

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

Chapter 10 – 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 authority to revise the rules contained within Chapter 10 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 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) 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);

6) 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

7) 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 10.*

### Changes proposed to Section 1. GENERAL.

10-3 Sections 1(a)(vii)(H)(I)(4.) and 1(a)(vii)(H)(IV) are proposed for adoption to include language added to the federal rules by 62 FR 6622 (February 12, 1997 - Military munitions rule).

10-4 Section 1(a)(vii)(K)(IV) is proposed for revision to delete “Mercury-Containing” from this rule. This language was removed from the federal rule by 64 FR 36466 (July 6, 1999 - Universal Lamps).

10-4 Section 1(a)(x) is proposed for adoption to include language added to the federal rules by 62 FR 6622 (February 12, 1997 - Military munitions rule).

10-4 Section 1(c) is proposed for revision to add Section 32 of Chapter 11 as a cross-reference within this rule.

### Changes proposed to Section 2. GENERAL FACILITY STANDARDS.

10-5 Section 2(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 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.

10-7

Section 2(d)(ii)(F) is proposed for revision to add the word “and” to the list of cross-referenced sections.

#### Changes proposed to Section 5. MANIFEST SYSTEM, RECORDKEEPING AND REPORTING.

10-27  
& 28

Section 5(a) is proposed for revision to include federal language added by 62 FR 6622, (February 12, 1997 - the Military munitions rule).

10-29

Section 5(b)(iv) is proposed for revision to remove the reference to Section 8 of Chapter 8 (which is proposed for deletion during this rulemaking) 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, and is analogous to the change made at Section 2(c)(i)(B).

10-30

Section 5(d)(ii)(C) and (F) are proposed for revision to correct improper cross-references and delete unnecessary cross-references to the federal rules.

10-32

Section 5(d)(ii)(Q) is proposed to be “Reserved”. This will serve as a place holder for the federal rule regarding remedial action plans which were adopted in the federal rules by 63 FR 65874, (November 30, 1998 - HWIR-media rule). The WDEQ is not proposing to adopt remedial action plans, therefore the text of the federal rule is not being proposed for inclusion in the state rules.

#### Changes proposed to Section 6. RELEASES FROM WASTE MATERIAL MANAGEMENT SYSTEMS.

10-35  
& 36

Section 6(a)(v) and (vi) are proposed for adoption. The federal rule was added by 63 FR 56710, (October 22, 1998 - Post-closure rule).

10-53

Section 6(l)(iv). In February 2004, the Water and Waste Advisory Board recommended that revisions to the HWRR proceed to rulemaking before the EQC. The revisions incorporated, among others, significant federal provisions under the Hazardous Remediation Waste Management Requirements (aka HWIR Media rule). In the HWRR revisions, DEQ proposed to ‘reserve’ Chapter 10, Section 6(l)(iv) [federal equivalent at Code of Federal Regulations Part 264.101(d)] because DEQ was not adopting certain HWIR Media provisions related to ‘remedial action plans’. However, DEQ had erroneously concluded that Chapter 10, Section 6(l)(iv) was a remedial action plan-related provision. It is not – the provision clarifies that certain remediation waste management

sites are not subject to site-wide corrective action for releases of hazardous constituents. DEQ believes this is a necessary provision to include in the HWRR, as it provides protections to certain facilities managing remediation wastes. Furthermore, DEQ considers the provision non-controversial.

Changes proposed to Section 7. CLOSURE AND POST-CLOSURE.

10-54,  
56, 65  
& 66

Sections 7(a)(iii), 7(c)(ii)(H), 7(c)(iii)(B)(IV), 7(i)(ii)(D) and 7(i)(iv)(B)(IV) are proposed for adoption. The federal rule was added by 63 FR 56710, (October 22, 1998 - Post-closure rule).

Changes proposed to Section 8. USE AND MANAGEMENT OF CONTAINERS.

