§ 27-1109. State siting requirements.

1. Within one year from the adoption of the plan required to be prepared pursuant to section 27-1102 of this title, and annually thereafter, the department shall review the implementation of the plan including the status of all existing facilities and all permit applications for new or expanded industrial hazardous waste treatment, storage, or disposal facilities.

2. If, upon completion of its annual review, the department finds that existing facilities alone or in combination with one or more pending or approved facility permit applications are sufficient to meet the schedule identified pursuant to subdivision eight of section 27-1102 of this title the department shall so notify the legislature and the governor, in writing, identifying such existing facilities and new facility applications pending or approved, and stating that no further action is necessary on the part of the state.

3. If, upon completion of its annual review, the department finds that existing facilities alone or in combination with one or more pending or approved new facility permit applications are not sufficient to meet the schedule identified pursuant to subdivision eight of section 27-1102 of this title, the department shall so notify the legislature and the governor in writing identifying in such notice the specific facilities needed to meet such schedule.

4. Upon such finding the department shall, consistent with its responsibilities under this title, immediately undertake measures and actions to assist any interested potential industrial hazardous waste treatment, storage and disposal facility owners and operators in finding an appropriate site or sites, and shall hold public hearings or briefings designed to encourage and facilitate discussion and negotiations among such potential owners and operators and any potential host community for any such facilities.

5. Within six months of a finding pursuant to subdivision three of this section, the department shall report in writing to the governor and

legislature detailing the measures and actions taken pursuant to subdivision four of this section and whether or not such actions have resulted in the filing of facility permit applications sufficient to meet the schedule identified pursuant to subdivision eight of section 27-1102 of this title. If such actions and measures have failed to result in filings sufficient to meet such schedule, the department shall include in its report the reasons for such failure and its recommendations on the actions necessary to meet such schedule including a determination as to the necessity for the state through the environmental facilities corporation under its existing powers or some other mechanism to initiate the siting and construction of those facilities necessary to meet such schedule.

6. Notwithstanding any other provision of this title, no new or pending application for a disposal facility subject to section 27-1105 of this title shall be deemed complete until the department has determined such application is consistent with the facility siting plan adopted pursuant to section 27-1102 of this title.