

HOUSE BILL NO. HB0047

Solid waste-illegal dumping remediation grants.

Sponsored by: Representative(s) Penn and Ottman and
Senator(s) Salazar

A BILL

for

1 AN ACT relating to environmental quality; establishing an
2 illegal dumping remediation grant program; specifying
3 requirements for the program; requiring the department of
4 environmental quality to manage the program; creating an
5 account; requiring reports; providing for the transfer of
6 funds; making conforming amendments; requiring rulemaking;
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 35-11-538 is created to read:

12

13 **35-11-538. Illegal dumping remediation; account; use**
14 **of funds; requirements.**

15

1 (a) As used in this section:

2

3 (i) "Department" means the department of
4 environmental quality;

5

6 (ii) "Government entity" means the state of
7 Wyoming, a city, town, county, the Eastern Shoshone tribe,
8 Northern Arapaho tribe or the cooperative tribal governing
9 body;

10

11 (iii) "Illegal dumping" means the disposal of
12 trash or any solid or liquid waste in a manner that
13 violates state, local or tribal law or regulation;

14

15 (iv) "Illegal dumpsite" means a place where
16 illegal dumping has occurred;

17

18 (v) "Remediation" or "remediate" means all
19 actions necessary to clean up, remove, treat or otherwise
20 address any waste from illegal dumping that is on or in an
21 illegal dumpsite to prevent, minimize or mitigate harm to
22 human health or the environment.

23

1 (b) There is created the illegal dumping remediation
2 grant program. Any government entity, or combination of
3 government entities, may apply for and receive a grant
4 under the program in accordance with the following:

5
6 (i) Each government entity seeking a grant shall
7 apply on a form and in a manner prescribed by the
8 department. The application shall describe the illegal
9 dumping or illegal dumpsites that the government entity
10 seeks to remediate with the grant funds, the proposed
11 methods and standards for remediation of the illegal
12 dumping or dumpsite and the source of the funds the
13 government entity will use to provide the matching funds
14 required under paragraph (v) of this section;

15
16 (ii) The department shall review the application
17 upon receipt and shall determine whether the government
18 entity has demonstrated that there is illegal dumping or an
19 illegal dumpsite to remediate. The environmental quality
20 council, as recommended by the director of the department
21 and the administrator of the solid and hazardous waste
22 management division, shall promulgate rules specifying
23 standards for determining whether a government entity has

1 demonstrated the illegal dumping or illegal dumpsites
2 specified in the government entity's application and
3 specifying criteria by which remediation shall occur;

4

5 (iii) Before awarding a grant under this
6 section, a government entity shall enter into an agreement
7 with the department that specifies how the grant funds will
8 be used to remediate illegal dumping or one (1) or more
9 illegal dumpsites. If the government entity applying under
10 this section is the Eastern Shoshone tribe, Northern
11 Arapaho tribe or the cooperative tribal governing body, the
12 tribe or tribal governing body shall enter into a
13 cooperative agreement with the state of Wyoming before a
14 grant is awarded;

15

16 (iv) Grants awarded under this section shall not
17 exceed one hundred twenty-five thousand dollars
18 (\$125,000.00) for any one (1) government entity;

19

20 (v) Each government entity receiving a grant
21 under this section shall provide a local match in an amount
22 of ten percent (10%) of the total grant awarded;

23

1 (vi) Grants awarded under this section shall be
2 distributed from funds available in the illegal dumping
3 remediation account;

4

5 (vii) A government entity that has expended all
6 funds awarded in a grant under this section may apply to
7 the department for a subsequent grant if necessary to
8 complete remediation;

9

10 (viii) Nothing under this subsection shall
11 prohibit a government entity from applying for and
12 receiving more than one (1) grant for multiple illegal
13 dumpsites;

14

15 (ix) Grant funds awarded under this section
16 shall only be expended to remediate illegal dumping or
17 illegal dumpsites.

