

## Wyoming Storage Tank Program

Wyoming DEQ Storage Tank Program (STP) web page:

<https://deq.wyoming.gov/shwd/storage-tank/>

The Wyoming Department of Environmental Quality (WDEQ) Solid and Hazardous Waste Division's Storage Tank Program (STP) has been actively remediating contaminated sites since 1991. The STP also has an active inspection program to monitor compliance with regulations, as provided by Article 14 of the Wyoming Environmental Quality Act (Storage Tanks, W.S. § 35-11-1414 through 1432) and Wyoming Solid and Hazardous Waste Division Rules and Regulations, Chapter 1 Storage Tank Program, Storage Tanks (Chapter 1).

In order to provide the required funding, the Wyoming legislature created the storage tank corrective action account (W.S. § 35-11-1424) and the financial responsibility account (W.S. § 35-11-1427), as appropriated biennially. The corrective action account (CAA) provides funds necessary to clean up releases, while the financial responsibility account (FRA) provides financial assurance for impacts to third parties resulting from a release, as required by federal law. Revenue into the CAA for site remediation comes from a mineral royalty offset equal to one cent per gallon of gasoline or diesel sold. Additional funds come from an EPA grant, contaminated site fees, and tank fees.

The CAA and FRA provide an affordable financial mechanism for Wyoming storage tank owners and operators to meet federal financial assurance requirements. The DEQ remediates eligible contaminated storage tank sites as funding in the CAA allows and as staff are available to manage new projects.

### Wyoming Structure:

The two primary functions of the program are to

1. Ensure tank system owners and operators are in compliance.
2. Oversee corrective actions and remediation at eligible sites.

The STP Compliance Section performs on-site storage tank inspections to ensure STP-regulated tanks are installed and operated in accordance with rules and regulations. The STP's Compliance Section tracks every required test for every tank. Operators are notified in writing before a test is due to give them time to have the test done. Owner/operators that do not complete the required tests are subject to enforcement action. The STP initiates enforcement within six (6) months of a test becoming overdue. Violations are discussed with owners and operators, and the STP attempts to bring the facility into compliance without the need for formal enforcement action.

The STP Remediation Section coordinates cleanups at sites contaminated by eligible leaking aboveground and underground storage tanks. Prequalified remediation consultants and

contractors assist the STP with the remediation work. The STP performs remediation at both the source site and third-party sites impacted by the contamination.

The STP selects consulting firms qualified in the design and operation of remediation systems to mitigate impacts to soil and groundwater from leaking aboveground and underground storage tank systems. The STP selects consulting firms to complete site assessments, identify remedial alternatives, design remedial actions, perform construction management during system installation, perform operation and maintenance (O&M), and complete decommissioning and closeout when goals have been achieved.

Compliance, remediation, and CAA funds are managed within the Wyoming DEQ, with the Administration Division providing management services in coordination with the Solid & Hazardous Waste Division. The department's director is authorized by W.S. § 35-11-109(ix) to accept, receive and administer these funds.

**Eligibility / Copay - \$0:** Corrective Action Account - For a site to be eligible for use of monies in the corrective action account, the owner or operator of the site shall, if required, pay the tank fee required by W.S. 35-11-1425, (200\$ per tank before Jan 1 of each year), conduct a minimum site assessment, as defined by rule and regulation, and, if contamination is found, take action to prevent continuing contamination. The department shall notify all owners and operators on record at the department of the minimum site assessment requirements. Sites which do not meet the eligibility requirements specified in this subsection shall not be eligible for use of any monies in the corrective action account. Owners and operators of these ineligible sites shall not use the corrective action account for proof of financial assurance for the sites. Pending determination of the site's eligibility, the department may use corrective action account monies for corrective actions at a contaminated site.

See Article 14, Section 35-11-1424 at the following link:

<https://law.justia.com/codes/wyoming/2011/title35/chapter11/section35-11-1424/>

Costs incurred by owners and/or operators to contain and/or cleanup surface spills and/or overfills are not eligible for remediation using the CAA. Releases that occur within a dispenser cabinet at or above the fire valve are considered surface spills and are also not eligible for cleanup under the CAA. Releases that occur below the fire valve are considered releases from piping and are eligible for cleanup under the CAA.

