

ORIGINAL SENATE
FILE NO. SF0018

ENROLLED ACT NO. 1, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to environmental quality; providing funding mechanisms for orphan site remediation; amending a report requirement; creating an orphan site remediation account; repealing a provision; and providing for an effective date.

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

Section 1. W.S. 16-1-206(b) and (c), 35-11-1424(a), (p) (intro) and (q) and 35-11-1701(a) and by creating a new subsection (h) are amended to read:

16-1-206. Financial assistance priorities.

(b) If there are no publicly owned wastewater treatment works identified as not being in compliance with the Water Pollution Control Act, 33 U.S.C. § 1251 et seq., then the monies in the account shall initially be used for noninterest bearing loans to the department for taking corrective actions at leaking underground and aboveground storage tank sites, orphan site remediation and solid waste landfill remediation as provided by W.S. 35-11-1424.

(c) Principal payments to the account from loans made for corrective actions at leaking underground and aboveground storage tank sites, orphan site remediation and remediation at solid waste landfills may be used for any purposes authorized in this article.

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

(a) There is created the corrective action account. This account is intended to provide for financial assurance coverage required by federal law and shall be used by the department to take corrective action in response to a

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release and to remediate orphan sites and solid waste landfills. The department shall use monies from the corrective action account as appropriated by the legislature for the administration of this article, and W.S. 35-11-533 through 35-11-537 and 35-11-1701. Interest earned by this account shall be deposited in the general fund. Monies in the corrective action account shall also be used for the state water pollution control revolving loan account pursuant to W.S. 16-1-201 through 16-1-207. Except as provided in subsection (p) of this section, and contingent on availability of money in the corrective action account, the director shall distribute monies in the corrective action account to the solid waste landfill remediation account created by W.S. 35-11-535 and the orphan site remediation account created pursuant to W.S. 35-11-1701 on July 1 of each specified year in an amount not less than up to:

(i) 2019 - ~~two million dollars (\$2,000,000.00)~~ one million dollars (\$1,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(ii) 2020 - ~~five million dollars (\$5,000,000.00)~~ four million dollars (\$4,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(iii) 2021 - ~~six million dollars (\$6,000,000.00)~~ five million dollars (\$5,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(iv) 2022 - ~~six million dollars (\$6,000,000.00)~~ five million dollars (\$5,000,000.00) to the solid waste

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landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(v) 2023 - ~~seven million dollars (\$7,000,000.00)~~
six million dollars (\$6,000,000.00) to the solid waste landfill remediation account and one million dollars (\$1,000,000.00) to the orphan site remediation account;

(vi) 2024 ~~and each year thereafter through 2028~~
- provided that in no event shall monies in the corrective action account on July 1 of any year of this period be less than two million dollars (\$2,000,000.00), the director shall:

(A) Determine expected expenditures from the corrective action account for the underground storage tank program for the next fiscal year and retain monies equal to that amount in the corrective action account;
~~with~~

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

(C) Deposit the remainder of the monies ~~deposited to~~ from the corrective action account into the solid waste landfill remediation account, ~~but in no event shall monies in the corrective action account on July 1 of any year be less than five million dollars (\$5,000,000.00).~~

(vii) 2029 and each year thereafter - the director shall determine expected expenditures from the corrective action account for the underground storage tank program for the next fiscal year and retain monies equal to

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that amount in the corrective action account, with the remainder of the monies being divided and deposited at the director's discretion into the solid waste landfill remediation account and the orphan site remediation account, but in no event shall monies in the corrective action account on July 1 of any year be less than two million dollars (\$2,000,000.00).

(p) The director is authorized to withhold distributions from the corrective action account to the ~~municipal~~-solid waste remediation account and the orphan site remediation account as provided in subsection (a) of this section in the event of:

(q) The director shall submit a report to the joint minerals, business and economic development interim committee by June 15, 2019 and by June 15 of every year thereafter, describing the amount to be withheld in the corrective action account pursuant to ~~subsection~~ subsections (a) and (p) of this section, and the factors used in making ~~that determination~~ those determinations, and describing the distributions of monies from the corrective action account to the solid waste landfill remediation account and the orphan site remediation account.

35-11-1701. Orphan site remediation; account created.

(a) There is created an orphan site remediation account. The director may expend funds contained within the account ~~under W.S. 35-11-424(a)~~ for the purpose of remediation of orphan sites and the performance of any other activity as defined in this article.

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(h) The director may transfer funds in the account under W.S. 35-11-424(a) to the orphan site remediation account.

Section 2. W.S. 35-11-1424(r) is repealed.

Section 3. This act is effective July 1, 2018.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk