

Wyoming Department of Environmental Quality
Solid and Hazardous Waste Division
Hazardous Waste Management

Chapter 11 – Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage and Disposal Facilities

2007 Rule Revision Explanation

Introduction:

The proposed revisions within Chapter 10 are being initiated by changes to federal rules that have been promulgated by the Environmental Protection Agency (EPA) through the Federal Register Notices listed below. Revisions being proposed in this package are generally comparable to the federal Resource Conservation and Recovery Act (RCRA) regulations. Other revisions are proposed to correct editorial errors.

The proposed adoption of Section 12(b)(ix) is a state initiative intended to address surface impoundments regulated because of a newly listed hazardous waste. Please see the detailed explanation provided below on page 4.

The authority to revise the rules contained within Chapter 11 is provided by W.S. 35-11-503(d)(i).

Applicable Federal Register Notices:

These proposed rules incorporate the final adopted EPA rule changes addressed in the following Federal Register (FR) notices:

- 1) April 12, 1996, in 61 FR 16290, *Imports and Exports of hazardous Waste: Implementation of OECD Council Decision*;
- 2) February 12, 1997, in 62 FR 6622, *Military Munitions Rule: Hazardous Waste Identification and Management, Explosives Emergencies, Manifest Exemption for Transport of Hazardous Waste on Right-of-ways on Contiguous Properties* (hereafter referred to as Military munitions rule);
- 3) June 19, 1998, in 63 FR 33782, *Hazardous Waste Combustors, Revised Standards* with one revision to Chapter 6, Section 2(c)(x) regarding permit modifications to comply with new Clean Air Act Maximum Achievable Control Technology (hereafter referred to as Hazardous waste combustors);

4) October 22, 1998, in 63 FR 56710, *Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities, Post-Closure Permit Requirement and Closure Process* (hereafter referred to as the Post-closure rule);

5) November 30, 1998, in 63 FR 65874, *Hazardous Remediation Waste Management Requirements* (hereafter known as HWIR-Media);

6) January 21, 1999, in 64 FR 3381, *Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators, Organic Air Emissions Standards for Tanks, Surface Impoundments and Containers* (hereafter referred to as Organic air emissions standards);

7) July 6, 1999, in 64 FR 36466, *Hazardous Waste Management System, Modification of the Hazardous Waste Program, Hazardous Waste Lamps* (hereafter known as Universal lamps); and

8) January 22, 2002, in 67 FR 2961, *Amendments to the Corrective Action Management Rule*.

EXPLANATION FOR PROPOSED REVISIONS

Universal editing guides pertaining to the attached rules:

Text in the margins indicates the federal citation for the rule.

Boldface type indicates that the state has added language for which there is no federal equivalent language.

A caret symbol (^) indicates that federal language has not been adopted

Editing guides pertaining to proposed changes:

Underline means language proposed to be added.

~~Strikethrough~~ means language proposed for removal.

The numbers in the left margin coincide with the page numbers on the attached pages from Chapter 11.

Changes proposed to Section 1. GENERAL.

11-1

Section 1(a)(ii) is proposed for revision to add a cross-reference to new subsection (c) within Chapter 18 regarding Staging piles added to the federal rules by part of 63 FR 65874, (November 30, 1998 - the HWIR-media rule).

11-2
& 3

Section 1(a)(iii)(K)(I)(4.) and (K)(IV) are proposed for adoption to include language added to the federal rules by 62 FR 6622, (February 12, 1997 - the Military munitions rule).

11-4

Section 1(a)(iii)(N)(IV) is proposed for revision to remove the phrase “Mercury Containing.” This phrase was removed from the federal rules as part of 64 FR 36466, (July 6, 1999 - Universal Lamps).

11-5

Section 1(a)(vii) is proposed for adoption to include language added to the federal rules as part of 62 FR 6622, (February 12, 1997 - the Military munitions rule).

Changes proposed to Section 2. **INTERIM STATUS.**

11-8

Section 2(c)(ii)(H) is proposed for adoption to include language added to the federal rules as part of 63 FR 33782, (June 19, 1998 - Hazardous waste combustors).

