

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

Chapter 8 – Standards for Generators of Hazardous Waste

2007 Rule Revision Explanation

Introduction:

The proposed revisions within Chapter 8 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 comparable to the promulgated federal Resource Conservation and Recovery Act (RCRA) regulations. Other revisions are proposed to correct editorial errors.

The authority to revise the rules contained within Chapter 8 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) October 20, 1999, in 64 FR 56469, *Land Disposal Restrictions Phase IV, Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes, Mineral Processing Secondary Materials, and Bevill Exclusion Issues, Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters* (hereafter known as LDR Phase IV);
- 4) March 8, 2000, in 65 FR 12378, *180-Day Accumulation Time under RCRA for Waste Water Treatment Sludges from the Metal Finishing Industry* (hereafter referred to as Waste water treatment sludges from metal finishing); and
- 5) May 16, 2001, in 66 FR 27218, *Storage, Treatment, Transportation and Disposal of Mixed Wastes* (hereafter referred to as Storage, treatment, transportation and disposal of mixed wastes).

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 8.

Changes proposed to Section 1. General

8-1

Section 1(a)(iv) is proposed for revision to delete existing text and replace it with text that currently appears in Section 5(i) of Chapter 8 (shown on page 8-19). This change is needed in order to make it clear that Wyoming cannot regulate international trade. This policy was adopted by the 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/from the United States will continue to be regulated by the EPA.

8-1

Section 1(a)(v) is proposed for revision to require persons importing hazardous waste to comply with generator requirements of 40 CFR 262, Subpart H. Please refer to explanation given above regarding the OECD decision.

8-2

Section 1(a)(x) is proposed for adoption to add a rule regarding military munitions which was added to the federal rules as part of 62 FR 6622, (February 12, 1997 - the Military munitions rule). Note 2 of Section 1(a)(x) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

8-3

Section 1(b)((i)(D) is proposed for revision to remove the citations to counterpart federal rules which were inadvertently left in the rule during the previous rulemaking.

Changes proposed to Section 2. **The Manifest**

8-4

Section 2(a)(vi) is proposed for adoption to add a rule regarding military munitions which was added to the federal rules as part of 62 FR 6622, (February 12, 1997 - the Military munitions rule).

Changes proposed to Section 3. **Pre-transport Requirements**

8-6

Section 3(e)(i)(A)(I) and (II) are proposed for revision to add a cross-reference to Chapter 11, Sections 28, 29 and 30. These are three new Sections being proposed for inclusion within Chapter 11 in accordance with new federal rules adopted as part of 64 FR 3381, (January 21, 1999 - Organic air emissions standards).

8-7
& 8

Section 3(e)(i)(D) and Section 3(e)(iv)(D) are proposed for revision to change the cross-reference to Chapter 13. Chapter 13, Section 1(g) is proposed for revision to incorporate changes to counterpart federal rules modified by Federal Register notice dated May 26, 1998, (63 FR 28556) LDR Phase IV.

8-10
& 11

Section 3(e)(vii), (viii) and (ix) are proposed for adoption to incorporate requirements regarding the 180-day accumulation of waste water treatment sludges from metal finishing which were added by 65 FR 12378, (March 8, 2000).

8-13

Section 4(b)(ii) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

8-15
& 16

Section 5(d)(ii) is proposed for revision to incorporate the phrase “of Intent.” This phrase in the counterpart federal rule at 40 CFR 262.53(b) was inadvertently excluded from this rule during the previous rulemaking.

8-19

Section 5(i) is proposed for relocation to Section 1(a)(iv) found on page 8-1.

8-20
through 31

Section 8 is proposed for deletion to remove these requirements from Wyoming’s jurisdiction with the adoption of the federal policy that States cannot regulate international trade. This policy was adopted by the 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/from the United States will continue to be regulated by the EPA.