

**WYOMING STORAGE TANK PROGRAM
REMEDATION SECTION OVERVIEW
May 4, 2007**

In 1990, the Leaking Underground Storage Tank Program (now known as the Storage Tank Program [STP]) was implemented by passage of W.S. 35-11-1414 through 35-11-1428. This legislation made the state responsible for remediation of releases from regulated underground storage tanks (USTs). Additionally, the state was to provide federally mandated financial responsibility to each eligible tank system owner. In 1995, legislative amendments to the statutes made certain aboveground storage tanks (ASTs) eligible for the state remediation program. Eligible ASTs are those that dispense gasoline and/or diesel fuel directly to the public and have Wyoming Department of Transportation (WYDOT) licenses to collect state fuel taxes.

The STP rules and regulations apply to all regulated storage tanks in Wyoming. Storage tank owners/operators are entitled to the state corrective action program if they register their tank(s), pay applicable fees, and complete a minimum site assessment (if applicable). State management of remediation is optional for owners; however, almost no tank system owners have elected to complete cleanup at their expense.

The STP receives approximately \$11 million annually for the corrective action and financial responsibility accounts. To make the best use of these funds, the program was implemented by prioritizing contaminated sites and clustering a number of sites and third party affected sites into projects managed by the STP. Prioritization is based on the severity of the release. A priority ranking score is calculated for each site based on the degree of immediate adverse health exposure and safety hazards to people in nearby buildings, protection of public utilities, protection of groundwater and surface water, potential for contaminant migration, and ecological protection. Contaminated sites with the highest scores become the highest priority for corrective action. However, lower priority sites are grouped with higher priority sites when projects are developed. This is a cost effective way to complete remediation based on location. The average number of source sites within a project is 12.

After a project is identified and funding is available, WDEQ contracts with a prequalified engineering consultant and contractors to complete remediation at the project source sites and affected third party locations. Consultant and contractor services are procured under state procurement requirements.

Each project consists of five phases: 1) subsurface investigation to determine the lateral and vertical extent of soil and/or groundwater contamination, 2) evaluation of remedial alternatives and engineering design of the chosen alternative, 3) construction of the remedial alternative and procurement of the remediation equipment, 4) operation and maintenance (O&M) of the constructed system(s) until state cleanup objectives have been met, and 5) removal and decommissioning of the remediation systems. Immediate response procedures and contracts have also been developed to address emergency situations for site stabilization. The STP has developed standard contract language and scopes of work for each phase. STP Project Managers are responsible for procuring these services and monitoring the work. An average remediation project takes 7 years to complete because groundwater in Wyoming must be treated until drinking water standards are met.

As of April 30, 2007, Wyoming had spent \$100,206,762 for corrective action at leaking storage tank sites. The STP estimates that about one-third of the total known contaminated sites

have been remediated, one-third of the sites are in some form of remediation now, and one-third of the sites are waiting for funding to start a project. It is estimated that another \$80 million to \$100 million may be required to complete remediation at known contaminated sites. Although future releases will occur, requirements for leak detection, cathodic protection, monitoring, new tank standards, etc. should mean fewer additional releases.

To control the amount of funds retained in the Corrective Action Account (CAA), the state legislature placed a ceiling balance of \$10 million (to be raised to \$17 million on July 1, 2007) and \$1 million balance on the financial responsibility account. If at any time the balances exceed those stated, WYDOT initiates a temporary suspension of fuel tax collection. When the CAA balance drops to \$4 million (to be raised to \$11 million on July 1, 2007), WYDOT begins withholding the state fuel tax again and fund transfers from the Mineral Royalty Trust Account to the CAA begin at the regularly scheduled intervals.

The Financial Responsibility Account was established to provide federally mandated financial assurance to eligible tank owners that are sued by an impacted third party. After a law suit has been filed and following a court-ordered settlement, this account would pay first dollar to the injured third party in an amount not to exceed \$1 million per occurrence. There is a \$30,000 deductible the storage tank owner must pay. Owners are required to provide either additional private insurance or become self insured to cover the deductible. As of May 2007, this account has not been used.

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