

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; specifying  
5 responsibility for additional decommissioning and cleanup  
6 costs; requiring a study and reports; providing an  
7 appropriation; and providing for an effective date.

8

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

10

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

12

13 **37-2-135. Reclamation and decommissioning costs;**  
14 **identification of costs already recovered in rates;**

1 **specifying the responsibility for additional reclamation**  
2 **costs.**

3

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

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18 (b) For facilities subject to subsection (a) of this  
19 section, the commission shall undertake an analysis of the  
20 extent to which rates charged by the public utility before  
21 the effective date of this section included rate recovery  
22 for decommissioning and reclamation costs. In conducting an  
23 analysis under this subsection:

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2 (i) The commission shall consider rates charged  
3 in Wyoming and all other states where power generated by  
4 the facility was sold. For rates charged outside of  
5 Wyoming, the commission may impute a share of the rate for  
6 decommissioning and reclamation similar to that charged in  
7 Wyoming if the rate setting practices of the relevant state  
8 or an applicable multi-state protocol justify this  
9 treatment;

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11 (ii) If the commission is unable to reasonably  
12 separate the amounts for reclamation that were charged to  
13 customers for power from a specific facility or a unit  
14 thereof from those charged for all Wyoming facilities or  
15 units of the public utility, the total for all units and  
16 facilities owned by the public utility in Wyoming shall be  
17 identified;

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19 (iii) The commission may, to the extent useful,  
20 hire outside consultants and assess their costs to the  
21 utility involved.

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1           (c) To the extent rates charged by the public utility  
2 before the effective date of this section did not fully  
3 cover or include decommissioning and reclamation costs for  
4 a facility subject to subsection (a) of this section,  
5 recovery for any additional decommissioning and recovery  
6 costs in Wyoming shall be limited to a portion of the costs  
7 equal to the portion of the power generated from the  
8 facility that was provided to ratepayers in Wyoming.

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10           **Section 2.**

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12           (a) The public service commission, in consultation  
13 with the department of environmental quality, shall  
14 complete a study for each coal fired electric generation  
15 facility that is or potentially may be subject to this act,  
16 including any facility that was closed, retired or  
17 converted to a new fuel source after January 1, 2018 if  
18 reclamation has not been completed, to determine the  
19 reclamation and decommissioning obligations related to the  
20 facility or each unit thereof. The study shall identify the  
21 needs for reclamation and decommissioning of the facility  
22 and how those needs can best be met.

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1           (b) The public service commission and the department  
2 of environmental quality shall report to the joint  
3 minerals, business and economic development interim  
4 committee and to the joint corporations, elections and  
5 political subdivisions interim committee:

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7           (i) Not later than September 1, 2024 with a  
8 report and status update on the study required under this  
9 section. The update may include any requests for an  
10 additional appropriation to complete the study; and

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12           (ii) A final report not later than September 1,  
13 2025.

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15           (c) There is appropriated five hundred thousand  
16 dollars (\$500,000.00) from the general fund to the public  
17 service commission for the purpose of completing the study  
18 and report as required under this section. This  
19 appropriation shall be for the period beginning with the  
20 effective date of this act and ending June 30, 2026. This  
21 appropriation shall not be transferred or expended for any  
22 other purpose and any unexpended, unobligated funds  
23 remaining from this appropriation shall revert as provided

1 by law on June 30, 2026. It is the intent of the  
2 legislature that this appropriation not be included in the  
3 commission's standard budget for the immediately succeeding  
4 fiscal biennium.

5

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

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11

(END)