



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

## MEMORANDUM

TO: Members, Wyoming Legislature and Other Interested Parties

FROM: John V. Corra, Director  
Wyoming Department of Environmental Quality 

DATE: October 15, 2008

SUBJECT: Fiscal Year (FY) 2008 Storage Tank Program Annual Report

Pursuant to W.S. 35-11-1414(d), the attached FY2008 Storage Tank Program (STP) Report is respectfully submitted for your information. This report summarizes environmental restoration expenditures and tank compliance activities for the STP during the state fiscal year ended June 30, 2008.



WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID & HAZARDOUS WASTE DIVISION  
STORAGE TANK PROGRAM  
122 WEST 25<sup>th</sup> STREET  
HERSCHLER BUILDING - 4W  
CHEYENNE, WY 82002

**FISCAL YEAR 2008  
STORAGE TANK PROGRAM  
ANNUAL REPORT**

OCTOBER 15, 2008

Prepared by:

Karen L. Halvorsen, P.E.  
STP Manager

Robert Lucht, P.E., P.G.  
STP Compliance Supervisor

Stephen S. Toalson, Jr.  
Accounting Manager

## SECTION A

### MAJOR PROGRAM ACCOMPLISHMENTS IN FY2008

The Wyoming Department of Environmental Quality/Solid & Hazardous Waste Division's Storage Tank Program (STP) has been actively remediating contaminated sites since 1991. During each year, the program has initiated aggressive environmental remedial actions at the highest priority sites within each district office using available resources.

The STP has an active inspection program to monitor compliance with Wyoming Water Quality Rules and Regulations (Chapter 17) and the Environmental Quality Act (EQA). An effective notification and enforcement program helps Wyoming maintain one of the highest compliance rates in the country.

STP major accomplishments for FY2008 include:

- A. Environmental remediation management of 35 active projects involving 307 contaminated source sites continued. Remediation at affected third-party sites is also an ongoing activity within most active projects. The majority of this work involved continued operation and maintenance for constructed remediation systems. The work also included design of remedial systems for 9 of the 35 projects and construction of remedial alternatives for 15 of the projects. Two projects were started during FY2008. These were Yellowstone National Park (11 sites) and Tensleep (6 sites).
- B. Work continued on development of a geographic information system (GIS) database to store remediation project information. The database is operational and training by the contractor has been extended into FY2009 due to lack of STP staff resources. Modifications to the compliance database were also started. The database should be fully functional by the end of fiscal year 2009.
- C. The STP continued revising Chapter 17 to bring the program into compliance with the Energy Policy Act of 2005.
- D. Management of operator compliance with state rules and regulations for tank owners and operators continued. As of June 30, 2008, there were 3,830 facilities (gas stations, emergency power generator locations, etc.) with tanks or that had tanks in the past. There were 8,320 permanently out-of-use (POU) tanks, 2,094 active tanks, and 126 temporarily out-of-use (TOU) tanks for a total of 10,540 tanks regulated by the STP.
- E. EPA recognizes three measurements of program performance. These are called Significant Operational Compliance (SOC) measures. The first of these, SOC-1, measures how well operators are following leak detection requirements. A

compliance rate of 90.0% for SOC-1 was reported to EPA on June 30, 2008. SOC-2 measures how well operators are complying with corrosion protection requirements. The compliance rate reported to EPA for SOC-2 was 93.5%. SOC-3 is a combination of SOC-1 and SOC-2. The SOC-3 compliance rate reported to EPA was 84.9%. Wyoming's SOC compliance rates are significantly higher than the rates most other states report to the EPA. EPA's baseline for SOC-3 was 63% in federal fiscal year 2005. EPA's goals are for a compliance increase of 1% per year. Therefore, EPA's national goal for federal fiscal year 2008 was 66%. Wyoming's excellent compliance rates have been achieved because:

