for

1 AN ACT relating to environmental quality; providing for
2 risk assessments and risk management in the adoption of
3 solid waste rules, standards or permitting systems;
4 providing definitions; making conforming amendments; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-11-523 and 35-11-524 are created
10 to read:

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12 **35-11-523. Risk management and risk assessment in**
13 **considering rules, regulations, standards or permitting**
14 **systems.**

15

1 (a) Notwithstanding any other provisions of this
2 article to the contrary, prior to considering a
3 recommendation or petition to adopt, amend or repeal rules,
4 regulations, standards or permitting systems related to or
5 that may affect engineered containment systems at municipal
6 landfills, the board and council shall give notice and
7 receive public comment on a risk assessment related to the
8 recommendation or petition. If the council determines that
9 the risk assessment does not accurately or adequately
10 identify and evaluate all the data and criteria required
11 under W.S. 35-11-524(b), then prior to considering the
12 recommended or requested rules, regulations, standards or
13 permitting systems, the council shall direct the department
14 to collect data and perform the evaluations that the
15 council identifies as incomplete or inconsistent with the
16 requirements of W.S. 35-11-524(b).

17

18 (b) The council shall give notice, receive public
19 comment, and determine that the revised risk assessment is
20 accurate and adequate under W.S. 35-11-524(b) prior to
21 proceeding with consideration of the recommendation or
22 petition to adopt, amend or repeal rules, regulations,
23 standards or permitting systems related to or that may

1 affect engineered containment systems at municipal
2 landfills.

3

4 (c) The council shall make risk management decisions
5 taking into consideration a risk assessment prepared by the
6 department when adopting, amending or repealing rules,
7 regulations, standards or permitting systems related to or
8 that may affect engineered containment systems at municipal
9 landfills.

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11 (d) A decision by the council that the risk
12 assessment is accurate and adequate under W.S. 35-11-524(b)
13 shall be a final decision of the agency pursuant to the
14 Wyoming Administrative Procedure Act.

15

16 **35-11-524. Risk management; risk assessment.**

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18 (a) The goal of risk management shall be to identify,
19 evaluate and manage environmental risks, not to eliminate
20 them. A risk management decision shall be based upon a
21 risk assessment in the adoption, amendment or repeal of
22 rules, regulations, standards or permitting systems related
23 to or that may affect engineered containment systems at
24 municipal landfills and when a risk assessment is requested

1 by the applicant under W.S. 35-11-801(a). When a risk
2 management decision is made by the department, it may be
3 appealed to the council.

4

5 (b) A risk assessment shall explain the department's:

6

7 (i) Investigation and verification of the
8 existence of an actual and significant environmental
9 problem;

10

11 (ii) Determination of reasonable toxicological
12 endpoints;

13

14 (iii) Data demonstrating background conditions
15 and measurable adverse impacts due to pollution;

16

17 (iv) Identification and analysis of the exposure
18 of humans, plants and animals to pollution and the degree
19 of exposure;

20

21 (v) Evaluation of the statistical relevance of
22 toxicity data;

23

1 (vi) Characterization of the nature and severity
2 of the risk and if the risk is acute or chronic;

3

4 (vii) Comparison of data on exposure and
5 effects;

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7 (viii) Calculation of the probability of risk
8 that pollution will cause measurable harm to reasonable
9 toxicological endpoints; and

10

11 (ix) Analyses of the range of alternative risk
12 management decisions and the selection of a recommended
13 decision based upon the identification and evaluation of:

14

15 (A) The reasonableness of the pollution
16 involved;

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18 (B) The character and degree of injury to,
19 or interference with the health and physical well being of
20 the humans, animals and plants;

21

22 (C) The social and economic value of the
23 source of pollution;

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1 (D) The priority of location in the area
2 involved;

3

4 (E) The technical practicability and
5 economic reasonableness of reducing or eliminating the
6 source of the pollution;

7

8 (F) The social welfare and aesthetic value;
9 and

10

11 (G) The effect upon the environment.

12

13 **Section 2.** W.S. 35-11-103(d) by creating new
14 paragraphs (viii) through (x), 35-11-109(a)(iv) and
15 35-11-801(a) are amended to read:

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

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

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22 (viii) "Municipal landfill" means a facility for
23 land disposal primarily for municipal solid wastes
24 resulting from or incidental to residential, community,

1 trade or business activities, including garbage, rubbish,
2 ashes, street sweepings, dead animals, tires, abandoned
3 automobiles and all other solid waste other than industrial
4 wastes;

5

6 (ix) "Risk assessment" means a report prepared
7 by the department in conformance with W.S. 35-11-524(b);

8

9 (x) "Risk management" means a decision made by
10 the department or council pursuant to W.S. 35-11-523 or
11 35-11-524.

12

13 **35-11-109. Powers and duties of director.**

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15 (a) In addition to any other powers and duties
16 imposed by law, the director of the department shall:

17

18 (iv) Conduct, encourage, request and participate
19 in, studies, surveys, investigations, research,
20 experiments, training and demonstrations by contract, grant
21 or otherwise; prepare a risk assessment prior to the
22 adoption, amendment or repeal of any rules, regulations,
23 standards or permitting systems related to or that may
24 affect engineered containment systems at municipal

1 landfills, or upon request of the applicant under W.S.
2 35-11-801(a); prepare and require permittees to prepare
3 reports and install, use and maintain any monitoring
4 equipment or methods reasonably necessary for compliance
5 with the provisions of this act; collect information and
6 disseminate to the public such information as is deemed
7 reasonable and necessary for the proper enforcement of this
8 act; and make risk management decisions in the issuance,
9 denial, amendment, suspension or revocation of permits
10 related to engineered containment systems at municipal
11 landfills, and in the adoption, amendment or repeal of
12 rules, regulations, standards or permitting systems related
13 to or that may affect engineered containment systems at
14 municipal landfills;

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16 **35-11-801. Issuance of permits and licenses.**

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18 (a) When the department has, by rule or regulation,
19 required a permit to be obtained it is the duty of the
20 director to issue such permits upon proof by the applicant
21 that the procedures of this act and the rules and
22 regulations promulgated hereunder have been complied with.
23 In granting permits, the director shall, upon the request
24 of the applicant for a permit related to engineered

1 containment systems at municipal landfills, prepare a risk
2 assessment. In granting permits related to engineered
3 containment systems at municipal landfills, the director
4 shall make risk management decisions and for any permit,
5 may impose such conditions as may be necessary to
6 accomplish the purpose of this act which are not
7 inconsistent with the existing rules, regulations and
8 standards. An administrator shall not issue permits and may
9 issue a license under this act only as specifically
10 authorized in this act.

11

12 **Section 3.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17 (END)