



KeyCite Red Flag - Severe Negative Treatment

Enacted Legislation Amended by 2017 Wyoming Laws Ch. 35 (H.B. 2),

West's Wyoming Statutes Annotated
Title 35. Public Health and Safety (Refs & Annos)
Chapter 11. Environmental Quality
Article 1. General Provisions (Refs & Annos)

W.S.1977 § 35-11-103

§ 35-11-103. Definitions

Currentness

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

- (i) "Department" means the department of environmental quality established by this act;
- (ii) "Council" means the environmental quality council established by this act;
- (iii) "Director" means the director of the department of environmental quality;
- (iv) "Board" means one (1) or more of the advisory boards in each division of air, land, or water quality;
- (v) "Administrator" means the administrator of each division of the department;
- (vi) "Person" means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity;
- (vii) "Aggrieved party" means any person named or admitted as a party or properly seeking or entitled as of right to be admitted as a party to any proceeding under this act because of damages that person may sustain or be claiming because of his unique position in any proceeding held under this act;
- (viii) "Interstate agency" means an agency of two (2) or more states established by or pursuant to an agreement or compact approved by the United States Congress or any other agency of two (2) or more states, having substantial powers or duties pertaining to the control of air, land or water pollution;
- (ix) "Municipality" means a city, town, county, district, association or other public body;

(x) “Nonpoint source” means any source of pollution other than a point source. For purposes of [W.S. 16-1-201](#) through [16-1-207](#) only, nonpoint source includes leaking underground storage tanks as defined by [W.S. 35-11-1415\(a\)\(ix\)](#) and aboveground storage tanks as defined by [W.S. 35-11-1415\(a\)\(xi\)](#);

(xi) “Point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged;

(xii) The singular includes the plural, the plural the singular, and the masculine and feminine or neuter, when consistent with the intent of this act and necessary to effect its purpose;

(xiii) “This act” means [W.S. 35-11-101](#) through [35-11-403](#), [35-11-405](#), [35-11-406](#), [35-11-408](#) through [35-11-1106](#), [35-11-1414](#) through [35-11-1428](#), [35-11-1601](#) through [35-11-1613](#), [35-11-1701](#), [35-11-1801](#) through [35-11-1803](#) and [35-11-2001](#) through [35-11-2004](#).

(b) Specific definitions applying to air quality:

(i) “Air contaminant” means odorous material, dust, fumes, mist, smoke, other particulate matter, vapor, gas or any combination of the foregoing, but shall not include steam or water vapor;

(ii) “Air pollution” means the presence in the outdoor atmosphere of one (1) or more air contaminants in such quantities and duration which may be injurious to human health or welfare, animal or plant life, or property, or unreasonably interferes with the enjoyment of life or property;

(iii) “Clean Air Act” means the federal Clean Air Act of 1977, as amended by [P.L. 101-549](#);

(iv) “Emission” means a release into the outdoor atmosphere of air contaminants;

(v) “Operating permit program” means the permitting program authorized by [W.S. 35-11-203](#) through [35-11-212](#) implementing a state plan pursuant to the 1990 amendments to the Clean Air Act;

(vi) “Stationary source” means any building, structure, facility or installation which emits or may emit any air contaminant.

(c) Specific definitions applying to water quality:

(i) “Pollution” means contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity or odor of the waters or any discharge of any acid or toxic material, chemical or chemical compound, whether it be liquid, gaseous, solid, radioactive or other substance, including wastes, into any waters of the state which creates a nuisance or renders any waters harmful, detrimental or

injurious to public health, safety or welfare, to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife or aquatic life, or which degrades the water for its intended use, or adversely affects the environment. This term does not mean water, gas or other material which is injected into a well to facilitate production of oil, or gas or water, derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state, and if the state determines that such injection or disposal well will not result in the degradation of ground or surface or water resources;

(ii) "Wastes" means sewage, industrial waste and all other liquid, gaseous, solid, radioactive, or other substances which may pollute any waters of the state;

