

Department of Environmental Quality



Industrial Siting Division

Colin McKee, Administrator

History



- Industrial Development Information & Siting Act
 - Created in 1975 - originally housed under the Governor's office
 - 8-10 staff with disciplines in environmental, social and economic fields
 - Transferred to DEQ in 1992
 - Currently two staff

Industrial Siting Division



- Facilitates review of applications
- Monitor existing permits for compliance
- ~\$600,000 biennial budget
- Application fees (capped at \$100,000)

Industrial Facility - jurisdictional



- W.S. 35-12-102(a)(vii)
 - Construction cost greater than \$227 million (revised annually)
 - Wind facility of 20 or more turbines
 - Solar facility greater than 30MW or 100 acres of land disturbance
 - Wind/solar organized in a way to circumvent the Act
 - Commercial waste incineration
 - Radioactive waste management facilities

Industrial facilities - exempt



- W.S. 35-12-119
 - Electric transmission less than 160,000 volts
 - Oil and gas drilling, producing and wellfield activities
 - Pipelines
 - State and local government activities
 - “Non-mineral processing facilities” ...located in an established industrial park

107 Permit vs 109 Permit

- Jurisdictional meeting
- 107
 - 50 days to review application
 - 10 days for Council to issue permit
 - Last used in 2008
- 109
 - 90 days to review and set hearing before Council
 - If approved, Council has 45 days to issue permit
- ISC has these statutory timeframes within which it must make a decision - bottlenecks cannot occur.

Industrial Siting Council

- Seven members, appointed by Governor with Senate consent
 - Party split
- Applications are reviewed by the Council
- Conditions based on anticipated impacts
 - Ensure good standing with other permits, workforce activities, wildlife mitigation, etc.
- Council has jurisdictional authority as provided in statute
- Council has no jurisdiction over items already regulated
 - Air, water, etc.

Purpose

- Assess and mitigate adverse effects of major industrial activities upon the environmental, social and economic conditions of the affected area
- Applicant details all of necessary local, state and federal permitting
 - ISD coordinates with 19 state agencies
- Closes other local and state government actions upon receipt of permit
- Provides funding to local governments for unmitigated impacts
- Requires financial assurance for decommissioning and reclamation of wind/solar projects

Functions

- Applicant must discuss project with affected local governments early
- Identifies impacts and establishes mitigation, either directly or through consultation with other state agencies
- Provides an opportunity for impact assistance funding
- Offers a forum for public and business concerns to be heard and addressed

Permitted Projects (through 2020)

• Project	Permitted	Constructed
• Power Plant	10	7
• Wind	19	15
• Coal mines	8	8
• Trona mines	7	6
• Gas plants	7	6
• Anhydrous Ammonia	2	2
• Synfuel/Coal Enhance	5	0
• CO2	2	1
• Transmission	3	1

Impact assistance

- Funding to local government to offset unmitigated impacts
 - Roads, water/sewer infrastructure, fire, medical, etc.
- Up to 2.76% of the estimated material cost of the project
 - Equal to the state's share of S/U tax

Selected provisions/topics

- County may refer a project which is not jurisdictional (Title 18)
- Council may deny an application if the project would unreasonably interfere with the development of a known mineral resource
- Council can modify the location of all or part of a project after consultation with nearby residents and local government - W.S. 35-12-113(c)
- ISC has continuing authority to monitor operations and ensure compliance with a permit.
- The Council may consider the direct or cumulative impacts not within the area of jurisdiction of another regulatory agency.

Industrial Siting Division

- Colin McKee
- 307-777-7388
- colin.mckee1@wyo.gov