

Proged

HOUSE BILL

AN ACT to amend W.S. 35-11-103(a)(iv) and (v), 35-11-105(a)(iii) and by creating a new paragraph (iv), 35-11-108, 35-11-110(a)(i) and (ix), 35-11-113(a), 35-11-501, 35-11-502 and 35-11-503 relating to solid waste management; establishing the solid waste program as a division; defining terms of the executive secretary of the water quality advisory board; establishing a joint advisory board for water quality and solid waste management; defining rulemaking authority for the solid waste division administrator; and providing for an effective date.

HOUSE BILL 0110

9

Introduced by:

John P. Murtos - Chairman

[illegible]

CONTINUED ON BACK

House of Intro		Second House	
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INTRODUCED

1989

STATE OF WYOMING

89LSO-0062.01

HOUSE BILL NO. 0110

Solid waste division.

Sponsored by: JOINT MINERALS, BUSINESS AND
ECONOMIC DEVELOPMENT INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 35-11-103(a)(iv) and (v),
2 35-11-105(a)(iii) and by creating a new paragraph (iv),
3 35-11-108, 35-11-110(a)(i) and (ix), 35-11-113(a),
4 35-11-501, 35-11-502 and 35-11-503 relating to solid waste
5 management; establishing the solid waste program as a
6 division; defining terms of the executive secretary of the
7 water quality advisory board; establishing a joint advi-
8 sory board for water quality and solid waste management;
9 defining rulemaking authority for the solid waste division
10 administrator; and providing for an effective date.

1 Be It Enacted by the Legislature of the State of Wyoming:

2 Section 1. W.S. 35-11-103(a)(iv) and (v),
3 35-11-105(a)(iii) and by creating a new paragraph (iv),
4 35-11-108, 35-11-110(a)(i) and (ix), 35-11-113(a),
5 35-11-501, 35-11-502 and 35-11-503 are amended to read:

6 35-11-103. Definitions.

7 (a) For the purpose of this act, unless the context
8 otherwise requires:

9 (iv) "Board" means one (1) or more of the
10 advisory boards in each division of air, land, ~~or~~ water
11 quality AND SOLID WASTE MANAGEMENT;

12 (v) "Administrator" means the administrator of
13 each division of air, land, ~~and~~ water quality AND SOLID
14 WASTE MANAGEMENT;

15 35-11-105. Divisions enumerated.

16 (a) The department shall consist of the following
17 divisions:

18 (iii) Land quality division; - AND

19 (iv) SOLID WASTE MANAGEMENT DIVISION.

1 35-11-108. Appointment of director and division
2 administrators; term; salaries; employment of assistants.

3 The governor with the advice and consent of the council
4 shall appoint a director of the department who is the
5 department's executive and administrative head. The direc-
6 tor, with the governor's approval, shall appoint adminis-
7 trators for each of the divisions of SOLID WASTE
8 MANAGEMENT, air, water and land quality, who are the exec-
9 utive and administrative heads of their respective divi-
10 sions and are responsible to and under the control and
11 supervision of the director. The salary and qualifications
12 of each administrator shall be determined by the personnel
13 division. The director, with the advice of the respective
14 administrators, may employ professional, technical and
15 other assistants, along with other employees as may be
16 necessary to carry out the purposes of this act. The gov-
17 ernor may remove the director or any administrator as pro-
18 vided in W.S. 9-1-202.

19 35-11-110. Powers of administrators.

20 (a) The administrators, under the control and super-
21 vision of the director, shall enforce and administer this
22 act and the rules, regulations and standards promulgated
23 hereunder. Each administrator shall have the following

1 powers:

2 (i) To serve as executive secretary of their
3 respective advisory boards without vote, PROVIDED THAT THE
4 ADMINISTRATORS OF THE WATER QUALITY DIVISION AND OF THE
5 SOLID WASTE MANAGEMENT DIVISION SHALL SERVE ALTERNATING
6 ONE (1) YEAR TERMS AS THE EXECUTIVE SECRETARY OF THE WATER
7 QUALITY ADVISORY BOARD;

8 (ix) To recommend to the director, after con-
9 sultation with the appropriate advisory board, that any
10 rule, regulation or standard or any amendment adopted
11 hereunder may differ in its terms and provisions as
12 between particular types, characteristics, quantities,
13 conditions and circumstances of SOLID WASTE MANAGEMENT OR
14 OF air, water or land pollution and its duration, as
15 between particular air, water and land pollution services
16 and as between particular areas of the state;

17 35-11-113. Advisory boards created; membership;
18 removal; terms; meetings; expenses.