1. The STP, Compliance Section, tracks every required test for every tank. Using this system, operators are notified in writing before the test is due to give them time to have the test done before it becomes past due.
  2. Owner/operators that do not complete the tests required are subject to effective enforcement action. As a goal, the STP tries to initiate enforcement within 6 months of a test becoming overdue.
- F. At the end of FY2008 there were 730 tanks that were protected against corrosion using sacrificial anodes. Within the last 3 years, 21 of these tanks had not been tested. These tanks are located at 9 facilities. This is a 98.8% compliance rate. There were 458 tanks that were protected against corrosion using impressed current systems. Only 18 tanks at 8 locations were not current for the required testing. This is a 96.1% compliance rate.
- G. Pressure testing was required on 1,596 pipelines during FY2008. These pipelines are monitored using sump sensors, mechanical line leak detectors, and electronic line leak detectors. Many of the lines have both sump sensors and mechanical line leak detectors. The compliance rate for testing mechanical line leak detectors was 76.5%, for electronic line leak detectors was 93.3%, and for sump sensors was 57.4%.
- H. During FY2008, the STP conducted 462 on-site inspections and reviewed 403 operator annual inspection reports.
- I. Thirteen formal enforcement actions were taken by the department. Enforcement penalties totaled \$53,800, with \$47,800 stayed for up to 3 years pending future compliance.

## SECTION B PROGRAM ADMINISTRATION

**I. STP Organization.** The WDEQ/SHWD organizational chart and STP district office information are attached. The department would not be able to accomplish this ambitious state program without these dedicated professionals.

**II. Funding.** W.S. 35-11-1414 through 1428 provide that the department's financial obligations for remediation actions are limited to the funds available in the Corrective Action Account (CAA). The department is remediating eligible contaminated storage tank sites as funding in the CAA allows and staff is available to manage new projects.

The State Revolving Fund (SRF) loan program prepared an Intended Use Plan (IUP) for completing STP corrective actions and municipal wastewater treatment system improvement projects in Wyoming for fiscal year 2008. This document was the subject of a public hearing process, and projects are being implemented in accordance with the plan. Tables 1 and 2 (attached) present a summary of the STP/SRF cumulative balances as of June 30, 2008.

The Financial Responsibility Account (FRA) provides financial assurance coverage required by federal law for the purpose of compensating third parties for a portion of damages caused by releases from program-eligible leaking USTs and ASTs. The statutes also provide that nothing in the EQA shall be construed to authorize commitments to cover property or personal injury damages in excess of the available balance in the FRA. Since program inception, there have been no claims against the FRA.

Owners of tanks are required to pay annual tank fees. Owners of contaminated sites are required to pay contaminated site fees. Fees must be paid for a site to remain eligible for the state STP.

With current program resources, the time required to complete remediation of all known contaminated storage tank sites will extend into the year 2034. Additional time will be required to address future releases. Present day STP remedial actions are based on state-limited funding established during the 1990 legislative session. Eighteen years of inflation, resulting in increased costs for professional services, equipment, construction, materials, fuel, etc., have severely limited the STP's ability to accelerate remedial actions at eligible contaminated sites.

**III. Underground Storage Tank/Leaking Underground Storage Tank (UST/LUST) Program Primacy Application to EPA.** A program primacy application package was prepared and submitted by the department to EPA, Region VIII, Denver, Colorado, in March 1999 with supplemental information provided to EPA in July 1999. A follow-up letter was sent to the EPA Regional Office on July 9, 2003, requesting reconsideration of an informal decision by EPA not to delegate full responsibility of the federal UST/LUST program to Wyoming. The initial

concern of EPA was timeliness of remedial actions; an aspect that the department cannot control due to resources allocated by the state legislature.

Additional information was sent to EPA on March 17, 2004, which clarified issues discussed during a primacy application meeting held February 25, 2004. A follow-up letter was sent to EPA on January 19, 2007, requesting response to the information submitted in March 2004. During the All-States meeting held in April 2007, STP personnel discussed the primacy issue with EPA.

The department continues to wait for a final determination of the state's primacy application to EPA. If Wyoming is granted program primacy, citizens and tank owners and operators will not see any significant changes in the day-to-day program administration. However, the state will receive full responsibility for program administration with a large reduction in direct federal program oversight.