(iii) "Sewerage system" means pipelines, conduits, storm sewers, pumping stations, force mains, and all other constructions, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal;

(iv) "Treatment works" means any plant or other works used for the purpose of treating, stabilizing or holding wastes;

(v) "Disposal system" means a system for disposing of wastes, either by surface or underground methods, including sewerage systems, treatment works, disposal wells, and absorption fields;

(vi) "Waters of the state" means all surface and groundwater, including waters associated with wetlands, within Wyoming;

(vii) "Discharge" means any addition of any pollution or wastes to any waters of the state;

(viii) "Public water supply" means a system for the provision to the public of water for human consumption through pipes or constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals. Public water supply shall include:

(A) Any collection, treatment, storage and distribution facility under control of the operator of the facility and used primarily in connection with the system; and

(B) Any collection or pretreatment storage facilities not under the control of the operator which are used primarily in connection with the system.

(ix) "Small wastewater system" means any sewerage system, disposal system or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than four (4) families or which distributes two thousand (2,000) gallons or less of domestic sewage per day;

(x) "Wetlands" means those areas in Wyoming having all three (3) essential characteristics:

(A) Hydrophytic vegetation;

(B) Hydric soils; and

(C) Wetland hydrology.

(xi) “Compensatory mitigation” means replacement, substitution or enhancement of ecological functions and wetland values to offset anticipated losses of those values caused by filling, draining or otherwise damaging a wetland;

(xii) “Ecological function” means the ability of an area to support vegetation and fish and wildlife populations, recharge aquifers, stabilize base flows, attenuate flooding, trap sediment and remove or transform nutrients and other pollutants;

(xiii) “Mitigation” means all actions to avoid, minimize, restore and compensate for ecological functions or wetland values lost;

(xiv) “Natural wetlands” means those wetlands that occur independently of human manipulation of the landscape;

(xv) “Man-made wetlands” means those wetlands that are created intentionally or occur incidental to human activities, and includes any enhancement made to an existing wetland which increases its function or value;

(xvi) “Wetland value” means those socially significant attributes of wetlands such as uniqueness, heritage, recreation, aesthetics and a variety of economic values;

(xvii) “Community water system” means a public water supply that has at least fifteen (15) service connections used year-round by residents or that regularly provides water to at least twenty-five (25) residents year-round, including, but not limited to, municipalities and water districts;

(xviii) “Nontransient noncommunity water system” means a public water supply which is not a community water system and which regularly provides service to at least twenty-five (25) of the same persons for more than six (6) months of the year where those persons are not full-time residents, including, but not limited to, schools, factories and office buildings;

(xix) “Credible data” means scientifically valid chemical, physical and biological monitoring data collected under an accepted sampling and analysis plan, including quality control, quality assurance procedures and available historical data;

(xx) “Geologic sequestration” means the injection of carbon dioxide and associated constituents into subsurface geologic formations intended to prevent its release into the atmosphere;

(xxi) “Geologic sequestration site” means the underground geologic formations where the carbon dioxide is intended to be stored;

(xxii) “Geologic sequestration facilities” means the surface equipment used for transport, storage and injection of carbon dioxide.

(d) Specific definitions applying to solid waste management:

(i) “Solid waste” means garbage, and other discarded solid materials, materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but, unless disposed of at a solid waste management facility, does not include:

(A) Solids or dissolved material in domestic sewerage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants;

(B) Liquids, solids, sludges or dissolved constituents which are collected or separated in process units for recycling, recovery or reuse including the recovery of energy, within a continuous or batch manufacturing or refining process;
or

(C) Agricultural materials which are recycled in the production of agricultural commodities.

