

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE EMERGENCY            )  
AMENDMENT OF CHAPTER 2                    )  
OF THE SOLID WASTE MANAGEMENT            )  
RULES AND REGULATIONS                    )

STATEMENT OF PRINCIPAL REASONS  
FOR ADOPTION

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statutes 35-11-112(a)(i), has adopted an emergency amendment to Chapter 2 Section 5(d) of the Solid Waste Management Rules and Regulations.

Chapter 2 is entitled "Sanitary Landfill Regulations". The emergency amendment to Chapter 2 incorporates an EPA-approved extension to the date on which Type II sanitary landfills must comply with the daily cover requirements.

The Council finds that an emergency exists requiring adoption of this rule under the emergency rulemaking provisions of the Administrative Procedures Act. EPA amended the federal daily cover requirements on October 6, 1995, which was three days before the daily cover requirements were scheduled to take effect as specified in Chapter 2, Section 5(d). Three days is an insufficient time to amend a state regulation under the normal Administrative Procedures Act rulemaking process.

The Council finds that it is reasonable to provide relief to owners and operators of small landfills, by extending the daily

cover compliance date to October 9, 1997. This delay will provide more time for the public to use these facilities while alternative waste management services are explored. Additionally, the Council does not believe that delaying the daily cover requirement will create an adverse impact to public health or the environment, especially since other environmental controls and safeguards required by Chapter 2 will be maintained at these landfills during the period of the delay.

The Council finds that this regulation is reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and that it has been promulgated in accord with the emergency rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this 27<sup>th</sup> day of November, 1995

  
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for the Environmental Quality Council