

HOUSE BILL NO. HB0146

Solid and hazardous waste management rulemaking.

Sponsored by: Representative(s) Campbell, Allen, Larsen and
Miller and Senator(s) Bebout

A BILL

for

1 AN ACT relating to public health and safety; amending the
2 authority of the department of environmental quality and
3 the environmental quality council to promulgate rules for
4 solid and hazardous waste management which may be more
5 stringent than equivalent federal regulations; repealing
6 conflicting provisions; and providing for an effective
7 date.

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

10

11 **Section 1.** W.S. 35-11-503(a)(v)(B) and (c) and
12 35-11-536(a)(i) are amended to read:

13

1 **35-11-503. Authority to promulgate rules and**
2 **regulations for solid waste management facilities and for**
3 **the management of hazardous wastes.**

4
5 (a) The director, upon recommendation from the
6 administrator after consultation with the water advisory
7 board, is authorized to recommend that the council
8 promulgate rules, regulations, standards and permit systems
9 for solid waste management facilities in order to protect
10 human health and the environment. The rules, regulations,
11 standards and permit systems shall govern the management of
12 any waste, including liquid, solid, or semisolid waste,
13 which is managed within the boundary of any solid waste
14 management facility, and:

15
16 (v) Shall provide for consistency and
17 equivalency with rules and regulations adopted by the
18 United States environmental protection agency under
19 authority of Subtitle C of the Resource Conservation and
20 Recovery Act, P.L. 94-580, as amended, for those facilities
21 subject to such federal requirements, provided that:

22

1 (B) The imposition of the rules under this
2 paragraph is consistent and equivalent with the imposition
3 of rules by the United States environmental protection
4 agency;~~;~~ ~~except that the director after consultation with~~
5 ~~the administrator may petition the council to determine for~~
6 ~~individual permits or orders that adequate cause exists for~~
7 ~~permit conditions or orders more stringent than federal~~
8 ~~regulations;~~

9
10 (c) Unless and until the council adopts rules
11 pursuant to subsection (a) of this section, for commercial
12 radioactive waste management facilities or a particular
13 classification of commercial radioactive waste management
14 facilities, the director shall rely upon the performance
15 criteria and standards of title 10, part 40, appendix A,
16 and title 40, part 192, subpart D of the Code of Federal
17 Regulations, as of January 1, 1991, as guidance for
18 determining whether an application complies with the act.
19 ~~Nothing in this subsection shall be construed to limit the~~
20 ~~director's authority to impose permit requirements or~~
21 ~~conditions or the council's authority to promulgate rules,~~
22 ~~consistent with this act, which are more stringent than the~~
23 ~~federal regulations referenced.~~

1

2 **35-11-536. Rules and regulations.**

3

4 (a) The council shall promulgate rules and
5 regulations necessary to administer the program after
6 recommendation from the director of the department, the
7 administrator of the solid and hazardous waste division and
8 the water and waste advisory board. The rules shall
9 include but shall not be limited to rules and regulations
10 which:

11

12 (i) Provide for landfill monitoring and
13 remediation system design, construction, installation and
14 monitoring standards which shall be no more and no less
15 stringent than federal requirements;

16

17 **Section 2.** W.S. 35-11-503(a) (v) (A) is repealed.

18

19 **Section 3.** This act is effective July 1, 2016.

20

21

(END)