

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

STATEMENT OF PRINCIPLE 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 IX of the Solid Waste Management Rules and Regulations.

Chapter IX is entitled "Suspension of Permits for New Commercial Solid Waste Disposal Facilities." The amendment to Chapter IX lifts the permit suspension from solid waste management facilities disposing of or processing less than 500 tons of waste per day, and from hazardous waste management facilities of any size.

Wyoming needs to resume permitting of some of the classes of solid waste facilities that fell under the original Chapter IX permit suspension rule. Because of the federal Environmental Protection Agency's new regulations for underground storage tank

closure (40 CFR 280.71), tank owners urgently need additional decommissioning facilities within the state to effectively comply with the requirements. Other commercial facilities, such as land application facilities for the treatment of contaminated soils from leaking underground storage tank sites, sump waste disposal/processing facilities, and solid waste processing (recycling) facilities are needed to provide immediate environmental safeguards and disposal alternatives.

Lifting the permit suspension for hazardous waste management facilities is necessary before Wyoming can meet qualifications for federal Superfund remedial action. The federal Superfund law requires all states to assure by October, 1989 that they have adequate capacity to handle the hazardous wastes produced within the state for the next twenty years. Part of this assurance requires a state to demonstrate that it has no outright barriers to the siting, construction, and operation of hazardous waste management facilities. If unrevised, Chapter IX would be such a barrier. This amendment of Chapter IX will therefore assist Wyoming in making the necessary assurances to qualify for Superfund remedial funds. These remedial funds may be necessary, as was demonstrated by their use in the Brookhurst subdivision near Casper. Superfund money was used to construct a new water line supplying safe drinking water to residents whose water was

apparently contaminated by industrial pollutants.

Under this amendment, permits will still be suspended for commercial solid waste management facilities, which are any facilities receiving on 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. Retaining the permit suspension for the larger-scale facilities will enable promulgation of rules and regulations required by the Environmental Quality Act prior to granting permits for these facilities. The Environmental Quality Act requirements include waste screening, resource removal and recovery from solid waste, and treatment, storage and disposal of recovery residue, as set forth in W.S. 35-11-508. Until such rules and regulations exist to protect the environment and the health and welfare of the general public, the permit suspension for commercial solid waste management facilities will be maintained.

Section 4 allows the department to use existing technical standards for permitting solid waste processing facilities. Previous regulations did not specifically require a permit for waste processing plants. Until the Council adopts subsequent regulations, the existing technical standards for processing

plants will be used as a permitting system, as authorized under W.S. 35-11-505. Such a permitting system allows incorporation of financial assurance requirements simultaneously adopted as Chapter XI of the Solid Waste Management Rules and Regulations.

The Council finds that this amendment 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 21st day of July, 1989

Harold S. Bergman

for the Environmental Quality Council