## **SECTION C STORAGE TANK OVERVIEW**

Table 3 (attached) provides an overview of the number of underground storage tank (UST) and aboveground storage tank (AST) facilities and tanks in the state. Tank facilities include any location that has a tank or has had a tank in the past. Many facilities have more than one tank. An active tank is currently dispensing a product. A temporarily out-of-use tank has had the product removed to within 1-inch of the bottom and all corrosion protection systems on the tank remain in working order. The tank may be placed back into service at any time with notification to the department. A permanently out-of-use tank has been taken out of service permanently either by closing the tank in place (cleaning and filling with an inert material) or by removing the tank.

## **SECTION D STP REMEDIATION ACTIVITIES**

**I. Summary.** W.S. 35-11-1414 through 1428 require that the department remediate contamination caused by program-eligible releases based on a priority ranking score. Four primary factors affect the prioritization ranking score: 1) the degree of immediate adverse health exposure and/or safety hazards to people in nearby buildings or to public utilities, 2) surface and groundwater quality protection, 3) potential for contaminants to migrate, and 4) ecological protection.

As of June 30, 2008, a total of 1,561 contaminated STP source sites, requiring some degree of active environmental remediation, existed in the state. For comparison, the number of contaminated sites requiring remediation in December 1991, when the program was started, was 475. Of these 1,561 contaminated source sites, 831 have been remediated or resolved by the

STP, leaving a balance of unresolved contaminated sites of 730. Of the 730 unresolved contaminated sites, 307 were in corrective action projects. The remaining 423 sites have been scheduled for future projects. Remediation of the remaining sites is projected to require an additional 26 years to complete with current funding and staff resources. See Table 4 attached.

**II. Remediation Projects.** The goal of the STP is to complete subsurface investigations at known contaminated sites on a priority basis and to initiate full remediation actions at the worst sites first. To accomplish these tasks, the STP currently has prequalified 17 contractors for the subsurface investigation and drilling work, 9 consultants to design environmental remediation technologies, 13 construction firms to install the designed remediation systems, 7 equipment companies to supply the remediation equipment and enclosures, 42 contaminated soil excavation firms, and 21 remediation system operation and maintenance firms to operate constructed remediation systems.

STP projects average about 12 contaminated source sites and affected third party locations that may have been contaminated by a source site. STP remediation projects are completed in five phases: 1) subsurface investigations including drilling and soil and groundwater sampling to determine the lateral and vertical extent of petroleum contaminants, 2) design of remedial alternatives to complete remediation, 3) construction and installation of the designed remediation technologies, 4) operation and maintenance of the remediation technologies until state soil and groundwater standards have been achieved, and 5) project decommissioning to remove and/or permanently seal subsurface remediation system components. In general, tasks associated with each project phase are:

- STP subsurface investigation (SSI) tasks include drilling, drilling oversight, soil and groundwater sampling and analyses, and report preparation. Modified subsurface investigation (MSSIs) have been completed at numerous lower priority sites to determine if natural attenuation has achieved state soil and groundwater standards, or if the site(s) must remain on the contaminated site list for future remedial work. These investigations include installation of three to four monitoring wells per site and soil and groundwater sampling and analyses. Based on past experience, approximately 40 percent of these sites can be closed upon completion of the MSSI.
- Design includes preparation of the Remedial Action Plan (RAP) and plans and specifications for the selected remediation technologies. Plans and specifications are used by the STP to bid construction and equipment supply of the remedial alternatives selected.
- Construction of the designed systems includes installation of wells and piping, remediation equipment installation, and consultant management of the construction contractor and equipment supplier. The consultant oversees the equipment supplier and construction contractor during installation of the designed remediation systems and represents the STP during construction.

- After the systems are installed, they are operated and maintained until state soil and groundwater standards are met. Of all project phases, operation and maintenance of the remediation systems requires the most time.
- Decommissioning sites that have been remediated is the final phase of a project. After soil and groundwater standards have been met, the sites are restored to pre-construction conditions. This includes removing equipment, abandoning wells, plugging pipelines, and surface restoration.