Wyoming STP does not reduce release eligibility to the CAA. The Corrective Action Account does not receive the monetary penalties associated with STP enforcement actions.

### **Fund Structure from Wyoming website**

Wyoming SRF Synopsis web link:

[https://deq.wyoming.gov/shwd/storage-tank/remediation/?wpcp\\_link=JTdCJTlyc291cmNIJTlyJTNBJTlyNDA5MTEzZDE1OTM0NWQxNzY3](https://deq.wyoming.gov/shwd/storage-tank/remediation/?wpcp_link=JTdCJTlyc291cmNIJTlyJTNBJTlyNDA5MTEzZDE1OTM0NWQxNzY3)

[M2VkNGY5ZWFiZWQ0N2UIMjllMkMIMjJhY2NvdW50X2lkJTlyJTNBJTlyMTEzMTQyMjM3OTUwMTUyNjI3MzcyJTlyJTJDJTlybGFzdEZvbGRlciUyMiUzQSUyMjFBMzE5bDVkcDBkRmlyTmxhUHdqVVdYQWZJR2VTUWVoMCUyMiUyQyUyMmZvbGRlciBhdGglMjllM0EIMjJXeUI4UVRNeE9XdzFaSEF3WkVacGNrNXNZVklzYWxWWGNrRm1TVWRsVTFGbGFGEQWYUSUzRCUzRCUyMiUyQyUyMmZvY3VzX2lkJTlyJTNBJTlyMWh0LUtLcVdjY2NBdnEyQktkZ2lOOUZRN0tKRnNOWlhNJTlyJTdE](https://deq.wyoming.gov/shwd/storage-tank/remediation/?wpcp_link=JTdCJTlyc291cmNIJTlyJTNBJTlyNDA5MTEzZDE1OTM0NWQxNzY3M2VkNGY5ZWFiZWQ0N2UIMjllMkMIMjJhY2NvdW50X2lkJTlyJTNBJTlyMTEzMTQyMjM3OTUwMTUyNjI3MzcyJTlyJTJDJTlybGFzdEZvbGRlciUyMiUzQSUyMjFBMzE5bDVkcDBkRmlyTmxhUHdqVVdYQWZJR2VTUWVoMCUyMiUyQyUyMmZvbGRlciBhdGglMjllM0EIMjJXeUI4UVRNeE9XdzFaSEF3WkVacGNrNXNZVklzYWxWWGNrRm1TVWRsVTFGbGFGEQWYUSUzRCUzRCUyMiUyQyUyMmZvY3VzX2lkJTlyJTNBJTlyMWh0LUtLcVdjY2NBdnEyQktkZ2lOOUZRN0tKRnNOWlhNJTlyJTdE)

