



Wyoming Department of Environmental Quality



Joint Minerals, Business and Economic Development Committee

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Industrial Siting: Bonding and Exemptions

Todd Parfitt, Director

Jenny Staben, ISD Administrator



Industrial Siting Division



1975 - Established Industrial Development Information and Siting Act

1992 - Became a Division within Department of Environmental Quality

2026 - Three (3) FTE, including Administrator

- 39 Projects in different stages of development



Industrial Siting Act Jurisdiction



- Estimated construction cost of \$290,700, 000 or more
- 20 or more wind turbines
- Solar generating more than 30 megawatts or disturbance of 100 acres



Purpose



Two primary purposes for the ISA:

1. Identify, Evaluate and Mitigate Social, Economic and Environmental Impacts (Health, Safety and Welfare of Inhabitants)
2. Provide Impact Assistance Funds to Counties and Municipalities to Address Unmitigated Impacts



Impact Assistance



Percentage of Estimated Materials Cost**Estimated Construction Cost**

2.25%
(Can be up to 2.76% if ISC finds justification)

\$350M or less

2%

\$350M to \$850M

1.5%

\$850M or more



Impact Assistance



Sales and Use Tax Statutes

W.S. 39-15-111 - Sales Tax

W.S. 39-16-111 - Use Tax

Local governments provide evidence to ISC demonstrating:

1. Impacted by construction workforce or proposed facility
2. Impact is medical, fire, or law enforcement services, roads, public utilities



Impact Assistance Distribution



- Begins at commencement of construction (ground clearing/move dirt)
- Distributed in accordance with the ISC Impact Assistance Distribution Schedule
- Local governments report receipt and expenditure of funds until all funds have been expended
- Department of Revenue determines when to start distribution



Financial Assurance



§ 35-12-107(b)(xiii)

§ 35-12-109(a)(xxi)

- Requires the applicant to provide a financial assurance plan to assure that all facilities will be properly decommissioned and reclaimed
- Wind and solar facilities must also demonstrate financial capability to construct, maintain and operate facility



Current Bonding Provisions



§ 35-12-113(e)

“A permit may be issued conditioned upon the applicant furnishing a bond to the division in an amount determined by the ~~director~~ council from which local governments may recover expenditures in preparation for impact to be caused by a facility if the permit holder does not complete the facility proposed. The permit holder is not liable under the bond if the holder is prevented from completing the facility proposed by circumstances beyond his control.”



Current Exemptions



§ 35-12-119

- (a) Nonmineral processing facilities in existing industrial parks established by a local government
- (b) State and local governmental units and agencies
- (c)
 - (i) Electric transmission lines less than 160,000 volts
 - (ii) Oil and gas drilling,
 - (iii) All pipelines except coal slurry pipelines
 - (iv) Oil and gas producing facilities
 - (v) Oil and gas wellfield activities



Suggestions



1. HB120/Enrolled Act No. 34 Industrial Sovereign Zones

- (a) Nonmineral processing facilities to be constructed in existing industrial parks, as designated by local governments, and industrial sovereign zones established under W.S. 9-20-202 are exempt from payment of fees and certification procedures but shall furnish the information required by W.S. 35-12-109(a)(iii), (iv) and (v) to the division if included in W.S. 35-12-102(a)(vii).

Delete “, and industrial sovereign zones established under W.W. 9-20-202” and insert a new paragraph (vi) under (c) as follows:

35-12-119. Exemptions; information required.

- (c) The construction, operation and maintenance of the following activities are exempt from this chapter:

(vi) Industrial sovereign zones as established by the Wyoming Energy Authority in W.S. 9-20-202



Suggestions



2. Provide Clarification of Legislative Intent of paragraph (a):

- a) “Nonmineral processing facilities to be constructed in existing industrial parks, as designated by local governments, and industrial sovereign zones established under W.S. 9-20-202 are exempt from payment of fees and certification procedures but shall furnish the information required by W.S. 35-12-109(a)(iii), (iv) and (v) to the division if included in W.S. 35-12-102(a)(vii).”

3. If considering an exemption on Coal Permit Land for large construction projects located on coal mine permit property, suggest that the exemption be added to W.S. 35-12-119 (c)



Thank You



Questions and Discussion