Table 5 (attached) provides project cost summaries, including project name, number of sites in the project, and the total project cost-to-date for all phases. Not all sites are included in all phases of a project. For example, a project may have included 32 sites in the original SSI, but only 12 of those sites may have been included in the design phase. This is because, based on information collected during the SSI, some sites may not require active remediation. The one remaining site in the West Laramie project was moved into the Laramie 3<sup>rd</sup> Street project and the West Laramie project was closed during FY2008. This will reduce staff time administering the West Laramie project contract.

**III. Immediate Response.** STP immediate response actions are taken at program-eligible sites when imminent contamination of a water supply is threatened. Immediate response actions are also taken when complaints of petroleum vapors inside homes, businesses, or occupied confined spaces are received and an on-site evaluation confirms an imminent potential environmental health problem may exist. These immediate response actions are taken to contain the subsurface plume, to determine the extent of any imminent health and/or safety hazards, and to take necessary action to stabilize the site.

Three immediate responses were conducted during FY2008: the City Shop/WYDOT site, Buffalo; the Farmer's Co-op site, Powell; and the Ham's Fork Station, Kemmerer.

- An air sparge (AS)/soil vapor extraction (SVE) system was installed at the Buffalo City Shop/Wyoming Department of Transportation site in 2006. The Criminal Justice Center lies between these two facilities. The SVE system was started on August 29, 2006. When the AS system was started on January 3, 2007, hydrocarbon odors were noticed in the Criminal Justice Center, which necessitated evacuation of the building. The AS system was shut off, and WDEQ's engineer (Delta Consultants) considered system modifications to eliminate fugitive vapors from entering the building. Results of a pilot test indicated that a sub-slab vacuum system would be an effective method to capture the vapors. Construction of the sub-slab vacuum system was completed in June 2007, and the AS system was started on October 29, 2007. There have been no further complaints of vapors in the building.
- Petroleum vapors in residences in the Town of Powell were reported to the Sheridan STP office on February 23, 2007. The investigation found vapors in the sewer line and the Farmer's Co-op was determined to be the source. Inventory records from the Co-op showed that the unleaded storage tank system had been losing approximately 1,000

gallons of fuel per month for the previous 4 months. The Co-op immediately stopped using the system and had the lines repaired. The STP restarted a remediation system on the site that had been previously installed to address impacts at the site. The engineer for the STP Powell project modified the existing system to address the new leak. A groundwater extraction trench was installed to prohibit contaminated groundwater from entering a nearby sewer main. No vapors have been reported since the trench was installed. This immediate response was initiated during FY2007, and the system continues to operate.

- The Ham's Fork Station is located on Wyoming State Highway 189, approximately 0.2 miles north of the Hams Fork River. On October 30, 2007, the station reported that the regular unleaded gasoline tank failed a tank tightness test and the tightness test on the premium unleaded gasoline tank was inconclusive. The testing firm also reported there was approximately 5 feet of free product on the groundwater in one of the wells at the site. The WDEQ contracted with Fremont Environmental to perform an immediate response at the site to mitigate possible impacts to the Hams Fork River from this release. Initial plans to mitigate the contamination at the site involved the use of a vacuum truck to remove free product and contaminated water through enhanced fluid recovery. These plans were abandoned when no viable disposal option could be found. Ongoing monitoring at the site has not detected migration of contaminants into the nearby storm drain, which discharges to the river. No other immediate health and safety risks have been identified. Free product recovery using a small pump is continuing at the site on a regular basis. The site has been placed in the Kemmerer project, which started in July 2008. A remediation system will be designed and operated by the Kemmerer project engineer, Delta Environmental. Fremont's contract will be terminated as soon as Delta takes over the fluid recovery operation at the site, which will continue until the remediation system is constructed in 2009.

**IV. Laboratory Certification.** A significant portion of STP remediation costs involve laboratory chemical analyses. Associated with laboratory analyses are potential quality control issues and standardized procedures to maintain consistency between projects and contractors. Analytical data are used extensively to justify spending millions of taxpayers' dollars to remediate leaking tank sites. If laboratory data results are questionable, management decisions to spend state funds to remediate sites may also be in question.