(ii) “Solid waste management facility” means any facility for the transfer, treatment, processing, storage or disposal of solid waste, but does not include:

(A) Lands or facilities subject to the permitting requirements of article 3 of this act;

(B) Facilities which would have been subject to the permitting requirements of article 3 of this act if constructed after July 1, 1973;

(C) Any facility described under [W.S. 30-5-104\(d\)\(vi\)\(A\) or \(B\)](#);

(D) Lands and facilities subject to the permitting requirements of article 2, 3 or 4 of this act used solely for the management of wastes generated within the boundary of the permitted facility or mine operation by the facility or mine owner or operator or from a mine mouth electric power plant or coal drier;

(E) Lands and facilities owned by a person engaged in farming or ranching and used to dispose of solid waste generated incidental to his farming and ranching operations; or

(F) Transport vehicles, storage containers and treatment of the waste in containers.

(iii) “Cost effective” means the selection of alternative responses taking into account total short-term and long-term costs of those responses including the costs of operation and maintenance for the entire activity, the presence of naturally occurring hazardous or toxic substances, current or potential uses of the natural resources impacted;

(iv) “Commercial solid waste management facility” means any facility receiving a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse for management or disposal;

(v) “Commercial radioactive waste management facility” means any facility used or intended to be used to receive for disposal, storage, reprocessing or treatment, any amount of radioactive wastes which are generated by any person other than the facility owner or operator, or which are generated at a location other than the location of the facility, but does not include:

(A) Uranium mill tailings facilities licensed by the United States Nuclear Regulatory Commission which receive in situ leaching uranium mining byproduct materials or are specifically authorized by the department on a limited basis to receive small quantities of wastes defined in section 11e.(2) of the Atomic Energy Act of 1954, [42 U.S.C. § 2014\(e\)\(2\)](#), as amended, which were generated by persons other than the facility owner or operator or which were generated at a location other than the location of the facility, or both; and

(B) Facilities used for the temporary storage of radioactive wastes generated by the facility owner or operator, including facilities for the temporary storage of naturally occurring radioactive materials generated during the course of oil or natural gas exploration or production, provided the storage of radioactive wastes is in compliance with applicable state and federal law; and

(C) Permitted solid waste disposal facilities which are authorized by the director to receive small quantities of radioactive wastes containing only naturally occurring radioactive materials, or which receive radioactive materials that have been exempted from regulation under section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985, [42 U.S.C. § 2021j](#), or both if found by the department not to threaten human health and the environment; and

(D) Federally owned facilities used exclusively for the storage, reprocessing or treatment of spent reactor fuel;

(E) Facilities licensed by the United States nuclear regulatory commission whose sole purpose is to receive in situ leaching uranium mining byproduct materials as defined in section 11e.(2) of the Atomic Energy Act of 1954, [42 U.S.C. § 2014\(e\)\(2\)](#), as amended.

(vi) “Long term remediation and monitoring trust” means a trust account established to provide funding for perpetual monitoring, maintenance and remediation of any commercial radioactive waste management facility. The adequacy of the initial and subsequent funding, including the quality of any bond or letter of credit, shall be determined jointly

by the director, the insurance commissioner and the attorney general. Expenditures from the trust shall be only for commercial radioactive waste regulation, monitoring and remediation;

(vii) "Hazardous waste" means any liquid, solid, semisolid or contained gaseous waste or combination of those wastes which because of quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to detrimental human health effects, or pose a substantial present or potential hazard to human health or the environment. Only those materials listed as hazardous wastes by the United States environmental protection agency's hazardous waste management regulations or which exhibit a hazardous waste characteristic specified by the environmental protection agency shall be considered hazardous wastes. Hazardous waste does not include those hazardous wastes exempted under the Resource Conservation and Recovery Act, [P.L. 94-580](#), or under the United States environmental protection agency's hazardous waste management regulations for the period that they remain exempted by congressional or administrative action;

(viii) "Composite liner" means a system consisting of two (2) components; the upper component must consist of a minimum thirty (30) mil flexible membrane liner (FML) and the lower component shall consist of at least a two (2) foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second. A flexible membrane liner components consisting of high density polyethylene (HDPE) shall be at least sixty (60) mil thick. The flexible membrane liner component shall be installed in direct and uniform contact with the compacted soil component;

(ix) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials removed from such wastes;

(x) "Statistical power" means the probability of detecting change given that a change has truly occurred;

(xi) "Eligible leaking municipal solid waste landfill" means the landfills identified by the department under the priority list for municipal solid waste landfills that need remediation created pursuant to [W.S. 35-11-524\(b\)](#).