19 (a) There is created within the department three (3)
20 advisory boards, one (1) for each division OF AIR AND LAND
21 QUALITY, AND ONE (1) TO JOINTLY ADVISE THE WATER QUALITY
22 AND SOLID WASTE MANAGEMENT DIVISIONS. Each advisory board

1 shall consist of five (5) members appointed by the gover-
2 nor. Each board shall have one (1) member who represents
3 industry, one (1) member who represents agriculture, one
4 (1) member who represents political subdivisions and two
5 (2) members who represent the public interest. Not more
6 than three (3) members of each board shall be from the
7 same political party. The governor may remove any member
8 of any of the advisory boards as provided in W.S. 9-1-202.

9 35-11-501. Other powers and duties of administrator.

10 In addition to the other powers and duties enumerated in
11 this act, the ~~director-of-the-department~~ ADMINISTRATOR OF
12 THE SOLID WASTE DIVISION shall coordinate the activities
13 of all state agencies concerned with solid waste manage-
14 ment and disposal. In this capacity the ~~director~~
15 ADMINISTRATOR shall advise and consult with any person or
16 municipality with respect to provisions of technical
17 assistance in solid waste management technology, including
18 collection, storage and disposal.

19 35-11-502. Solid waste disposal requirements.

20 (a) Every person or municipality that proposes to
21 establish a new solid waste disposal site shall submit to
22 the ~~director~~ SOLID WASTE DIVISION ADMINISTRATOR its pro-
23 posed plans. The plans shall include drawings, specifica-

1 tions and descriptive information in sufficient detail to
2 describe the location, local ground surface, groundwater
3 conditions, distance to roads and all-weather accesses,
4 distances to dwellings and other such technical data suf-
5 ficient for the director to analyze the conditions rele-
6 vant to the disposal site. The ~~director~~ ADMINISTRATOR
7 shall consult, advise and approve the site prior to its
8 use.

9 (b) The ~~director~~ ADMINISTRATOR may request and
10 obtain similar information regarding present sites, for
11 the purpose of determining the adequacy and approvability
12 of existing solid waste disposal sites. The municipality
13 having jurisdiction shall consult with and submit informa-
14 tion to the ~~director~~ ADMINISTRATOR for initial review of
15 the site with respect to its adequacy, absence of water or
16 air quality effect, and overall utility as a disposal
17 site. Any water quality or air quality violation at such
18 existing sites will be cause to require abatement and
19 relocation. Aspects of undesirable, although nonviolating
20 character, such as poor access, aesthetic site management
21 or other such aspects or undesirability shall be cause for
22 the ~~director~~ ADMINISTRATOR to study the site for the pur-
23 pose of recommending improvements.

1 35-11-503. Administrator authorized to promulgate
2 rules and regulations for operation of solid waste dis-
3 posal sites. The ~~direeter~~ SOLID WASTE DIVISION
4 ADMINISTRATOR, after consultation with the ~~land~~ WATER
5 advisory board, is authorized to promulgate rules and reg-
6 ulations for the operation of solid waste disposal sites.
7 The ~~direeter~~ ADMINISTRATOR is also authorized to promul-
8 gate guidelines, recommend procedures and other technical
9 information relevant to the collection, storage, and man-
10 agement of solid wastes.

11 Section 2. This act is effective June 8, 1989.

12 (END)

Solid waste division.

89LSO-0062.C2

FISCAL NOTE

Anticipated REVENUE to:

FY 1990

FY 1991

FY 1992

TOTAL ESTIMATED REVENUE

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Anticipated COST to:

FY 1990

FY 1991

FY 1992

TOTAL ESTIMATED COST

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No apparent fiscal or personnel impact.

HB 110