

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE)
PROMULGATION 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 Chapter IX of the Solid Waste Management Rules and Regulations.

Solid waste disposal activities in Wyoming have historically been carried out by agencies of municipal government. Additionally, solid waste disposal sites have been operated for the sole use of industrial facilities to accept and dispose of solid waste on the property of the industrial facility. Wyoming has not, to any great degree, been faced with the need to regulate commercial solid waste disposal facilities. The Council finds that the current regulatory requirements (Wyoming Solid Waste Management Rules and Regulations, 1975) do not adequately carry out the purposes of the Act when considering the impacts that are likely to arise from the siting, construction, operation, and closure of commercially-operated solid waste disposal facilities.

The policy and purpose of the Environmental Quality Act, as set forth in W.S. 35-11-102, is clear. The Act is to be construed to provide for the protection of the public health and welfare of the people of the state, and to, among other things, "...enable the state to prevent, reduce and eliminate pollution; to preserve, and enhance the air, water and reclaim the land of Wyoming; to plan the development, use, reclamation, preservation and enhancement of the air, land and water resources of the state...". The current programs, resources, and regulatory requirements for commercial solid waste disposal facilities are judged deficient to carry out the policy and purpose of the Act in several critical areas. Therefore, a suspension of permit issuance for this category of facilities is necessary to provide time for the state to address such deficiencies in further rulemaking.

The rules and regulations in Chapter IX provide for the temporary suspension of issuance of permits for commercial solid waste disposal facilities. Chapter IX is being promulgated to extend the 120 day permit suspension already in effect in accordance with the provisions of an emergency rule enacted by the Council. This suspension will continue until rules and regulations that provide for resumption of permitting by the director are adopted in accordance with the Administrative Procedures Act.

The Council has limited the applicability of this regulation to suspend issuance of new permits to commercial solid waste disposal facilities where complete permit applications have not already been submitted. This limitation is intended to mitigate any adverse impact of this moratorium on permit issuance, by limiting applicability of the regulation to proposed facilities. This regulation is intended to place potential commercial solid waste disposal facility developers on notice that additional requirements are deemed necessary before any new permits are issued.

The purpose in limiting the applicability of this moratorium on permit issuance to include only planned commercial waste disposal facilities is to avoid creating conditions where potential developers of these facilities invest large amounts of time and money to secure facility sites, develop engineering plans and specifications for facility designs, and prepare costly permit applications, only to find at a later time that the State of Wyoming will impose what may be costly operating conditions on such facilities.

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 rulemaking provisions of the Wyoming
Administrative Procedures Act.

Dated this 18 day of December 1988.

John C Schaffer
for the Environmental Quality Council