Changes proposed to Section 4. **GENERAL FACILITY STANDARDS.**

11-10

Section 4(c)(i)(B) is proposed for revision to remove the reference to Section 8 of Chapter 8 and replace it with a reference to the appropriate federal rules. This change is needed in order to make it clear that Wyoming cannot regulate international trade. This policy was adopted by EPA in 61 FR 16290 (April 12, 1996), as part of the implementation of the Organization for Economic Cooperation and Development (OECD) decision. The OECD governs import and export of waste between participating countries. Control of the import and export of hazardous waste to the United States will continue to be regulated by the EPA.

11-15

Section 4(f)(ii)(D) is proposed for revision to delete a cross-reference to the federal rules that is unnecessary in the state rules.

Changes proposed to Section 7. **MANIFEST SYSTEM, RECORDKEEPING AND REPORTING.**

11-24

Section 7(a)(i) is proposed for revision in accordance with the counterpart federal rule being revised as part of 62 FR 6622, (February 12, 1997 - the Military munitions rule).

11-27
& 29

Section 7(d)(ii)(C) and (F) and 7(f)(vii) are proposed for revision to delete cross-references to the federal rules which are unnecessary in the state rules.

11-30

Section 7(h)(iv) is proposed for revision to insert a cross-reference to Section 30 of Chapter 11 which was inadvertently excluded from this rule in an earlier rulemaking.

Changes proposed to Section 8. **GROUND WATER MONITORING.**

11-32

Section 8(a)(vi) is proposed for adoption in accordance with these rules being added to the federal rules as part of 63 FR 56710, (October 22, 1998 - Post-closure rule).

Changes proposed to Section 9. **CLOSURE AND POST-CLOSURE.**

11-38
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Section 9(a)(iii) and (iv); (c)(ii)(H); (c)(iii)(A)(IV) are proposed for adoption in accordance with these rules being added to the federal rules as part of 63 FR 56710, (October 22, 1998 - Post-closure rule).

11-50

Sections 9(i)(iii)(D) and (E) and 9(i)(iv)(A)(III) are proposed for adoption in accordance with these rules being added to the federal rules as part of 63 FR 56710, (October 22, 1998 - Post-closure rule).

11-54
& 55

Section 9(l) is proposed for adoption in accordance with this subsection being added to the federal rules as part of 63 FR 56710, (October 22, 1998 - Post-closure rule).

Changes proposed to Section 11. **TANK SYSTEMS.**

11-71

Section 11(g)(v)(D) is proposed for revision to delete “subparagraph” which was inadvertently left in the rule during a previous rulemaking.

Changes proposed to Section 12. **SURFACE IMPOUNDMENTS.**

11-77

Section 12(b)(ix) is proposed for adoption as a state initiative to address surface impoundments regulated because of a newly listed hazardous waste. Under the present rules the owner/operator of a newly regulated surface impoundment has four years to upgrade the impoundment to meet minimum technology standards or close the impoundment. The proposed language would allow the Director to require the surface impoundment to be upgraded sooner if hazardous constituents accumulating in the impoundment have the potential to migrate to groundwater. The text is in bold indicating that it is state added language. However the text is taken from the federal Resource Conservation and Recovery Act at § 3005(j)(7)(B).

Changes proposed to Section 15. **LANDFILLS.**

11-93
& 97

Section 15(b)(iii)(A) and (k)(ii)(B), (C) and (E) are proposed for revision to delete cross-references to the federal rules which are unnecessary in the state rules.

Changes proposed to Section 16. **INCINERATORS.**

11-102

Section 16(l) is changed to add the appropriate cross-reference to Chapter 12.

Changes proposed to Section 19. **UNDERGROUND INJECTION.**

11-108

Section 19(a) is proposed for revision to delete a cross-reference to a federal rule that is unnecessary in the state rules.