**Wyoming State Revolving Fund Figure:**

[https://deq.wyoming.gov/shwd/storage-tank/remediation/?wpcp\\_link=JTdCJTlyc291cmNIJTlyJTNBJTlyNDA5MTEzZDE1OTM0NWQxNzY3M2VkNGY5ZWFiZWQ0N2UIMjllMkMIMjJhY2NvdW50X2lkJTlyJTNBJTlyMTEzMTQyMjM3OTUwMTUyNjI3MzcyJTlyJTJDJTlybGFzdEZvbGRlciUyMiUzQSUyMjFBMzE5bDVkcDBkRmlyTmxhUHdqVVdYQWZJR2VTUWVoMCUyMiUyQyUyMmZvbGRlciBhdGglMjllM0EIMjJXeUI4UVRNeE9XdzFaSEF3WkVacGNrNXNZVklzYWxWWGNrRm1TVWRsVTFGbGFGEQWYUSUzRCUzRCUyMiUyQyUyMmZvY3VzX2lkJTlyJTNBJTlyMUtMTXVOak92WUFGNmVmMjtaWxFTUVtYnBGNE9WcW50JTlyJTdE](https://deq.wyoming.gov/shwd/storage-tank/remediation/?wpcp_link=JTdCJTlyc291cmNIJTlyJTNBJTlyNDA5MTEzZDE1OTM0NWQxNzY3M2VkNGY5ZWFiZWQ0N2UIMjllMkMIMjJhY2NvdW50X2lkJTlyJTNBJTlyMTEzMTQyMjM3OTUwMTUyNjI3MzcyJTlyJTJDJTlybGFzdEZvbGRlciUyMiUzQSUyMjFBMzE5bDVkcDBkRmlyTmxhUHdqVVdYQWZJR2VTUWVoMCUyMiUyQyUyMmZvbGRlciBhdGglMjllM0EIMjJXeUI4UVRNeE9XdzFaSEF3WkVacGNrNXNZVklzYWxWWGNrRm1TVWRsVTFGbGFGEQWYUSUzRCUzRCUyMiUyQyUyMmZvY3VzX2lkJTlyJTNBJTlyMUtMTXVOak92WUFGNmVmMjtaWxFTUVtYnBGNE9WcW50JTlyJTdE)

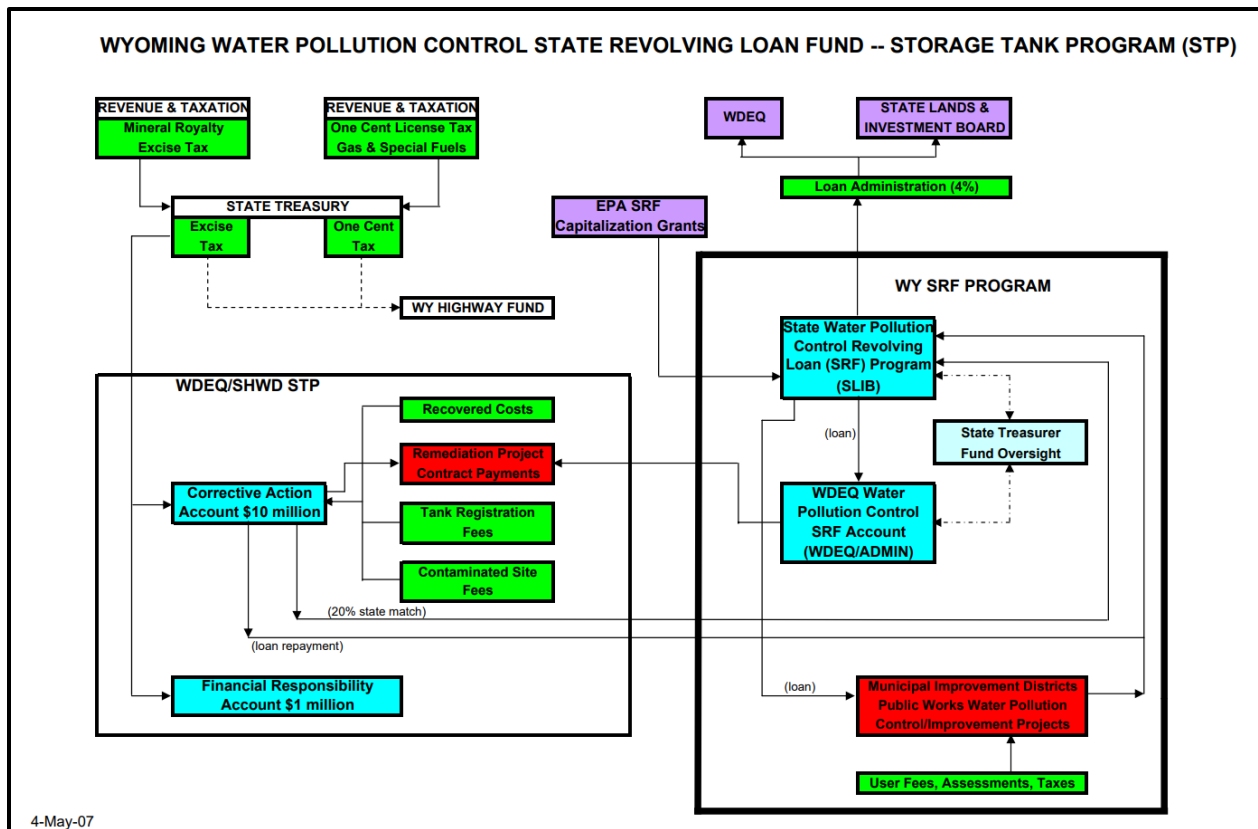
**Storage Tank Program – Remediation Projects – State Revolving Fund**

