

HOUSE BILL NO. HB0002

Storage tanks.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

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

12

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

14

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

3

4 **35-11-1431. Tank system operators, installers and**
5 **testers licensing; rulemaking authority.**

6

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

13

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

17

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

21

22 (iii) Prescribe training requirements for class
23 C operators;

1

2 (iv) Require at least one (1) person present on
3 the job site to be licensed by the department to install or
4 modify a tank system.

5

6 **35-11-1432. Temporarily out of use tanks; rulemaking.**

7

8 Except tanks within operating facilities, any underground
9 or aboveground storage tank that has been temporarily out
10 of use for more than twelve (12) months shall be
11 permanently closed in accordance with department rule and
12 regulation not later than twelve (12) months after the date
13 on which the tank is placed in temporarily out of use
14 status or July 1, 2018, whichever is later, unless a time
15 extension is authorized in writing by the department.

16

17 **Section** 2. W.S. 35-11-103(a)(xiii),
18 35-11-1415(a)(iii), (vi)(B), by creating a new subparagraph
19 (D), (ix)(D)(III), by creating a new subdivision (IV), (N)
20 and (x), 35-11-1416(a)(ii) and by creating a new paragraph
21 (x), 35-11-1425(b), 35-11-1427 and 35-11-1429(d) and by
22 creating new subsections (f) and (g) are amended to read:

23

1 **35-11-103. Definitions.**

2

3 (a) For the purpose of this act, unless the context
4 otherwise requires:

5

6 (xiii) "This act" means W.S. 35-11-101 through
7 35-11-403, 35-11-405, 35-11-406, 35-11-408 through
8 35-11-1106, 35-11-1414 through ~~35-11-1428~~ 35-11-1432,
9 35-11-1601 through 35-11-1613, 35-11-1701, 35-11-1801
10 through 35-11-1803 and 35-11-2001 through 35-11-2004.

11

12 **35-11-1415. Definitions.**

13

14 (a) As used in this article:

15

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

19

20 (vi) "Owner" means:

21

22 (B) In the case of an underground storage
23 tank in use before November 8, 1984, but no longer in use

1 after that date, any person who owned such a tank
2 immediately before the discontinuation of its use; ~~and~~

3
4 (D) In the case of a site contaminated by
5 an aboveground or underground storage tank regulated under
6 this article and where all tanks have been permanently
7 closed, any person who owns the site.

8
9 (ix) "Underground storage tank" means and
10 includes any one (1) or combination of underground storage
11 tanks, including underground pipes connected thereto, used
12 to contain an accumulation of regulated substances, and the
13 volume of which, including the volume of the underground
14 pipes connected thereto, is ten percent (10%) or more
15 beneath the surface of the ground, but does not include:

16
17 (D) A pipeline facility, including
18 gathering lines, regulated under:

19
20 (III) An intrastate pipeline facility
21 regulated under state laws, ~~comparable to the provisions of~~
22 ~~law in subdivision (I) or (II) of this paragraph. as~~
23 provided in 49 U.S.C. chapter 601, which is determined by

1 the United States secretary of transportation to be
2 connected to a pipeline or to be operated or intended to be
3 capable of operating at pipeline pressure or as an integral
4 part of a pipeline;

5
6 (IV) 49 U.S.C. chapter 601.

7
8 (N) Emergency spill or overflow containment
9 underground storage ~~tanks~~ tank systems that are
10 expeditiously emptied after use;

11
12 (x) "This article" means W.S. 35-11-1414 through
13 ~~35-11-1428~~ 35-11-1432;

14
15 **35-11-1416. Rules and regulations.**

16
17 (a) The council shall promulgate rules and
18 regulations necessary to administer this article after
19 recommendation from the director of the department, the
20 administrators of the various divisions and their
21 respective advisory boards. The rules shall include but
22 shall not be limited to rules and regulations which:

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

3
4 (x) Require proof of financial assurance for
5 aboveground storage tanks if the owner of the aboveground
6 storage tank desires to be eligible for coverage under the
7 financial responsibility account.

8
9 **35-11-1425. Tank fee; deposit into corrective action**
10 **account; late fee.**

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

21
22 **35-11-1427. Financial responsibility account.**
23

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

10

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

12

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

1 interstitial monitoring regardless of the length of piping
2 requiring repair.

3
4 (f) A double wall and interstitially monitored
5 underground storage tank or underground piping installed
6 after December 1, 2005, shall be interstitially monitored
7 for the lifetime of the tank or piping.

8
9 (g) Except essential homeland security systems,
10 emergency generator systems and systems used for other
11 disaster relief efforts, if a new piping interstitial
12 monitoring system is installed and sump sensors are used as
13 standalone automatic leak detectors, the system shall be
14 configured to shut off the flow of product in that piping
15 run when a sump sensor triggers an alarm.

16
17 **Section 3.** W.S. 35-11-1415(a)(ix)(D)(I) and (II) is
18 repealed.

19
20 **Section 4.** This act is effective July 1, 2017.

21
22 (END)