(e) Specific definitions for land quality:

(i) "Reclamation" means the process of reclaiming an area of land affected by mining to use for grazing, agricultural, recreational, wildlife purposes, or any other purpose of equal or greater value. The process may require contouring, terracing, grading, resoiling, revegetation, compaction and stabilization, settling ponds, water impoundments, diversion ditches, and other water treatment facilities in order to eliminate water diminution to the extent that existing water sources are adversely affected, pollution, soil and wind erosion, or flooding resulting from mining or any other activity to accomplish the reclamation of the land affected to a useful purpose;

(ii) "Minerals" means coal, clay, stone, sand, gravel, bentonite, scoria, rock, pumice, limestone, ballast rock, uranium, gypsum, feldspar, copper ore, iron ore, oil shale, trona, and any other material removed from the earth for reuse or further processing;

(iii) "Contouring" means grading or backfilling and grading the land affected and reclaiming it to the proposed future use with adequate provisions for drainage. Depressions to accumulate water are not allowed except if approved as part of the reclamation plan;

(iv) "Overburden" means all of the earth and other materials which lie above the mineral deposit and also means such earth and other materials disturbed from their natural state in the process of mining, or mining from exposed natural deposits;

(v) "Underground mining" means the mining of minerals by man-made excavation underneath the surface of the earth;

(vi) "Pit" means a tract of land from which overburden has been or is being removed for the purpose of surface mining or mining from an exposed natural deposit;

(vii) "Adjacent lands" means all lands within one-half mile of the proposed permit area;

(viii) "Operation" means all of the activities, equipment, premises, facilities, structures, roads, rights-of-way, waste and refuse areas excluding uranium mill tailings and mill facilities, within the Nuclear Regulatory Commission license area, storage and processing areas, and shipping areas used in the process of excavating or removing overburden and minerals from the affected land or for removing overburden for the purpose of determining the location, quality or quantity of a natural mineral deposit or for the reclamation of affected lands;

(ix) "Operator" means any person, as defined in this act, engaged in mining, either as a principal who is or becomes the owner of minerals as a result of mining, or who acts as an agent or independent contractor on behalf of such principal in the conduct of mining operations;

(x) "Surface mining" means the mining of minerals by removing the overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed, including strip, open pit, dredging, quarrying, surface leaching, and related activities;

(xi) "Mining permit" means certification by the director that the affected land described may be mined for minerals by a licensed operator in compliance with an approved mining plan and reclamation plan. No mining may be commenced or conducted on land for which there is not in effect a valid mining permit. A mining permit shall remain valid and in force from the date of its issuance until the termination of all mining and reclamation operations, except as otherwise provided in this act;

(xii) "Spoil pile" means the overburden or any reject minerals as piled or deposited by surface or underground mining;

(xiii) "A license to mine for minerals" means the certification from the administrator that the licensee has the right to conduct mining operations on the subject lands in compliance with this act; for which a valid permit exists; that he has deposited a bond conditioned on his faithful fulfillment of the requirements thereof; and that upon investigation the administrator has determined that the licensed mining operation is within the purposes of this act;

(xiv) “Topsoil” means soil on the surface prior to mining that will support plant life;

(xv) “Exploration by dozing” means the removal of overburden by trenching with a bulldozer or other earth moving equipment to expose possible indications of mineralization;

(xvi) “Affected land” means the area of land from which overburden is removed, or upon which overburden, development waste rock or refuse is deposited, or both, including access roads, haul roads, mineral stockpiles, mill tailings excluding uranium mill tailings, and mill facilities, within the Nuclear Regulatory Commission license area, impoundment basins excluding uranium mill tailings impoundments, and all other lands whose natural state has been or will be disturbed as a result of the operations;