In an effort to maintain the highest quality control and to standardize chemical analyses procedures, a laboratory certification program was implemented at no cost to the STP. This certification program is administered by the American Association for Laboratory Accreditation (A2LA). A2LA performs laboratory inspections and audits to ensure the laboratories maintain the high degree of performance required to retain certification. To date, seven laboratories have achieved A2LA certification for the Wyoming STP.

## **FIGURES AND TABLES**

Solid and Hazardous Waste Organizational Chart

STP District Office Information

Table 1. Storage Tank Program (STP) State Revolving Fund Balances as of June 30, 2008

Table 2. Storage Tank Program (STP) State Revolving Fund (SRF) Account Activity as of June 30, 2008

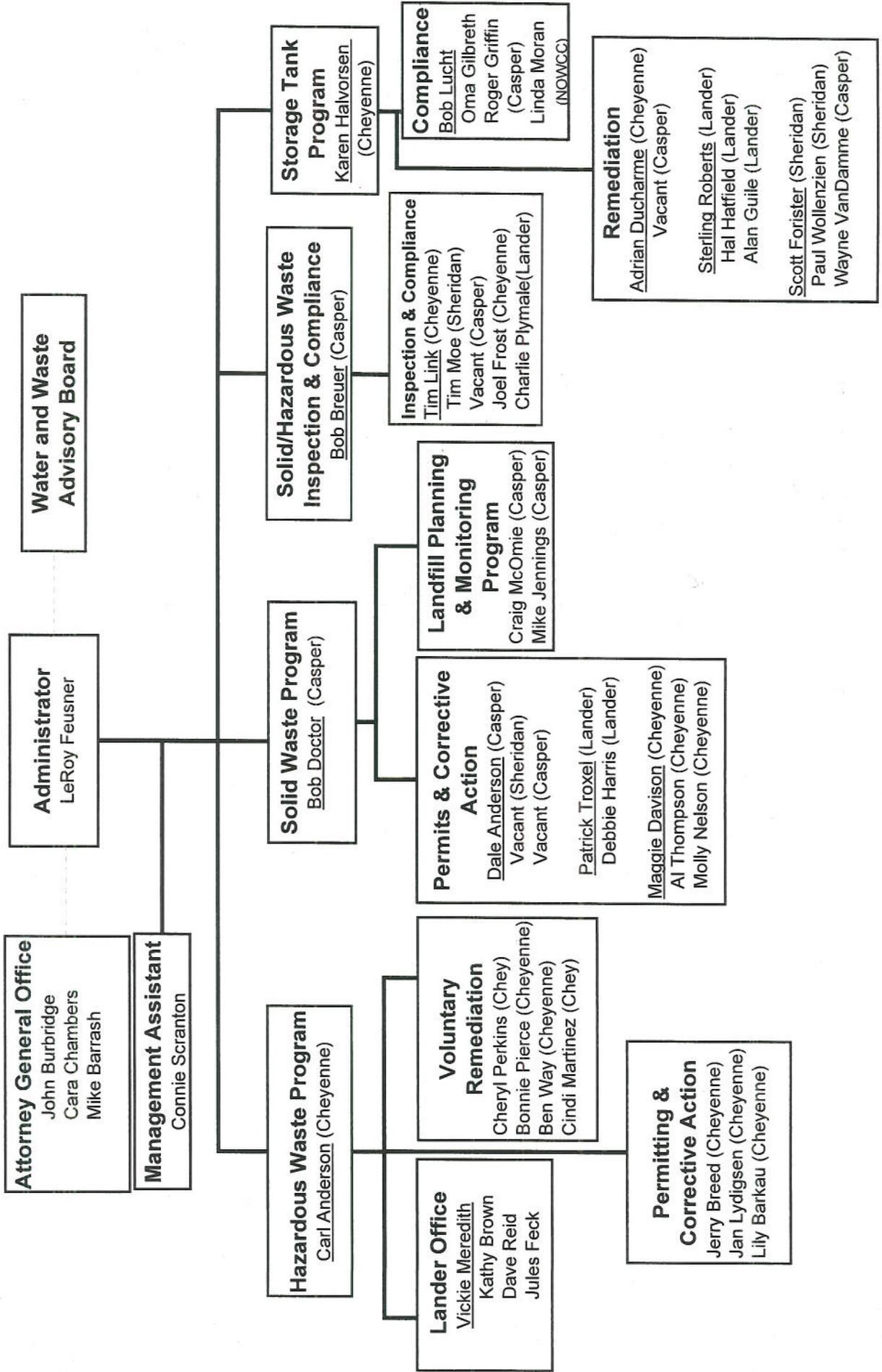
Table 3. UST and AST Overview as of June 30, 2008