Changes proposed to Section 28. **AIR EMISSION STANDARDS FOR PROCESS VENTS.**

11-115 Section 28(a)(ii)(B) is proposed for revision to delete a cross-reference to a federal rule and insert a cross-reference to the appropriate state rule.

11-115 Section 28(a)(ii)(C) is proposed for revision to delete a cross-reference to an incorrect state rule.

11-117 Section 28(d)(i)(A)(II) is proposed for revision to insert “regulatory” which was inadvertently omitted during a previous rulemaking.

11-121 Section 28(d)(x)) is proposed for revision to insert “system” which was inadvertently omitted during the previous rulemaking.

11-122 Section 28(d)(xi)(A)(II)(2.) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”

11-124 Section 28(d)(xiii)(A)(II) is proposed for revision to insert a cross-reference to Sections 28 and 30 within Chapter 11. This cross-reference was inadvertently omitted during the previous rulemaking.

11-124 Section 28(d)(xiv)(A) and (B) are proposed for revision to correctly cross-reference subparagraph (xi) within Section 28(d).

11-128 Section 28(e)(vi) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.” In addition the phrase “of SW-846 (incorporated by reference under Chapter 1, Section 1(g)) may” is proposed for insertion. This phrase was inadvertently omitted during the previous rulemaking.

11-132 Section 28(f)(iii)(C) is proposed for revision to correctly cross-reference subparagraph (xi) within Section 28(d).

Changes proposed to Section 29. AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS.

11-135 Section 29(a)(v) is proposed for revision to correctly cross-reference subsection (k) within Section 29.

11-143 Section 29(k)(ii)(A) and (D) are proposed for revision to insert text found in the counterpart federal rules that was inadvertently omitted during the previous rulemaking.

Changes proposed to Section 30. AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENT, AND CONTAINERS.

11-151 Section 30(a)(ii)(E) is proposed for revision to make changes which were made to the counterpart federal rule as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).

- 11-152 Section 30(a)(iv)(C) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-152 & 153 Section 30(c)(i)(A) and (c)(ii) and (ii)(B) are proposed for revision to insert text inadvertently omitted during the previous (1998) rulemaking.
- 11-154 Section 30(c)(iv) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-155 Section 30(d)(iii)(B)(IV)(1.) is proposed for revision to insert “this” instead of “the.”
- 11-156 Section 30(d)(iii)(B)(VIII)(1.) is proposed for revision to insert text which clarifies the location of the Chapters being referenced.
- 11-157 Section 30(d)(iii)(D)(I) is proposed for revision to delete “of” which was inadvertently included during the previous (1998) rulemaking.
- 11-157 thru 159 Section 30(d)(iv); (iv)(B)(II), (iv)(C), (iv)(D), (iv)(E), (iv)(E)(II) and (III) are each proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-159 Section 30(e)(i)(A)(I) and (II) are proposed for adoption in accordance with these rules being added to the federal rules as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 11-160 & 161 Section 30(e)(i)(C)(II)(2.) and (4.), and Section 30(e)(i)(C)(III) are proposed for revision or adoption in accordance with the counterpart federal rules being modified or added as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 11-162 Section 30(e)(i)(C)(III)(7.)a. is proposed for revision to correct a grammatical error.
- 11-162 & 163 Section 30(e)(i)(C)(IV)(1.) and (2.) are proposed for revision to correct errors where the text does not coincide with the counterpart federal rules. These errors were made during the previous (1998) rulemaking.
- 11-163 Section 30(e)(i)(C)(V) is proposed for revision to correctly cross-reference subparagraph (vi) within Section 30(k) of Chapter 11.
- 11-164 Section 30(e)(i)(D)(IV) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-164 Section 30(e)(ii)(A)(I) and (II) are proposed for adoption in accordance with the counterpart federal rules being added as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).