(xvii) “Refuse” means all waste material directly connected with mining including overburden, reject mineral or mill tailings excluding uranium mill tailings, which have passed through a processing plant prior to deposition on affected land;

(xviii) “Alluvial valley floors” means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities but does not include upland areas which are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accumulation and windblown deposits;

(xix) “Prime farmland” shall have the same meaning as that previously prescribed by the United States secretary of agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding and erosion characteristics, and which historically have been used for intensive agricultural purposes, and as published in the federal register;

(xx) “Surface coal mining operation” means:

(A) Activities conducted on the surface of lands in connection with a surface coal mine or with the surface impacts incident to an underground coal mine as provided in [Section 516 of P.L. 95-87 \[30 U.S.C. § 1266\]](#). These activities include excavation for the purpose of obtaining coal including common methods as contour, strip, auger, mountaintop removal, box cut, open pit and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating or other processing or preparation, and the loading of coal; and

(B) The areas upon which these activities occur or where these activities disturb the land surface. These areas shall also include any adjacent land the use of which is incidental to any of these activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of these activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entry ways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities or other property or materials on the surface, resulting from or incident to these activities.

(xxi) “Steep slope surface coal mining operation” means a surface coal mining operation where mining occurs along the contour of a steep slope generally exceeding twenty (20) degrees and which, because of the steepness of the terrain, requires special spoil handling procedures;

(xxii) “Complete application” under [W.S. 35-11-406\(e\)](#) means that the application contains all the essential and necessary elements and is acceptable for further review for substance and compliance with the provisions of this chapter;

(xxiii) “Interim mine stabilization” means a temporary cessation of mining operation within the terms of a valid permit to mine;

(xxiv) “Deficiency” means an omission or lack of sufficient information serious enough to preclude correction or compliance by stipulation in the approved permit to be issued by the director;

(xxv) “Imminent or continuous threat” means, with respect to the coal mine subsidence mitigation program, physical data which shows an immediate significant threat of damage from mine subsidence or insurance claim records which support progressive and continuous mine subsidence loss damage to structure;

(xxvi) “Fish and wildlife habitat” means land dedicated wholly or partially to the production, protection or management of species of fish or wildlife;

(xxvii) “Grazingland” includes rangelands and forestlands where the indigenous native vegetation is actively managed for grazing, browsing, occasional hay production, and occasional use by wildlife;

(xxviii) through (xxx) Repealed by [Laws 1994, ch. 87, § 2](#).

(f) Specific definitions applying to in situ mining are:

(i) “Best practicable technology” means a technology based process justifiable in terms of existing performance and achievability in relation to health and safety which minimizes, to the extent safe and practicable, disturbances and adverse impacts of the operation on human or animal life, fish, wildlife, plant life and related environmental values;

(ii) “Excursion” means any unwanted and unauthorized movement of recovery fluid out of the production zone as a result of in situ mining activities;

(iii) “Groundwater restoration” means the condition achieved when the quality of all groundwater affected by the injection of recovery fluids is returned to a quality of use equal to or better than, and consistent with the uses for which the water was suitable prior to the operation by employing the best practicable technology;