Table 4. Remediation Overview as of June 30, 2008

Table 5. Project Cost Summary Through Fiscal Year 2008

# Solid and Hazardous Waste

04/08



**WDEQ/SHWD STORAGE TANK PROGRAM  
DISTRICT OFFICES**

**PROGRAM MANAGEMENT**

Herschler Building, 4W  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002  
Fax: (307) 777-5973

Karen L. Halvorsen, P.E., Storage Tank Program Manager  
(307) 777-7244; [khalvo@wyo.gov](mailto:khalvo@wyo.gov)

**Compliance**

Robert Lucht, P.E., P.G., Compliance Supervisor,  
(307) 777-7095; [blucht@wyo.gov](mailto:blucht@wyo.gov)  
Oma Gilbreth, (307) 777-7097; [ogilbr@wyo.gov](mailto:ogilbr@wyo.gov)  
Linda Moran, (307) 777-7619; [lmoran@wyo.gov](mailto:lmoran@wyo.gov)  
Roger Griffin (307) 473-3463; [rgriff@wyo.gov](mailto:rgriff@wyo.gov), (Casper field office)

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**District #1**

Herschler Building, 4W  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002

Adrian Ducharme, P.G., District #1 Supervisor  
(307) 777-7073; [aducha@wyo.gov](mailto:aducha@wyo.gov)

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**District #2**

510 Meadow View Drive  
Lander, WY 82520  
Fax: (307) 332-3183

Sterling Roberts, P.E., District #2 Supervisor  
(307) 335-6953; [srober@wyo.gov](mailto:srober@wyo.gov)  
Alan Guile, (307) 335-6955; [aguile@wyo.gov](mailto:aguile@wyo.gov)  
Hal Hatfield, P.G., (307) 335-6944; [hhatfi@wyo.gov](mailto:hhatfi@wyo.gov)