“Because the state had met its SRF first-time use requirement for secondary wastewater treatment and there was little need for continued use of the funds for wastewater treatment project modifications, a remediation program at leaking tank sites was established within the non-point source management plan. This remediation program, which is part of the Storage Tank Program (STP), is within the WDEQ/Solid & Hazardous Waste Division (SHWD). State legislation (W.S. 16-1-201 through 16-1-207) established the SRF program with first-time use of the funds for corrective action at STP sites. There is also a provision that allows initial use of the SRF for wastewater treatment plant improvements at plants not in compliance with the CWA. The State Lands & Investment Board (SLIB) administers the SRF and receives the 20% state match from the STP Corrective Action Account (CAA). The CAA funds are derived from an offset from the state Mineral Royalty Trust Account equal to an amount generated by a 1-cent tax on gasoline and special fuels marketed in Wyoming.

The SLIB makes annual loans (approximately \$11 million per year) to the WDEQ for use in making contract payments to consultants and contractors working at program-eligible STP sites. The WDEQ is responsible for project management and contract administration for the remediation work, the annual SRF status report to EPA, and development of the Intended Use Plan for remediation work. Repayment of the WDEQ’s SRF loan comes from the CAA. Unexpended funds in the SRF account are invested by the State Treasurer with earned interest returned to the account. The principal and earned interest from loans made out of the account are also returned to the SRF.

After funds have been used for program-eligible STP projects and have been repaid to the account, those repaid funds are available for multiple reuse, low interest loans to municipalities or other state agencies for water pollution control projects.”

A flow chart showing the SRF and STP cash flow



**Professional Services Procurement Process:** Wyoming STP has a procurement process for selecting of and procuring services from consulting firms for STP remediation projects. The STP Manager and a selection committee reach an understanding of the qualifications sought for the project and complete a scoring evaluation to award projects.

The STP selects consulting firms qualified in the design and operation of remediation systems to mitigate impacts to soil and groundwater from leaking aboveground and underground storage tank systems. The STP selects consulting firms to complete site assessments, identify remedial alternatives, design remedial actions, perform construction management during system installation, perform operation and maintenance (O&M), and complete decommissioning and closeout when goals have been achieved.

Projects typically involve five phases:

1. Subsurface investigation to determine the magnitude and extent of the contamination (costs included in proposal)
2. Engineering design of remedial alternatives (costs included in proposal)
3. Construction and equipment supply for the designed systems (involves a cost-benefit analysis that is completed after the contract is awarded)
4. Operation and maintenance of the systems
5. Site closure after state soil and groundwater standards have been met

- The solicitation identifies all stages of work, and the contract is renewed every several years, depending on the completion of milestones.
- The project is amended as needed, if there are too many amendments or they are questionable, the project can go back out to the bid process
- Project is defined as multiple releases and sites, so an RFP doesn't just cover one release.

**Rates:** Not applicable – Rates are not set by STP - Bid process see Professional Services Procurement Process.

**Claim Process:** Payments are reviewed and approved by the STP project managers. Funds are paid through the Wyoming DEQ Administration Division staff.

**Inability to Pay sites:** Same process.

**Open sites:** 272 as of February 28, 2022 – does not include impacted third-party sites

**Deductible:** \$0 copay - no deductible

**Fund from:** State Revolving Loan Account

#### **What is the role of the fund in WY?**

The CAA does not have any dedicated FTEs. The CAA pays salary and fringe benefits as calculated by DEQ's Comptroller.