- (iv) “In situ mining” means a method of in-place surface mining in which limited quantities of overburden are disturbed to install a conduit or well and the mineral is mined by injecting or recovering a liquid, solid, sludge or gas that causes the leaching, dissolution, gasification, liquefaction or extraction of the mineral. In situ mining does not include the primary or enhanced recovery of naturally occurring oil and gas or any related process regulated by the Wyoming oil and gas conservation commission;
- (v) “Production zone” means the geologic interval into which recovery fluids are to be injected or extracted;
- (vi) “Reclamation” includes groundwater restoration;
- (vii) “Recovery fluid” means any material which flows or moves, whether semi-solid, liquid, sludge, gas or other form or state, used to dissolve, leach, gasify or extract a mineral;
- (viii) “Research and development testing” means conducting research and development activities to indicate mineability or workability of and develop reclamation techniques for an in situ operation.
- (g) Specific definitions applying to voluntary remediation, real property remediation account and innocent owners:
- (i) “Adjacent” means property contiguous to an eligible site, and contiguous or noncontiguous property onto or under which contaminants are known to have migrated from such site;
- (ii) “Certificate of completion” means a certificate issued by the director stating that all remediation requirements for a site have been successfully implemented or satisfied. The certificate of completion shall incorporate any required institutional and engineering controls for future use of the site, which may include deed restrictions recorded by the site owner. A certificate of completion may be conditioned upon the duty to perform any continuing requirements specified in a remedy agreement;
- (iii) “Contaminant” means any chemical, material, substance or waste:
- (A) Which is regulated under any applicable federal, state or local law or regulation;
- (B) Which is classified as hazardous or toxic under federal, state or local law or regulation; or
- (C) To which exposure is regulated under federal, state or local law or regulation.
- (iv) “Covenant not to sue” means a written pledge issued by the director stating that the state shall not sue the person or any subsequent owner concerning contaminants and liability addressed by a remedy agreement. A covenant not to sue may be conditioned upon the duty to perform any continuing requirements specified in a remedy agreement;

(v) “Engineering controls” means measures, such as capping, containment, slurry walls, extraction wells or treatment methods that are capable of managing environmental and health risks by reducing contamination levels or limiting exposure pathways;

(vi) “Governmental entity” shall have the following meaning as determined by the location of an eligible site. For the purposes of this definition, city shall include both first class cities and towns:

(A) The city, for a site located entirely within the boundary of that city;

(B) Both the city and county, for a site located partially within that city or within the extraterritorial boundary of a city;

(C) The county, for a site located outside the boundary of a city and outside the extraterritorial boundary of the city; or

(D) The federal land management agency, for a site located on lands managed by that federal agency.

(vii) “Institutional controls” means restrictions on the use of a site, including deed notices, voluntary deed restrictions or other conditions, covenants or restrictions imposed by the property owner and filed with the county clerk, use control areas, and zoning regulations or restrictions;

(viii) “No further action letter” means a letter issued by the director stating that the department has determined that no further remediation is required on the site;

(ix) “Remediation” means all actions necessary to assess, test, investigate or characterize a site, and to clean up, remove, treat, or in any other way address any contaminants that are on, in or under a site or adjacent property to prevent, minimize or mitigate harm to human health or the environment;

(x) “Site” means a parcel of real property;

(xi) “Use control area” means an area designated by a governmental entity or entities for the purpose of controlling current and future property uses;

(xii) “Bona fide prospective purchaser” means a person who acquired ownership of contaminated real property after January 11, 2002 which the person knew to be contaminated at the time of acquisition and can establish each of the following:

(A) All release or disposal of contaminants located at the real property occurred before the person acquired the property;

(B) The owner or prospective purchaser stopped all continuing releases of contamination from the property;

(C) The owner or prospective purchaser prevented any threatened future release from the existing contamination;

(D) The owner or prospective purchaser prevented or limited human, environmental and natural resource exposure to previously released hazardous substances;

(E) The department has been notified in writing of the presence of contamination;

(F) The prospective purchaser is not potentially liable or affiliated with a potentially liable party for response costs at the property through:

(I) Familial relationships;

(II) Contractual, corporate or financial relationships; or

(III) The reorganization of a potentially liable business.

(h) Specific definitions applying to municipal solid waste landfills:

(i) "Aquifer" means an underground geologic formation:

(A) Which has boundaries that may be ascertained or reasonably inferred;

(B) In which water stands, flows or percolates;

(C) Which is capable of yielding to wells or springs significant quantities of groundwater that may be put to beneficial use; and

(D) Which is capable of yielding to wells or springs which produce a sustainable volume of more than one-half ($\frac{1}{2}$) gallon of water per minute.

(ii) "Credible data" means as defined in paragraph (c)(xix) of this section;

(iii) "Groundwater" means any water, including hot water and geothermal steam, under the surface of the land or the bed of any stream, lake, reservoir or other body of surface water, including water that has been exposed to the surface by an excavation such as a pit which:

(A) Stands, flows or percolates; and

(B) Is capable of being produced to the ground surface in sufficient quantity to be put to beneficial use.