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**District #3**

1866 South Sheridan Avenue  
Sheridan, WY 82801  
Phone: (307) 673-9337  
Fax: (307) 672-2213

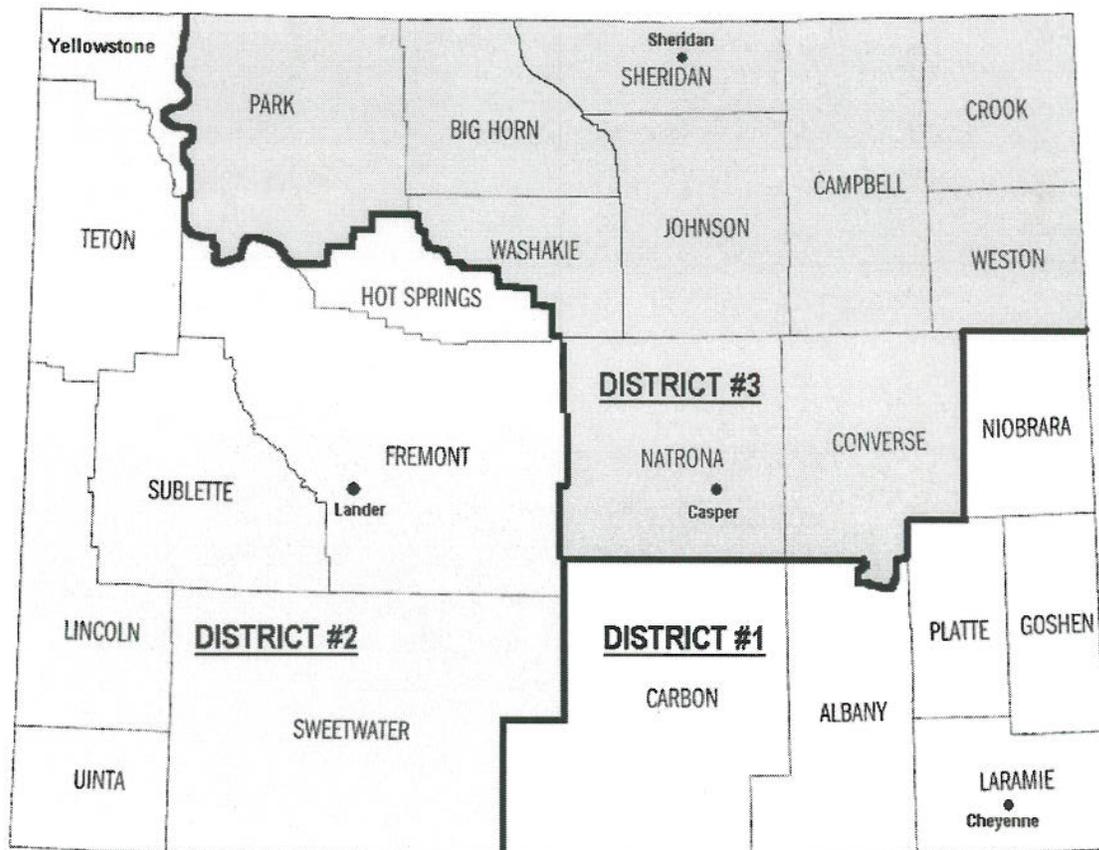
Scott Forister, P.E., District #3 Supervisor; [sforis@wyo.gov](mailto:sforis@wyo.gov)  
Paul Wollenzien; [pwolle@wyo.gov](mailto:pwolle@wyo.gov)  
Wayne VanDamme, P.G.; (307) 473-3467; [wvanda@wyo.gov](mailto:wvanda@wyo.gov),  
(Casper field office)

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**Casper Field Office**

152 North Durbin Street, Suite 100  
Casper, WY 82604  
Fax: (307) 473-3458

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**TABLE 1  
STORAGE TANK PROGRAM (STP)  
STATE REVOLVING FUND BALANCES  
AS OF JUNE 30, 2008**

FUNDING SOURCE	BALANCE
State Corrective Action Account (Available for STP Remediation Projects)	\$7,266,879
State Financial Responsibility Account (Available for Court-Awarded STP Third Party Damages)	\$1,000,000

**TABLE 2  
STORAGE TANK PROGRAM (STP)  
STATE REVOLVING FUND (SRF) ACCOUNT ACTIVITY  
AS OF JUNE 30, 2008**

PROGRAM ACTIVITY	AMOUNT
Loan Authority Available to STP	\$134,014,088
Loan Authority Encumbered and/or Disbursed	
SRF Loans Paid	\$80,485,606
SRF Loans Payable	\$36,828,741
SRF Encumbrances	\$12,572,874
SRF Available Loan Authority	\$4,126,867

**TABLE 3  
UST AND AST OVERVIEW  
AS OF JUNE 30, 2008**

Description	Number
<b>Total STP Facilities – Active, TOU, and POU Facilities</b>	<b>3,830</b>
<b>Total Tanks of all Types</b>	<b>10,540</b>
<b>Total UST Tanks</b>	<b>9,995</b>
<b>Total AST Tanks</b>	<b>545</b>
<b>Total UST Active and TOU Facilities</b>	<b>770</b>
<b>Total Active USTs</b>	<b>1,856</b>
<b>Total TOU USTs</b>	<b>110</b>
<b>Total POU USTs (includes 43 non-federally regulated pre-law tanks)</b>	<b>8,029</b>
<b>Total AST Active and TOU Facilities</b>	<b>96</b>
<b>Total Active ASTs</b>	<b>238</b>
<b>Total TOU ASTs</b>	<b>16</b>
<b>Total POU ASTs</b>	<b>291</b>

Note: Many facilities have both USTs and ASTs.

