

HOUSE BILL NO. HB0066

Municipal solid waste facilities.

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 facility cease and transfer program;
3 creating criteria for the program; creating municipal solid
4 waste facility cease and transfer accounts; providing
5 qualifications for applicants to receive funds under the
6 program; providing authority for the state loan and
7 investment board to award funds under the program;
8 providing for the department of environmental quality to
9 administer the program; providing that the department shall
10 develop a general permit as specified; providing assistance
11 for closure of small landfills; requiring financial
12 responsibility of municipal solid waste facility operators
13 as specified; requiring financial reporting to the
14 department of environmental quality; providing
15 ineligibility for state funding for failure to perform
16 financial responsibility actions as specified; providing

1 rulemaking authority; providing for reports; providing
2 appropriations; and providing for an effective date.

3

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

5

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

8

9 **35-11-528. Municipal solid waste facilities cease and**
10 **transfer program created; criteria for grants and loans;**
11 **loan terms; availability of other state funding sources.**

12

13 (a) There is created the municipal solid waste
14 facilities cease and transfer program. Grants and loans
15 under the program shall be awarded by the state loan and
16 investment board. The program shall be administered by the
17 solid and hazardous waste division of the department of
18 environmental quality with the input of the waste and water
19 advisory board as provided in W.S. 35-11-528 through
20 35-11-531.

21

22 (b) Grants and loans shall be made from the municipal
23 solid waste facilities cease and transfer accounts for all
24 cease and transfer activities as provided in this section

1 and by rule and regulation of the board. Grants and loans
2 shall be made for:

3

4 (i) Capping of a closed landfill;

5

6 (ii) Other closure related expenses including
7 engineering, geological and other professional services;

8

9 (iii) Construction or acquisition of appropriate
10 solid waste transfer facilities and equipment, including
11 acquisition of real property.

12

13 (c) Total costs of cease and transfer activities for
14 a municipal solid waste facility shall be determined by the
15 department in consultation with the local municipal solid
16 waste facility operator. Grants shall be awarded in an
17 amount determined by the state loan and investment board
18 after consultation with the department and pursuant to the
19 criteria contained in subsection (d) of this section. A
20 municipal solid waste facility which is ceasing operations
21 shall be eligible to receive loans for the costs of cease
22 and transfer activities not funded by a grant pursuant to
23 subsection (e) of this section.

24

1 (d) Grants and loans for cease and transfer
2 activities shall be awarded in an amount determined by the
3 state loan and investment board not to exceed seventy-five
4 percent (75%) of the total cost of all cease and transfer
5 activities of the municipal solid waste facility. The
6 state loan and investment board shall base its
7 determination of the percentage of grants and loans awarded
8 for cease and transfer projects under the program on an
9 equitable distribution of available funds among eligible
10 municipal solid waste landfills and rules and regulations
11 adopted pursuant to W.S. 35-11-530. To be eligible for
12 funding under the program the following criteria shall be
13 met:

14

15 (i) The local operator enters into a written
16 agreement with the department to meet all regulatory
17 obligations under the program;

18

19 (ii) The local operator implements and revises
20 the community's solid waste management plan as necessary to
21 comply with all regulatory obligations;

22

1 (iii) The local operator ceases disposal of all
2 municipal solid waste streams at the closed municipal solid
3 waste facility;

4
5 (iv) The local operator conforms to the
6 requirements of W.S. 35-11-532.

7
8 (e) Loans may be made under the program at zero
9 interest rate, up to an annual interest rate equal to the
10 average prime interest rate as determined in accordance
11 with this subsection. Loans provided under the program
12 shall be adequately collateralized as determined by the
13 state loan and investment board. Principal and interest
14 payments shall be deposited in the budget reserve account.
15 The state loan and investment board shall establish
16 interest rates to be charged for loans under the program,
17 but the interest rate shall not exceed an annual interest
18 rate equal to the average prime interest rate as determined
19 by the state treasurer. To determine the average prime
20 interest rate, the state treasurer shall average the prime
21 interest rate for at least seventy-five percent (75%) of
22 the thirty (30) largest banks in the United States. The
23 interest rate shall be adjusted on January 1 of each year.
24 Interest rates shall be established in recognition of the

1 repayment abilities and needs of the local municipal solid
2 waste facility operator eligible for loans under the
3 program. The state loan and investment board shall
4 establish loan amortization schedules, terms and conditions
5 for each loan approved based on an applicant's need,
6 financial condition of the landfill operator or the entity
7 responsible for solid waste funding, the projected life of
8 the transfer facility and the ability of that entity to
9 repay the loan in a timely manner.

10

11 (f) Participation in the program shall not restrict
12 funding for a municipal solid waste facility from any other
13 program created or supported by the state.

14

15 (g) Funds under the program shall not be expended on:

16

17 (i) Salaries or benefits for employees of the
18 municipal solid waste facility;

19

20 (ii) Long-term monitoring at a closed municipal
21 solid waste facility or a closed cell of a still operating
22 municipal solid waste facility;

23

1 (iii) Operational costs of municipal solid waste
2 facilities.

3

4 **35-11-529. Municipal solid waste facilities cease and**
5 **transfer accounts created; authorized expenditures from the**
6 **accounts.**

7

8 (a) There is created the municipal solid waste cease
9 and transfer grant account. Monies from the account shall
10 be awarded for grants to fund approved activities pursuant
11 to W.S. 35-11-528. Interest earned by this account shall
12 be deposited in the budget reserve account. Notwithstanding
13 W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), funds deposited
14 in this account shall not revert without further action of
15 the legislature.

