

SENATE FILE NO. SF0025

Reclamation and decommissioning costs.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to public utilities; requiring a study
2 identify already incurred liabilities for the
3 decommissioning and cleanup of coal fired electric
4 generation facilities as specified; requiring a study and
5 reports; and providing for an effective date.

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

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9 **Section 1.** W.S. 37-2-135 is created to read:

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11 **37-2-135. Reclamation and decommissioning costs;**
12 **identification of costs already recovered in rates;**
13 **specifying the responsibility for additional reclamation**
14 **costs.**

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1 (a) This section shall apply to each coal fired
2 electric generation facility, regardless of size, that is
3 identified in the public utility's integrated resource plan
4 submitted to the commission before September 30, 2023 as
5 scheduled for retirement, closure or conversion to another
6 fuel source including natural gas or nuclear energy before
7 January 1, 2034. This section shall apply to the expected
8 costs of decommissioning all units of the facility and
9 reclaiming the site at the facility, including but not
10 limited to any costs related to fly ash, hazardous waste or
11 other solid or liquid waste disposal sites for which the
12 present or any future owner of the facility site is likely
13 to be liable for damages and cleanup costs.

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15 (b) For facilities subject to subsection (a) of this
16 section, the department of environmental quality shall
17 undertake a review and analysis of the studies relied on by
18 the commission relating to the decommissioning costs
19 specified in subsection (a) of this section. The objective
20 of the review and analysis shall be to determine if the
21 studies adequately identified likely decommissioning issues
22 and their costs. The review and analysis shall concentrate
23 on problems potentially created by the disposal of fly ash

1 and other waste disposal in the period before the
2 implementation of modern waste disposal practices including
3 the time before the creation of the department of
4 environmental quality. The review and analysis shall seek
5 to identify risks or problems that may have a substantial
6 impact on either electricity rates or the ability to use
7 the facility in question for other purposes. The department
8 of environmental quality shall conduct the initial review
9 and analysis with existing staff and resources. If
10 appropriate, the department shall recommend any further
11 investigation and study need related to potential problems.

12

13 **Section 2.**

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15 (a) The department of environmental quality shall
16 report to the joint minerals, business and economic
17 development interim committee and to the joint
18 corporations, elections and political subdivisions interim
19 committee:

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21 (i) Not later than September 1, 2024 with a
22 report and status update on the study required under this

1 section. The update may include any requests for an
2 additional appropriation to complete the study; and

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4 (ii) A final report not later than September 1,
5 2025.

6

7 **Section 3.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

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12

(END)