UST- Underground storage tank  
 AST – Aboveground storage tank  
 TOU – Temporarily out-of-use  
 POU – Permanently out-of-use

**TABLE 4  
REMEDIATION OVERVIEW  
AS OF JUNE 30, 2008**

DESCRIPTION	NUMBER OF SITES					
	CY 2003	CY 2004	CY 2005*	FY 2006*	FY 2007	FY 2008
Contaminated Source Sites	1,535	1,541	1,556	1,566	1,555**	1,561
Source Sites Remediated/Resolved	617	635	730	753	813	831
Unresolved Source Sites	918	888	826	813	742	730
Unresolved Source Sites in Active Remediation <sup>1</sup>	417	385	325	423	334	307
Source Sites Awaiting Remediation	501	503	501	390	408	423

\* The STP began reporting on a fiscal year basis in FY 2006. Therefore, some of the data in this Table for FY2006 are also included in the column for CY2005.

\*\* Error in database accounting; 12 sites included in years previous to FY2007 that should not have been included

<sup>1</sup> Does not include third-party site properties contaminated by the known source site

CY – Calendar Year

FY – Fiscal Year

**TABLE 5**  
**PROJECT COST SUMMARY THROUGH FISCAL YEAR 2008**

Project Name	Number of Sites*	Total Expended
Baggs	3	\$ 1,512,435
Basin SSI	2	47,194
Big Horn Basin	39	199,433
Buffalo	19	2,587,415
CAA Dig/Haul & Site Investigations	46	1,184,569
Casper (West)	35	3,703,400
Casper Flying J	1	928,356
Casper Sampling SSI	33	42,290
Casper Yellowstone Highway	3	97,467
Cheyenne (Central)	20	3,742,323
Cheyenne (Southwest)	21	5,996,727
Evanston (South)	11	1,193,431
Ft Bridger	1	357,755
Gillette (East)	22	2,497,541
Gillette Stonepile Creek	1	44,861
Glenrock/Douglas/South Converse County**	18	2,616,900
Green River	16	3,112,195
Greybull AST	1	64,538
Greybull Emergency Response	1	382,072
Greybull/Basin	19	5,457,276
Hulett	4	1,064,939
Jackson	34	6,548,684
Jackson Quality Cleaners	1	86,321
Kemmerer	1	217,617
Laramie (West)	6	4,956,268
Laramie 3rd Street	32	9,469,673
Laramie East Grand	5	855,141
Lovell	15	535,503
Lyman/Mountain View	21	4,291,380
Niobrara/Goshen Counties	6	2,474,120
North Modified SSI	74	220,697
Northeast Central Modified SSI	38	208,042
Northeast Groundwater Sampling	22	55,834
Northeast Modified SSI	32	176,821
Northeast Wyoming	26	2,636,772
Northwest District	19	209,210
Opal	3	1,497,397
Pinedale	13	7,054,667
Platte County	18	4,067,534
Powell	20	5,273,021
Riverton	11	4,075,955
Rock Springs Pilot Butte SSI	20	537,170
Rock Springs/N Elk Street	16	6,250,065

**TABLE 5 (Continued)**  
**PROJECT COST SUMMARY THROUGH FISCAL YEAR 2008**

<b>Project Name</b>	<b>Number of Sites*</b>	<b>Total Expended</b>
Sheridan/South Sheridan	29	4,347,593
South Central Modified SSI	40	208,701
South Modified SSI	80	287,330
Southeast II Modified SSI	58	226,779
Southeast Modified SSI	50	202,745
Statewide Mon Well Abandonment	29	4,628
Sundance	7	2,493,713
Sweetwater County	38	1,540,972
Tablerock	1	326,393
Teton County	6	2,518,621
Thermopolis	16	1,111,734
Tie Siding	1	121,477
Upper Platte Valley	25	1,458,971
Weston County SSI	19	74,392
Wind River	30	2,228,238
Worland	14	4,441,199
Yellowstone National Park	11	181,461
<b>TOTALS</b>	<b>1,203</b>	<b>\$ 120,305,956</b>

\* All sites may not have been included in all phases of a project.

\*\* The original "Glenrock/Douglas" project has been split into a "Douglas" project and a "South Converse County" project. Costs for both projects have been combined.

Funds are from State Revolving Fund (SRF) except "CAA" sites.

CAA = Corrective Action Account. CAA funds are used at sites that are not included in an SRF project.