16

17 (b) There is created the municipal solid waste cease
18 and transfer loan account. Monies from the account shall
19 be awarded for loans to fund approved activities pursuant
20 to W.S. 35-11-528. Interest earned by this account shall
21 be deposited in the budget reserve account.
22 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a),
23 funds deposited in this account shall not revert without
24 further action of the legislature.

1

2 **35-11-530. Rules and regulations.**

3

4 (a) The state loan and investment board in
5 consultation with the department of environmental quality
6 shall promulgate rules and regulations necessary to
7 administer the municipal solid waste facility cease and
8 transfer program. Those rules shall include:

9

10 (i) Criteria for eligibility under the program
11 based on W.S. 35-11-528(d);

12

13 (ii) Specific cease and transfer activities
14 which are eligible for funding under the program;

15

16 (iii) Application form and procedure under the
17 program;

18

19 (iv) Criteria for grant and loan prioritization
20 based on:

21

22 (A) Funding availability;

23

1 (B) Cost efficiencies achieved by
2 allocation of resources;

3

4 (C) Opportunities for increased cost
5 sharing between cease and transfer actions at multiple
6 leaking municipal solid waste facilities;

7

8 (D) Timeliness of cease and transfer
9 actions in reducing risk to public health, safety and
10 welfare or the environment;

11

12 (E) Remaining life of the existing
13 municipal solid waste facility;

14

15 (F) Whether the proposed actions are a
16 cost-effective alternative in accordance with the
17 integrated solid waste management plan approved for the
18 municipal solid waste facility;

19

20 (G) Whether the proposed action is
21 reasonable and appropriate for the current and projected
22 volumes of all solid waste for the area served by the
23 facility;

24

1 (H) Whether the proposal contains recycling
2 and other forms of waste diversion as a component of the
3 proposed facilities and management practices; and
4

5 (J) The likelihood that the cease and
6 transfer actions will reduce or eliminate the threat posed
7 to public health, safety and welfare or the environment by
8 continuing releases.
9

10 **35-11-531. General permit for cease and closure for**
11 **small landfills; rulemaking authority.**
12

13 (a) The department shall develop a general permit in
14 accordance with W.S. 35-11-801(d) for closing municipal
15 solid waste landfills with a total surface area of less
16 than thirty (30) acres, and shall provide assistance to
17 municipalities in the general permitting process. The
18 general permit shall comply with federal requirements for
19 municipal solid waste landfill closure and post-closure.
20

21 (b) The department shall provide assistance for
22 permitting municipal solid waste transfer facility
23 activities at closing municipal solid waste landfills with
24 a total surface area of less than thirty (30) acres.

1

2 (c) The department shall promulgate rules and
3 regulations necessary to achieve the purposes of this
4 section.

5

6 (d) The department shall report to the joint
7 minerals, business and economic development interim
8 committee on or before July 1, 2014 on the assistance
9 provided under subsections (a) and (b) of this section.

10

11 **35-11-532. Municipal solid waste facility operator**
12 **financial responsibility; penalties.**

13

14 (a) Municipal solid waste facility operators shall
15 ensure continued revenue or funding streams sufficient to
16 provide for all foreseeable costs of the facility,
17 including but not limited to the full costs of:

18

19 (i) Operations;

20

21 (ii) Monitoring;

22

23 (iii) Recycling, composting and other diversion
24 activities;

1

2 (iv) Closure; and

3

4 (v) Post-closure activities.

5

6 (b) On or before January 1, 2014 and at least once
7 every four (4) years thereafter, municipal solid waste
8 facility operators shall submit to the department written
9 documentation demonstrating compliance with subsection (a)
10 of this section.

11

12 (c) Municipal solid waste facility operators shall
13 employ generally accepted accounting principles, including
14 the recognition of liabilities associated with:

15

16 (i) Closure and post-closure costs; and

17

18 (ii) The long-term cost of waste disposal
19 compared to recycling, composting or other diversion
20 activities.

21

22 (d) Compliance with this section shall be a
23 prerequisite for eligibility for any state grant and loan
24 program available to a municipal solid waste facility and

1 state funding for solid waste landfill monitoring and
2 remediation.

3

4 **Section 2.**

5

6 (a) Notwithstanding any other provision of law, there
7 is appropriated one million dollars (\$1,000,000.00) from
8 the funds appropriated to the municipal solid waste
9 landfill account by 2011 Wyoming Session Laws, Chapter 88,
10 Section 354, to the municipal solid waste facilities cease
11 and transfer grant account for the purposes of this act.

12

13 (b) Notwithstanding any other provision of law, there
14 is appropriated five hundred thousand dollars (\$500,000.00)
15 from the funds appropriated to the municipal solid waste
16 landfill account by 2011 Wyoming Session Laws, Chapter 88,
17 Section 354, to the municipal solid waste facilities cease
18 and transfer loan account for the purposes of this act.

19

20 (c) There is appropriated fifty thousand dollars
21 (\$50,000.00) from the general fund to the office of state
22 lands and investments for the administration of the
23 municipal solid waste landfill cease and transfer program.
24 Notwithstanding any other provision of law, this
25 appropriation shall not be transferred or expended for any

1 other purpose and any unexpended, unobligated funds
2 remaining from this appropriation shall revert as provided
3 by law on June 30, 2014.

4

5 (d) There is appropriated one hundred fifty thousand
6 dollars (\$150,000.00) from the general fund to the
7 department of environmental quality to fulfill the purposes
8 of this act. Notwithstanding any other provision of law,
9 this appropriation shall not be transferred or expended for
10 any other purpose and any unexpended, unobligated funds
11 remaining from this appropriation shall revert as provided
12 by law on June 30, 2014.

13

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

18

19

(END)