18

19 (c) There is created the illegal dumping remediation
20 account. Funds within the account are continuously
21 appropriated to the department to be expended only for
22 purposes of awarding grants to remediate illegal dumping as
23 provided in this section. The director of the department

1 may deposit any applicable federal funds into the account.
2 Funds in the account shall be invested in accordance with
3 law and any earnings shall be deposited into the account.

4

5 (d) Not later than October 1, 2024 and each October 1
6 thereafter that grants are awarded under this section, the
7 department shall report to the joint minerals, business and
8 economic development interim committee on the number of
9 applications received, the number of grants disbursed and
10 the amount of grants disbursed to each government entity
11 for the immediately preceding fiscal year.

12

13 **Section 2.** W.S. 35-11-1424(a)(intro), (vi) by
14 creating a new subparagraph (B), by renumbering
15 subparagraphs (B) and (C) as (C) and (D) and (vii) is
16 amended to read:

17

18 **35-11-1424. Corrective action account created; use of**
19 **monies; cost recovery.**

20

21 (a) There is created the corrective action account.
22 This account is intended to provide for financial assurance
23 coverage required by federal law and shall be used by the

1 department to take corrective action in response to a
2 release and to remediate orphan sites and solid waste
3 landfills. The department shall use monies from the
4 corrective action account as appropriated by the
5 legislature for the administration of this article, W.S.
6 35-11-533 through 35-11-537 and 35-11-1701. Interest earned
7 by this account shall be deposited in the general fund.
8 Monies in the corrective action account may also be used
9 for the state drinking water and water pollution control
10 revolving loan accounts pursuant to W.S. 16-1-201 through
11 16-1-207 and 16-1-301 through 16-1-308 and for the illegal
12 dumping remediation account under W.S. 35-11-538. Except as
13 provided in subsection (p) of this section, and contingent
14 on availability of money in the corrective action account,
15 the director shall distribute monies in the corrective
16 action account to the solid waste landfill remediation
17 account created by W.S. 35-11-535, the illegal dumping
18 remediation account created by W.S. 35-11-538 and the
19 orphan site remediation account created pursuant to W.S.
20 35-11-1701 on July 1 of each specified year in an amount up
21 to:

22

1 (vi) 2024 through 2028 provided that in no event
2 shall monies plus net accounts receivable in the corrective
3 action account on July 1 of any year of this period be less
4 than two million dollars (\$2,000,000.00), the director
5 shall:

6

7 (B) Deposit up to two hundred fifty
8 thousand dollars (\$250,000.00) from the remainder of the
9 monies in the corrective action account into the illegal
10 dumping remediation account created by W.S. 35-11-528;

11

12 ~~(B)~~(C) Deposit up to one million dollars
13 (\$1,000,000.00) from the remainder of the monies in the
14 corrective action account into the orphan site remediation
15 account; and

16

17 ~~(C)~~(D) Deposit the remainder of the monies
18 from the corrective action account into the solid waste
19 landfill remediation account.

20

21 (vii) 2029 and each year thereafter-the director
22 shall determine expected expenditures from the corrective
23 action account for the underground storage tank program for

1 the next fiscal year and retain monies equal to that amount
2 in the corrective action account, with the remainder of the
3 monies being divided and deposited in accordance with the
4 following:

5
6 (A) The director shall deposit up to two
7 hundred fifty thousand dollars (\$250,000.00) from the
8 remainder of the monies in the corrective action account
9 into the illegal dumping remediation account created by
10 W.S. 35-11-528;

11
12 (B) At the director's discretion, the
13 director shall deposit the remainder of the monies into the
14 solid waste landfill remediation account and the orphan
15 site remediation account, but in no event shall monies plus
16 net accounts receivable in the corrective action account on
17 July 1 of any year be less than two million dollars
18 (\$2,000,000.00).

19
20 **Section 3.** The environmental quality council, upon
21 recommendation from the department of environmental
22 quality, shall promulgate all rules necessary to implement
23 this act.

1

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

6

7

(END)