

Wyoming Department of Environmental Quality
Solid and Hazardous Waste Division

Chapter 3 Permit Applications
Hazardous Waste Management Rules and Regulations

2007 Rule Revision Explanation

Introduction:

The proposed revisions within Chapter 3 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 federal Resource Conservation and Recovery Act (RCRA) regulations promulgated. Other revisions are proposed to correct editorial errors.

The authority to adopt, revise or delete the rules contained within Chapter 3 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) December 11, 1995, in 60 FR 63417;
- 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 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);
- 4) November 30, 1998, in 63 FR 65874, *Hazardous Remediation Waste Management Requirements* (hereafter known as HWIR-Media);
- 5) May 16, 2001, in 66 FR 27218, *Storage, Treatment, Transportation and Disposal of Mixed Wastes*; and
- 6) May 16, 2001, in 66 FR 27266, *Hazardous Waste Identification Rule (HWIR), Revision to the Mixture and Derived-from Rules* (hereafter known as Mixture and derived from rule revisions).

EXPLANATION FOR PROPOSED REVISIONS, ADOPTIONS AND DELETIONS

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 3.

Changes proposed to Section 1. Permit Application Procedures

3-2
thru
8 &
12

Section 1(a)(viii), Section 1(c), Section 1(e)(ii), Section 1(f)(ii), Section 1(g), and Section 1(o)(ii) are proposed for revision to remove text shown in brackets next to the word “Reserved.” The text in the brackets was intended to explain that these rule provisions were related to a specific federal program such as the National Pollutant Discharge Elimination System (NPDES). However the inclusion of this text has led to confusion. Therefore, the text in the bracket is proposed for deletion.

3-11

Section 1(l)(i) is proposed for revision to insert the word “in” after “with.”

3-13

Section 1(s)(i) is proposed for revision to add two phrases to this rule which the Department failed to insert when adopting the counterpart federal rule (40 CFR 124.31(a)) published in 60 FR 63417, (December 11, 1995) in the previous rulemaking.

3-14

Section 1(s)(iv)(A)(I) to is also proposed for revision to add the word “a” before “notice” in the second line to mimic the counterpart federal rule.

3-15

Section 1(t)(ii)(A) is proposed for revision to delete the word “Agency” and replace it with “Department” to properly require that the Department of Environmental Quality must receive the permit application. In addition, the cross-reference to Section 1(g)(iii)(A) has been revised to correctly reference subparagraph (IX).

Changes proposed to Section 2. Permit Application Requirements

3-17
& 18

Section 2(a)(v)(A) and (B) are 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).

3-19 Section 2(a)(vii)(A)(II) is proposed for deletion. The Department believes Section 2(a)(vii)(A)(I) and Section 2(a)(vii)(A)(II) (the section proposed for deletion) are redundant. Section 2(a)(vii)(A)(I) requires an operator managing newly listed hazardous wastes to notify both the Environmental Protection Agency (EPA) Regional Administrator and the WDEQ Director. Bold language in Section 2(a)(vii)(A)(I) was added in a previous rulemaking. The Department subsequently realized this additional language resulted in an operator having to notify WDEQ twice – once under Section 2(a)(vii)(A)(I) and again under Section 2(a)(vii)(A)(II). Further, EPA tentatively concluded in an October 15, 2003 electronic mail that by removing Section 2(a)(vii)(A)(II), the WDEQ would be equivalent to the federal rule.

3-21 & 22 Section 2(b)(iv) is proposed for revision to change the wording in the certification to match the wording in the counterpart federal rule which was modified by 63 FR 65874, (November 30, 1998 - HWIR-media).

3-24 Section 2(e)(i) is proposed for revision to include a sentence regarding post-closure permits. This language was added to the counterpart federal rule as part of 63 FR 56710, (October 22, 1998 - Post-closure rule).

3-27 Section 2(e)(ii)(K)(IV)(3.)b. 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).

3-31 Section 2(e)(iii)(F) is proposed for revision to add the word “not” which is present in the counterpart federal rule.

3-34 & 35 Section 2(f)(v) and 2(g)(xi) are proposed for revision to correctly cross-reference Section 2(r).

3-37 Section 2(h)(x) is proposed for revision to appropriately provide the rule language found in the counterpart federal rule (40 CFR 270.17(j)) which was adopted in the federal rules as part of 59 FR 62952 (December 6, 1994) but was incorrectly added to this Chapter during the previous rulemaking.

3-58 Section 2(r)(i)(G) is proposed for revision to delete an unnecessary reference to a federal citation.

3-58 & 59 Section 2(s) is proposed for revision to delete “Reserved” and add the counterpart federal rule adopted by the EPA as part of 63 FR 56710, (October 22, 1998 - Post-closure rule).