

SENATE FILE NO. SF0049

Industrial siting-expiration of permit.

Sponsored by: Senator(s) Case and Schiffer and  
Representative(s) Madden

A BILL

for

1 AN ACT relating to environmental quality; providing that  
2 permits issued for the construction of any industrial  
3 facility shall expire absent substantial performance under  
4 the permit as specified; providing for an extension of an  
5 industrial facility permit to meet the substantial  
6 performance requirement as specified; providing for  
7 judicial review; providing a definition; providing for  
8 applicability; and providing for an effective date.

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

11

12 **Section 1.** W.S. 35-12-102(a) by creating a new  
13 paragraph (xvi), 35-12-113 by creating a new subsection (j)  
14 and 35-12-116(a)(ii), (iii) and by creating a new paragraph  
15 (iv) are amended to read:

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1           **35-12-102. Definitions.**

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3           (a) As used in this chapter:

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5                   (xvi) "Substantial performance" means expending  
6 twenty-five percent (25%) or more of the estimated  
7 construction cost of the facility as determined by the  
8 council pursuant to W.S. 35-12-113(a) within two (2) years  
9 from the date the permit issued.

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11           **35-12-113. Decision of council; findings necessary**  
12 **for permit conditions imposed; service of decision on**  
13 **parties; waste management surcharge.**

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15                   (j) A permit granted under this section shall expire  
16 two (2) years from the date the permit issued if  
17 substantial performance of the project has not been  
18 achieved. The council, upon motion of the permit holder,  
19 shall grant a one (1) year extension to complete  
20 substantial performance under the permit if it determines  
21 that it is reasonably likely that substantial performance  
22 will occur under the permit within the one (1) year  
23 extension. A determination under this section shall be

1 considered a final decision for purposes of judicial review  
2 pursuant to W.S. 35-12-114(b).

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4 **35-12-116. Revocation or suspension of permit.**

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6 (a) A permit may be revoked or suspended for:

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8 (ii) Failure to comply with the terms or  
9 conditions of the permit after notice of the failure from  
10 the office and reasonable opportunity to correct the  
11 failure;~~or~~

12  
13 (iii) Violation of this chapter, the regulations  
14 issued pursuant to this chapter or orders of the council or  
15 office;~~or~~ or

16  
17 (iv) Failure to meet the requirements of  
18 substantial performance under W.S. 35-12-113(j).

19  
20 **Section 2.** This act shall apply to applications for  
21 the construction of industrial facilities filed with the  
22 industrial siting council on and after July 1, 2013.

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