10-69  
thru  
71

Section 8(f)(ii)(E) and Section 8(i)(i) are proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20 (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively). In addition, Section 32 of Chapter 11 is added as a cross-reference in Section 8(f)(ii)(E) and Section 8(i)(i).

Change proposed to Section 9. TANK SYSTEMS.

10-71

Section 9 (a) is proposed for revision to delete an unnecessary federal rule citation.

10-76  
& 77

Section 9(d)(iii)(D) is proposed for revision to add Section 32 of Chapter 11 to the Sections cross-referenced within this rule.

Changes proposed to Section 10. SURFACE IMPOUNDMENTS.

10-92

Section 10(b)(xii) is proposed for revision to address surface impoundments that enter the hazardous waste regulatory universe because they manage a newly listed or newly defined characteristic hazardous waste. The proposed language would allow the Director to require the surface impoundments to be protective of human health and the environment if hazardous constituents could migrate to groundwater. The text is in bold indicating it is state added language for which there is no federal regulatory equivalent. However, the provision is taken from the RCRA statute. The provisions adopted in an earlier rulemaking as Section 10(b)(x) and 10(b)(xi) reflect a similar circumstance. Therefore, proposed Section 10(b)(xii) is a more stringent regulatory provision, but reflects an update to the RCRA statute regarding surface impoundments, and is consistent with provisions adopted previously in rulemaking.

10-99

Section 10(m) is proposed for revision to delete an inappropriate cross-reference to Section 26 within Chapter 10. The cross-reference was incorrectly included in an earlier rulemaking.

Change proposed to Section 14. INCINERATORS.

10-137

Section 14(l)(i) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20 (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively).

Changes proposed to Section 18. SPECIAL PROVISIONS FOR CLEANUP.

10-137

Section 18 is proposed for revision to change the title of this Section from CORRECTIVE ACTION FOR WASTE MATERIAL MANAGEMENT UNITS to SPECIAL PROVISIONS FOR CLEANUP. Subsection (a) adopts provisions regarding applicability. Changes were made by 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*).

10-137  
through  
138

Section 18 (b)(i) proposes to adopt a new section regarding the grandfathering of corrective action management units (CAMU). The grandfather provisions are simply previous rules for CAMUs now superceded by the new requirements for CAMUs proposed at Section 18(c). These changes were added to the federal rules by 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*).

Subsection 18(b)(i) is also proposed for revision by adding text (shown in bold) to allow Corrective Action Management Units (CAMU) to be constructed at sites participating in the Voluntary Remediation Program (VRP). WDEQ expects that certain RCRA facilities that enter the VRP would require a CAMU. An explicit statement was needed to ensure that a CAMU can be implemented in a remedy agreement under the VRP. While the state has added language to the federal provision, it is not considered more stringent, as the added language provides an additional option not found in the federal rules.

10-139

Subsection 18(b)(iv) is proposed for revision to revise the cross-reference to Section 18 to indicate subsection (c) instead of (a). This is necessary because the original subsection (a) is being redesignated as (c) due to federal rules adopted through 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*).

10-140

Subsection 18(b)(v)(D)(III) is revised to cross-reference subsection (c)(vi) instead of (a)(v) of Section 18. This is necessary because the original subsection (a) is being redesignated as (c) due to federal rules adopted through 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*).

10-140  
through  
149

Section 18(c) is proposed for revision to include language regarding corrective action management units incorporated into the federal rules by 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*).

10-141

Subsection 18(c)(i) is also proposed for revision by adding text (shown in bold) to allow Corrective Action Management Units (CAMU) to be constructed at sites participating in the VRP. WDEQ expects that certain RCRA facilities that enter the VRP would require a CAMU. An explicit statement was needed to ensure that a CAMU can be implemented in a remedy agreement under the VRP. While the state has added language

to the federal provision, it is not considered more stringent, as the added language provides an additional option not found in the federal rules.

10-149  
& 150

Section 18(d) is proposed for revision to designate current Section (b) Temporary Units as Section (d). This is necessitated by the insertion of new Sections 18(a) and 18(b). In addition, subsection (d)(i) is proposed for revision to adopt the changes made to the federal rule by 63 FR 65874, (November 30, 1998 – HWIR-Media).

10-151  
through  
155

Section 18(e) is proposed for adoption in accordance with regulations regarding staging piles being added to the federal rules by 63 FR 65874, (November 30, 1998 – HWIR-Media).

10-151

Sections 18(e)(i)(A) and (B) were added to this rule by 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*). Section 18(e)(i)(A) allows for the mixing, blending and other similar physical operations that prepare waste for subsequent management or treatment.

10-155  
through  
157

Section 18(f) is proposed for adoption in accordance with DISPOSAL OF CAMU-ELIGIBLE WASTES IN PERMITTED HAZARDOUS WASTE LANDFILLS added to the federal rules by 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*). The proposed rule adds the phrases “or State,” “State equivalent,” “State Director” and “or permitted State hazardous waste” in bold text at Section 18(f)(i)(C), Section 18(f)(v)(A), (C), (D) & (E); and Section 18(f)(vii). This portion of the rule allows treated remediation wastes to be placed in a permitted off-site hazardous waste landfill. It is necessary to add the additional text to indicate that a hazardous waste landfill must be permitted by either the Environmental Protection Agency or a State (including the State of Wyoming) under a hazardous waste permit. The added state language is not considered more stringent as it clarifies the federal provision in situations where a state has primacy for implementing the federal hazardous waste management requirements.

#### Changes proposed to Section 22. DRIP PADS.

10-161

Section 22(d)(ix) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20 (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively).

#### Changes proposed to Section 26. SPECIAL PROVISIONS FOR CLEANUP.

10-167

Section 26(a)(ii)(B) is proposed for revision to insert the phrase “and that” which was inadvertently omitted in an earlier rulemaking.

10-167

Section 26(a)(iii) is proposed for revision to remove the word “subpart” which is an unnecessary reference to a federal rule. In addition, federal rule citation has been added. The ‘Note’ following Section 26(a)(iii) is proposed for revision to remove an incorrect cross-reference.

10-169 Section 26(d)(i)(B)(II) is proposed for revision to remove the word “the” and insert the word “this” which was inadvertently omitted in an earlier rulemaking. The word “subpart” is proposed for removal because it is an unnecessary reference to a federal rule.

10-169 Section 26(d)(i)(B)(III) is proposed for revision to insert the phrase “of the control equipment, completion of the control equipment installation” which was inadvertently left out of this rule in an earlier rulemaking.

10-169 Section 26(d)(i)(B)(IV) is proposed for revision to remove the word “subpart” which is an unnecessary reference to a federal rule.

10-174 Section 26(d)(xi)(A) is proposed for revision to remove an unnecessary cross-reference to a federal rule.

10-174 & 175 Section 26(d)(xii), (xii)(A)(I) and (xii)(B)(II) are each proposed for revision by specifying “subsection” and adding “(Section 26(d) of this Chapter)” to clarify where the reader should be directed.

10-175 Section 26(d)(xi)(A)(II)(2.) is proposed for revision to insert the appropriate term “Director” and remove the terms “Administrator” and “Regional Administrator”.

10-177 Section 26(d)(xiv)(B)(I) is proposed for revision to correct a cross-reference to Section 14 of Chapter 10 rather than Section 26(d)(xv).

10-180 Section 26(e)(iv) is proposed for revision to remove the word “subpart” which is an unnecessary reference to a federal rule.

10-181 Section 26(e)(vi) is proposed for revision to delete “Administrator” and insert “Director”.

10-187 Section 26(f)(iii)(J) is proposed for revision to insert subsection (d) into the cross-reference.

Changes proposed to Section 27. AIR EMISSION STANDARDS FOR EQUIPMENT LINKS.

