

ORIGINAL HOUSE
BILL NO. HB0002

ENROLLED ACT NO. 26, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to storage tanks; providing licensure requirements for tank operators, installers and testers; providing closure requirements for temporarily out of use tanks; modifying provisions related to financial assurance coverage; clarifying provisions related to tank fees; providing replacement requirements for specified piping; requiring interstitial monitoring for the lifetime of specified tanks and piping; requiring automatic fuel shutoffs as specified; amending definitions; conforming provisions; providing rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 35-11-1431 and 35-11-1432 are created to read:

35-11-1431. Tank system operators, installers and testers licensing; rulemaking authority.

(a) After recommendation from the director and consultation with the appropriate advisory boards, the council shall promulgate rules and regulations to develop standards for the licensure of all tank system operators, installers and testers. At minimum, those rules and regulations shall:

(i) Prescribe licensure requirements for any person installing, modifying or testing an underground or aboveground storage tank;

(ii) Prescribe class A and B operator licensure requirements which shall include passing a department approved exam;

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35-11-1415. Definitions.

(a) As used in this article:

(iii) "Department" means the department of environmental quality through its ~~water quality~~ solid and hazardous waste division;

(vi) "Owner" means:

(B) In the case of an underground storage tank in use before November 8, 1984, but no longer in use after that date, any person who owned such a tank immediately before the discontinuation of its use; ~~and~~

(D) In the case of a site contaminated by an aboveground or underground storage tank regulated under this article and where all tanks have been permanently closed, any person who owns the site.

(ix) "Underground storage tank" means and includes any one (1) or combination of underground storage tanks, including underground pipes connected thereto, used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground, but does not include:

(D) A pipeline facility, including gathering lines, regulated under:

(III) An intrastate pipeline facility regulated under state laws, ~~comparable to the provisions of law in subdivision (I) or (II) of this paragraph.~~ as

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provided in 49 U.S.C. chapter 601, which is determined by the United States secretary of transportation to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

(IV) 49 U.S.C. chapter 601.

(N) Emergency spill or overflow containment underground storage ~~tanks~~ tank systems that are expeditiously emptied after use;

(x) "This article" means W.S. 35-11-1414 through ~~35-11-1428~~ 35-11-1432;

35-11-1416. Rules and regulations.

(a) The council shall promulgate rules and regulations necessary to administer this article after recommendation from the director of the department, the administrators of the various divisions and their respective advisory boards. The rules shall include but shall not be limited to rules and regulations which:

(ii) Require proof of financial assurance as required by federal law for underground storage tanks;

(x) Require proof of financial assurance for aboveground storage tanks if the owner of the aboveground storage tank desires to be eligible for coverage under the financial responsibility account.

35-11-1425. Tank fee; deposit into corrective action account; late fee.

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(b) On April 1 of each year the department may assess a late payment fee of one hundred dollars (\$100.00) per tank or contaminated site against any owner who has not paid the annual fee required pursuant to subsection (a) of this section or W.S. 35-11-1424(e). This late fee shall be paid by the owner and shall be in addition to the annual fee required pursuant to subsection (a) of this section or W.S. 35-11-1424(e) and shall be deposited in the department's corrective action account.

35-11-1427. Financial responsibility account.

There is created the environmental pollution financial responsibility account. This account is intended to provide for financial assurance coverage required by federal law for underground storage tanks and establish financial assurance coverage for aboveground storage tanks and shall be for the purpose of compensating third parties for damage caused by releases from one (1) or more tanks. Interest earned by the account shall be deposited in the general fund.

35-11-1429. Tank requirements; rulemaking authority.

(d) Double wall underground storage tank system lines with interstitial leak monitoring shall be installed whenever any line is installed on any underground storage tank system. Except piping connected to field-constructed underground storage tank systems with a capacity exceeding fifty thousand (50,000) gallons or piping that is used for an airport hydrant system, if existing single wall underground piping connected to an underground storage tank system fails due to corrosion or fails and has been recalled by the manufacturer, the entire run of single wall piping shall be replaced with double wall piping with

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interstitial monitoring regardless of the length of piping requiring repair.

(f) A double wall and interstitially monitored underground storage tank or underground piping installed after December 1, 2005, shall be interstitially monitored for the lifetime of the tank or piping.

(g) Except essential homeland security systems, emergency generator systems and systems used for other disaster relief efforts, if a new piping interstitial monitoring system is installed and sump sensors are used as standalone automatic leak detectors, the system shall be configured to shut off the flow of product in that piping run when a sump sensor triggers an alarm.

Section 3. W.S. 35-11-1415(a)(ix)(D)(I) and (II) is repealed.

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Section 4. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk