

**NOTICE OF INTENT TO ADOPT RULES AND REGULATIONS
AMENDMENTS TO THE HAZARDOUS WASTE MANAGEMENT RULES AND REGULATIONS**

Agency: Department of Environmental/Solid and Hazardous Waste Division
Address: 122 West 25th Street, Herschler Building, Fourth Floor West, Cheyenne, Wyoming 82002
Agency Contact Person for these rules: LeRoy C. Feusner, P.E., BCEE, Administrator, Solid and Hazardous Waste Division
Work Telephone: 307-777-7752

Statement of the terms and substance of the proposed rule or a description of the subjects and issues involved.

Chapters 1 through 14 of the Hazardous Waste Management Rules and Regulations (HWRR) are proposed for amendment to incorporate federal rules promulgated by the Environmental Protection Agency. The proposed rules: remove provisions on the import and export of wastes to Organization for Economic Cooperation and Development countries; define when military munitions are regulated as hazardous waste; add provisions on land disposal of wood preserving wastes, aliphatic hydrocarbons and metal bearing wastes; exclude scrap metal and containerized shredded circuit boards from regulation; clarify used oil generator requirements; exclude from regulation fuels comparable to fossil fuels produced from hazardous wastes; add hazardous waste listings for petroleum refineries and manufacturers of chlorinated aliphatic hydrocarbons; allow flexibility to issue post-closure permits or orders; add a new remediation unit called a staging pile; streamline waste management standards for fluorescent lamps; revise air emission standards for tanks, surface impoundments and containers; allow longer storage of electroplating wastewaters; address the management of wastes containing a hazardous waste and a radioactive material; change the definition of waste material for spent material being reclaimed within the mineral processing industry; clarify when mixtures of certain excluded wastes (commonly referred to as Bevill wastes) and listed hazardous waste are regulated; and change provisions on corrective action management units used to manage remediation wastes. These proposed rules also correct typographical errors in the current rules.

There are nine (9) proposed rule provisions considered more stringent than federal rules. Pursuant to the Wyoming Environmental Quality Act [W.S. §35-11-503(a)(v)], the Department has prepared a petition to the Environmental Quality Council to approve these more stringent rule provisions.

Citation to each agency rule being amended or repealed.

All fourteen chapters of the HWRR are proposed for amendment.

If the proposed rules amend existing rules, a copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at:

Department of Environmental Quality, Solid and Hazardous Waste Division, 122 West 25th Street, Herschler Building, Fourth Floor West, Cheyenne, Wyoming. Copies of the proposed rules may also be obtained by contacting Carl Anderson at 307-777-7752, by e-mail at cander@state.wy.us or by facsimile at 307-777-5973. Electronic copies of the HWRR are available at the Department of Environmental Quality's web page at <http://deq.state.wy.us/shwd>.

Statement of the time when, the place where, and the manner in which interested persons may present their views on the intended action.

Written comments on the proposed rules are required to be received no later than April 15, 2008. Written comments must be submitted to LeRoy C. Feusner, P.E., BCEE, Administrator, Solid and Hazardous

Waste Division, 122 West 25th Street, Herschler Building, Fourth Floor West, Cheyenne, Wyoming 82002.

If not already scheduled as shown above, a public hearing will be held if requested by 25 persons, a governmental subdivision or by an association having not less than 25 members. Requests for a public hearing may be addressed to:

A public hearing will be scheduled.

A public hearing on the proposed rules has not been scheduled. If yes, date, time and place of scheduled hearing.

A public hearing on the proposed revisions to the HWRR has not been scheduled at this time, but will be scheduled at a future time. In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response considering the overruling must be made prior to, or within 30 days after adoption of the rule, addressed to:

LeRoy C. Feusner, P.E., BCEE, Administrator, Solid and Hazardous Waste Division, 122 West 25th Street, Herschler Building, Fourth Floor West, Cheyenne, Wyoming 82002.

These are new rules (first set of rules to be promulgated by the agency after the legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules and the repeal or amendment of an existing rule.)

These are not new rules, but are proposed amendments to the HWRR.

If yes, citation to the specific legislation resulting in promulgation of these rules.

These are not new rules.

These rules are adopted, amended or repealed to comply with federal law or regulatory requirements.

These rules are amended to retain primacy in the regulation of hazardous wastes under the Wyoming Environmental Quality Act [W.S. §35-11-503(d)], and section 3006(b) of the federal Resource Conservation and Recovery Act.

If yes, citation to applicable federal law or regulation.

These rules are amended to retain primacy in the regulation of hazardous wastes under the Wyoming Environmental Quality Act [W.S. §35-11-503(d)], and section 3006(b) of the federal Resource Conservation and Recovery Act.

*Indicate whether the proposed rules **meet but not exceed** OR **exceed** minimum federal requirements.*

The proposed rules generally meet, but do not exceed the minimum federal requirements except for nine (9) rule provisions. The nine (9) rule provisions are considered more stringent than the federal requirements. Pursuant to the Wyoming Environmental Quality Act [W.S. §35-11-503(a)(v)], a petition to the Environmental Quality Council has been prepared to adopt these more stringent rule provisions.

*Indicate whether the proposed rules **meet but not exceed OR exceed** minimum substantive state statutory requirement.*

The proposed rules meet, but do not exceed the minimum substantive state statutory requirement.

Any person wishing to object to the accuracy of any information provided by the agency regarding the federal requirements should submit their objections prior to final adoption to:

LeRoy C. Feusner, P.E., BCEE, Administrator, Solid and Hazardous Waste Division, 122 West 25th Street, Herschler Building, Fourth Floor West, Cheyenne, Wyoming 82002.

If timely objections are submitted, the agency will provide the objecting person with a written response explaining and substantiating the agency's position by reference to federal law or regulations.

cc: Governor's Office (w/proposed rules and rule revision explanations)
Attorney General (w/proposed rules and rule revision explanations)
Legislative Service Office (w/proposed rules and rule revision explanations)
Secretary of State (and PDF copy of NOI)