10-188 Section 27(a)(ii)(A) is proposed for revision to appropriately reference the correct section in Chapter 11 and make it clear that all rules being referenced are the Hazardous Waste rules and regulations.

10-188 Section 27(a)(ii)(B) is proposed for revision to revise “facilities” to the singular form as it appears in the federal rule.

10-189 Section 27(a)(iii) is proposed for revision to insert language which was inadvertently omitted during an earlier rulemaking.

10-189

Section 27(a)(vi) is proposed for revision to delete unnecessary cross-references to federal rules. In addition, a cite to the federal rule is proposed for insertion into the left hand margin.

10-193

Section 27(f)(ii)(C) is proposed for revision to change the cross-reference to appropriately reference subsection (k) rather than (o) of Section 27.

10-197

Section 27(k) is proposed for revision to insert citations to the federal rules in the left hand margin. Subparagraphs (ii)(A), (B) and (C) are also proposed for revision to insert language found in the federal rule which was inadvertently omitted during an earlier rulemaking.

10-205

Section 27(o)(xiii) is proposed for revision to add “the” which was inadvertently omitted during an earlier rulemaking.

Changes proposed to Section 28. AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS.

10-206

Section 28(a)(i) is proposed for revision to remove “subpart” which is a reference to a federal rule and replace it with “Section” which more correctly refers to the state equivalent. In addition, “this” replaces “the” when referencing “Chapter”.

10-206

Section 28(a)(ii)(E) is proposed for revision to add language adopted by federal rule by 64 FR 3381, (January 21, 1999 - Organic air emissions standards).

10-206  
& 207

Section 28(a)(ii)(G), (a)(iii), and (a)(iv) are proposed for revision to insert a cross-reference to Section 28 of Chapter 10 and delete the phrases “this paragraph,” “this section” or “this subpart”. In addition, (a)(iii) is revised to incorporate language inadvertently omitted during an earlier rulemaking.

10-207

Section 28(a)(iv)(C) is proposed for revision to delete “Administrator” and replace it with “Director”.

10-208

Section 28(c)(i) is proposed for revision to insert a cross-reference to Section 28 of Chapter 10 and delete the phrase “this Section.” In addition, “of this Chapter” is proposed for insertion to clarify where Section 28 is located.

10-209

Section 28(c)(iii)(B)(V)(3.) is proposed for revision to correct the cross-reference to subparagraph (ii) of Section 28(d). The incorrect citation was inadvertently adopted in an earlier rulemaking.

10-210

Section 28(c)(iii)(B)(IX)(2.) is proposed for revision to insert “-phase” which was inadvertently omitted during an earlier rulemaking.



10-211 Section 28(c)(iii)(D)(II) is proposed for revision to insert “Department” in place of “EPA” and add the phrase “have been removed or destroyed”. This phrase was inadvertently omitted during an earlier rulemaking.

10-211 Section 28(c)(iv) is proposed for revision to delete “Administrator” and replace it with “Director” and insert a cross-reference to Section 28 of Chapter 10 and delete the phrase “this”.

10-212 & 213 Section 28(c)(iv)(B)(II), (C), (D), (E), (E)(II) and (E)(III) are each proposed for revision to delete “Administrator” and replace it with “Director”.

10-213 & 214 Section 28(d)(i)(A)(I) and (II) and Section 28(d)(ii)(A)(I) and (II) are proposed for adoption in accordance with the federal rules added by 64 FR 3381, (January 21, 1999 - Organic air emissions standards).

10-213 Section 28(d)(i)(B) is proposed for revision to correctly cross-reference Section 30(e)(i)(D).

10-214 Section 28(d)(iv) is proposed for revision to correctly cross-reference Section 28 of Chapter 10 and Section 30 of Chapter 11. These incorrect citations were inadvertently adopted during an earlier rulemaking.

10-214 Section 28(e)(i), (ii) and (ii)(A) are each proposed for revision to incorporate appropriate cross-references.

10-217 Section 28(e)(iii)(D)(II) is proposed for revision to delete “this Section”.