(iv) “Lifetime” means the estimated time to fill and close a municipal solid waste landfill, not to exceed twenty-five (25) years.

(j) Specific definitions applying to nuclear regulatory functions of the state as provided in article 20 of this chapter:

(i) “Byproduct material” means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content as defined in section 11e.(2) of the Atomic Energy Act of 1954, [42 U.S.C. § 2014\(e\)\(2\)](#), as amended;

(ii) “Recovery or milling” means any activity that generates byproduct material as defined in section 11e.(2) of the Atomic Energy Act of 1954, [42 U.S.C. § 2014\(e\)\(2\)](#), as amended;

(iii) “Source material” means uranium or thorium, or any combination thereof, in any physical or chemical form or ores which contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

Credits

Laws 1973, ch. 250, § 1; Laws 1974, ch. 14, § 1; Laws 1975, ch. 198, § 2; Laws 1977, ch. 132, § 1; Laws 1978, ch. 33, § 2; Laws 1979, ch. 96, § 2; Laws 1980, ch. 64, § 2; Laws 1980, ch. 67, §§ 1, 2; Laws 1982, ch. 73, § 2; Laws 1983, ch. 35, § 1; Laws 1983, ch. 67, § 1; Laws 1987, ch. 59, § 2; Laws 1987, ch. 227, § 1; Laws 1989, ch. 33, § 1; Laws 1989, ch. 148, § 2; Laws 1989, ch. 205, § 2; Laws 1989, ch. 270, § 2; [Laws 1990, ch. 64, § 2](#); [Laws 1990, ch. 98, § 2](#); [Laws 1991, ch. 110, § 2](#); [Laws 1991, ch. 136, § 1](#); [Laws 1992, Sp. & Bud. Sess., ch. 60, § 3](#); [Laws 1992, Sp. & Bud. Sess., ch. 70, § 2](#); [Laws 1992, Sp. & Bud. Sess., ch. 88, § 1](#); [Laws 1993, ch. 230, § 1](#); [Laws 1994, ch. 32, § 1](#); [Laws 1994, ch. 56, § 1](#); [Laws 1994, ch. 82, § 2](#); [Laws 1994, ch. 87, § 2](#); [Laws 1995, ch. 58, § 2, eff. Feb. 18, 1995](#); [Laws 1998, Sp. & Bud. Sess., ch. 88, § 2, eff. March 19, 1998](#); [Laws 1999, ch. 99, § 1, eff. July 1, 1999](#); [Laws 2000, ch. 13, § 2, eff. March 10, 2000](#); [Laws 2005, ch. 231, § 1, eff. July 1, 2005](#); [Laws 2006, ch. 114, § 1, eff. March 24, 2006](#); [Laws 2008, ch. 30, § 2, eff. July 1, 2008](#); [Laws 2011, ch. 110, § 2, eff. March 2, 2011](#); [Laws 2011, ch. 147, § 2, eff. March 3, 2011](#); [Laws 2013, ch. 38, § 1, eff. Feb. 14, 2013](#); [Laws 2013, ch. 158, § 2, eff. March 13, 2013](#); [Laws 2016, ch. 7, § 2, eff. Feb. 29, 2016](#); [Laws 2017, ch. 27, § 2, eff. Feb. 17, 2017](#).

Codifications: W.S. 1957, § 35-502.3.

W. S. 1977 § 35-11-103, WY ST § 35-11-103

Current through chapters 4, 5, 6, 11, 14, 17, 27, 31, 34, 40, 45, 46, 59, 67, 69, 72, 75 (part), 84, 87, 90, 91, 96, 98, 113, 114, 115, 126, 129, 132, 134, 139, 140, 147, 149, 151, 160, 163, 165, 170, 171, 173, 174, 176, 177, 179, 182, 194, 201, 203, 204, 207, 213 of the 2017 General Session of the Wyoming Legislature.