- 11-165 Section 30(e)(ii)(C)(II)(2.) is proposed for revision to incorporate changes made to the counterpart federal rule as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 11-165 & 166 Section 30(e)(ii)(C)(II)(4.) and (III) are proposed for adoption and revision (respectively) in accordance with the counterpart federal rules being added/revised as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 11-166 Section 30(e)(ii)(C)(III)(6.) is proposed for revision to appropriately reference Method 8260.
- 11-167 & 168 Section 30(e)(ii)(C)(IV) is proposed for revision to correct errors where the text does not coincide with the counterpart federal rules. These errors were made during the previous (1998) rulemaking.
- 11-173 Section 30(e)(iii)(C)((II)(5.) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-173 & 175 Section 30(e)(iv) and (f)(ii)(A)(III) are both proposed for revision to correct cross-references.
- 11-176 Section 30(f)(iii)(B)(III)(2.)a. and b. are proposed for revision to correct errors where the text does not coincide with the counterpart federal rules. These errors were made during the previous (1998) rulemaking.
- 11-180 Section 30(f)(v)(C)(IV), (IV)(1.) and (IV)(2.) are proposed for revision to insert the appropriate term “Director” and remove the term “Administrator” and “Regional Administrator.”
- 11-180 Section 30(f)(v)(D) is proposed for revision to insert “the” which was inadvertently omitted during a previous (1998) rulemaking.
- 11-184 Section 30(f)(vi)(C)(III) and (III)(1.) through (3.) are proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-186 & 187 Section 30(f)(viii)(C), (C)(I) and (II) are proposed for revision and adoption (respectively) in accordance with the counterpart federal rule being revised/added as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 11-187 Section 30(f)(ix)(C) is proposed for revision to delete a cross-reference to federal rules which were inadvertently included during the previous (1998) rulemaking.
- 11-193 Section 30(h)(i) is proposed for revision to delete “this section” which was inadvertently inserted during a previous (1998) rulemaking.

- 11-199 Section 30(h)(iv)(D)(I) is proposed for revision to delete “arrives” and insert “is accepted” which conforms with the text in the counterpart federal rule. This error was inadvertently made during a previous (1998) rulemaking.
- 11-200 Section 30(h)(v)(D) and (E) are proposed for revision to delete references to federal rules and insert the appropriate state rule citations.
- 11-200 & 201 Section 30(h)(v)(F) is proposed for adoption in accordance with the counterpart federal rules being adopted as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 11-201 Section 30(h)(vi)(C) and (D) are proposed for revision to delete references to federal rules and insert the appropriate state rule citations.
- 11-202 Section 30(i)(i) is proposed for revision to add “sub” to “section.”
- 11-203 Section 30(i)(iii)(B) is proposed for revision to delete a references to federal rules.
- 11-204 & 205 Section 30(i)(iii)(E)(II) and (G) are proposed for revision to properly cross-reference to Section 28 within Chapter 11.
- 11-205 Section 30 (i)(iii)(F) is proposed for revision to insert the appropriate term “Director” and remove the term “Administrator.”
- 11-205 & 206 Section 30(j)(i) and (k)(i) are proposed for revision to correctly cross-reference to Section 30 of Chapter 11. In addition “respectively” is proposed for addition to the end of (k)(i). This word was inadvertently omitted during the previous (1998) rulemaking.
- 11-209 Section 30(k)(vi)(A) is proposed for revision to correct a cross-reference.
- 11-210 Section 30(k)(viii) and (ix) are proposed for revision to delete references to federal rules and insert the appropriate state rule citations.

Proposed Section 32. HAZARDOUS WASTE MUNITIONS AND EXPLOSIVE STORAGE.

- 11-216 thru 218 Section 32 is proposed for adoption in accordance with these rules being added to the federal rules as part of 62 FR 6622, (February 12, 1997 - the Military munitions rule).

Proposed changes to Appendix A- Recordkeeping Instructions

- 11-A-4 Appendix A is proposed for revision to remove two references to a federal rules inadvertently inserted during the previous (1998) rulemaking.

Proposed changes to Appendix F- Compounds with Henry’s Law Constant Less Than 0.1 Y/X (at 25 degrees Celsius)

11-F-1,
2, 4, 5
& 6

Various entries have been revised to include a dashed line to indicate that a CAS number does not exist for those compounds.