10-218 Section 28(e)(iv)(D) is proposed for revision to insert “of this Chapter” to clarify where Section 28 is located.

10-218 Section 28(e)(v) is proposed for revision to replace the cross-reference to Section 28(d) with Section 28(e) of Chapter 10.

10-220 Section 28(e)(v)(C)(IV), (IV)(1.) and (2.) are each proposed for revision to delete “Administrator” or “Regional Administrator” and replace them with “Director”.

10-223 Section 28(e)(vi)(C)(I)(3.) is proposed for revision to correctly cross-reference Section 28(e)(vi)(C)(I)(2.).

10-224 & 225 Section 28(e)(vi)(C)(III), (III)(1.), (2.) and (3.) are each proposed for revision to delete “Administrator” or “Regional Administrator” and replace them with “Director”.

10-225 Section 28(e)(vi)(D) is proposed for revision to correctly cross-reference Section 28(e)(vi).

- 10-226 Section 28(e)(vii)(C)(III) is proposed for revision to correctly cross-reference Section 28 of Chapter 10.
- 10-227 Section 28(e)(viii)(C), and (C)(I) and (II) are proposed for adoption in accordance with the federal rules added by 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 10-229 Section 28(e)(xii)(A(II) is proposed for revision to delete “subpart” and correctly reference “Section”.
- 10-229 Section 28(f)(i) is proposed for revision to delete “this section” which is an unnecessary reference to the federal rule.
- 10-231 Section 28(f)(iii)(C)(II) and (III) are proposed for revision to correct cross-references to the appropriate subparagraphs of Section 28.
- 10-233 & 234 Section 28(f)(v)(A), (f)(vii)(B), (g)(i) and(g)(ii)(A) are each proposed for revision to clarify that Section 28 of Chapter 10 is being referenced in each rule.
- 10-237 Section 28(g)(iii)(D)(I) is proposed for revision to insert “ that” after “date” and correctly cross-reference Section 28(g) of this Chapter, rather than subpart CC of the federal rules.
- 10-238 Section 28(g)(iv)(B) is proposed for revision to delete “paragraph”.
- 10-240 Section 28(g)(iv)(D)(I) is proposed for revision to replace “the” with “this”.
- 10-241 & 242 Section 28(g)(v)(D) and (E) are both proposed for revision to delete “this subpart”.
- 10-242 Section 28(g)(v)(F) is proposed for adoption in accordance with the federal rule added by 64 FR 3381, (January 21, 1999 - Organic air emissions standards).
- 10-242 Section 28(g)(vi)(D) is proposed for revision to clarify that Section 28 of Chapter 10 is being referenced.
- 10-243 Section 28(h)(i) is proposed for revision to add “sub” to section.
- 10-244 Section 28(h)(iii)(B) is proposed for revision to delete “Section”.
- 10-246 Section 28(h)(iii)(F) is proposed for revision to delete “Administrator” and replace it with “Director”.
- 10-247 Section 28(i)(i) is proposed for revision to delete “this subpart”.
- 10-247 Section 28(j)(i) is proposed for revision to delete “this section” and revise the cross-reference to indicate subsection (a)(iv).

10-248

Section 28(j)(ii)(B)(III)(2.) is proposed for revision to correctly cross-reference subparagraph (e)(vi) of Section 28.

10-251

Section 28(j)(vi)(B) is proposed for revision to correctly cross-reference subparagraph (c)(iii)(B)(VIII) of Section 28.

10-251

Section 28(j)(viii) is proposed for revision to delete “subpart,” insert “Section” and insert “sub”.

10-253

& 254

Section 28(k)(i), (ii), (iii) and (iv) are each proposed for revision to delete “Administrator” or “Regional Administrator” and replace them with “Director”.

10-259

through  
262

Section 30 is proposed for adoption in accordance with the federal rule added by 62 FR 6622, (February 12, 1997 - Military munitions rule).