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GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

Section 1. In General.

(a) Authority: The authority for the rules and regulations promulgated in this chapter is the Wyoming Environmental Quality Act, W.S. 35-11-101 et seq. Specific sections of the act that provide authority for this regulation include W.S. 35-11-102, 35-11-109 and Article 5, Solid Waste Management, 35-11-501 et seq.

(b) Applicability: The rules and regulations contained herein shall apply to any person, government or governmental subdivision, corporation, organization, partnership, business trust, association, district or other entity involved in any aspect of the management of solid waste. These regulations are effective immediately upon filing with the Secretary of State.

(c) Objective: The objective of these rules and regulations is to provide minimum standards for the management of solid waste in order to carry out the policy and purpose of the Wyoming Environmental Quality Act, W.S. 35-11-102.

(d) Severability: If any section or provision of these regulations, or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Environmental Quality Council declares that it would have adopted the valid portions and applications of these regulations without the invalid part, and to this end the provisions of these regulations are declared to be severable.

(e) Definitions:

(i) For the purpose of these rules and

regulations, unless the context otherwise requires:

"Act" means the Wyoming Environmental Quality Act, W.S. 35-11-101 et seq.

"Applicant" means that person, as defined in the act, submitting an application to the administrator for a permit for a solid waste management facility, who shall be:

For a city owned facility, the city,

For a county owned facility, the county,

For a facility owned by any other public entity, that public entity,

For an individual, the individual,

For a corporation, the corporation,
and

For a sole proprietorship or partnership, the partnership or proprietorship.

"Aquifer" means, in relation to all solid waste facilities except municipal solid waste landfills, a geologic formation, group of formations, or portion of a formation capable of yielding significant quantities of groundwater to wells or springs. For municipal solid waste landfills, "aquifer" means an underground geologic formation:

Which has boundaries that may be ascertained or reasonably inferred;

In which water stands, flows or percolates;

Which is capable of yielding to wells or springs significant quantities of groundwater that may be put to beneficial use; and

Which is capable of yielding to wells

or springs which produce a sustainable volume of more than one-half (1/2) gallon of water per minute.

"Asbestos-containing solid wastes" or "asbestos" means solid wastes containing greater than one percent (1%) by weight asbestos in any of the asbestiform varieties of: chrysotile (serpentine), amosite (cummingtonite, grunerite), crocidolite (riebeckite), anthophyllite, actinolite, or tremolite, and which may be considered friable asbestos.

"Buffer zone" means that portion of the solid waste management facility which is not used for waste management activities but is reserved for the placement and operation of monitoring equipment or for preventing public access during specific waste disposal events, such as the disposal of friable asbestos. The fire lane may be within the buffer zone.

"Cell" means compacted solid wastes that are enclosed by natural soil or other cover material within a trench, unit, or area-fill in a land disposal facility.

"Classification" means the specific type of solid waste management facility, as determined by the administrator, based upon waste type and volume of waste received.

"Clean wood" means untreated wood which has not been painted, stained, or sealed. Clean wood does not include treated railroad ties, treated posts, paper, or construction/demolition wastes containing nonwood materials.

"Closed facility" means a regulated facility at which operations have been properly terminated in accord with an approved facility closure plan on file with the Solid and Hazardous Waste Division or the Water Quality Division and complying with all applicable regulations and requirements concerning its stabilization.

"Closure" means the act of securing and stabilizing a regulated facility pursuant to the requirements of these regulations.

"Closure Period" means the period of time during which a facility is completing closure. The closure period begins when the facility ceases receipt of wastes. The closure period ends when the administrator approves certification from a registered professional engineer confirming that the provisions of the closure plan have been carried out and that the facility has been closed in compliance with the closure standards specified in these rules and regulations.

"Collateral" means as related to self bonding the actual or constructive deposit, as appropriate, with the director of one or more of the following kinds of property to support a self bond:

A perfected, first-lien security interest in real property located within the State of Wyoming, in favor of the Wyoming Department of Environmental Quality which meets the requirements of Chapter 7,

Securities backed by the full faith and credit of the United States government or state government securities acceptable to the director. These securities must be endorsed to the order of, and placed in the possession of the director, or

Personal property located within the state, owned by the operator, which in market value exceeds \$1 million per property unit;

"Commercial solid waste management facility" means any facility receiving a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse for management or disposal;

"Comparative balance sheet" means item amounts from a number of the operator's successive yearly balance sheets arranged side by side in a single statement;

"Comparative income statement" means an operator's income statement amounts for a number of

successive yearly periods arranged side by side in a single statement.

"Complete application" means a permit application that the administrator has determined to contain all the information required to be submitted by the regulations, in sufficient detail to allow a technical review of the information to commence.

"Composite liner" means a system consisting of two (2) components; the upper component must consist of a minimum thirty (30) mil flexible membrane liner (FML) and the lower component shall consist of at least a two (2) foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second. A flexible membrane liner components consisting of high density polyethylene (HDPE) shall be at least sixty (60) mil thick. The flexible membrane liner component shall be installed in direct and uniform contact with the compacted soil component.

"Construction/demolition landfill" means a solid waste management facility that accepts only inert construction waste, demolition waste, street sweepings and/or brush. This does not include garbage, liquids, sludges, paints, solvents, putrescibles, dead animals, friable asbestos, and hazardous or toxic wastes.

"Construction/demolition waste" includes but is not limited to stone, wood, concrete, asphaltic concrete, cinder blocks, brick, plaster and metal.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Corrective action" means all actions necessary to eliminate the public health threat or environmental threat from a release to the environment of pollutants from an operating or closed regulated facility and to restore the environmental conditions as required;

"Cost-effective" means the selection of alternative responses taking into account total short-term and long-term costs of those responses including the costs

of operation and maintenance for the entire activity, the presence of naturally occurring hazardous or toxic substances and current or potential uses of the natural resources impacted, as determined by the administrator;

"Cover material" means soil or other suitable material that is used to cover compacted solid wastes in a land disposal facility.

"Current assets" means cash and assets that are reasonably expected to be realized in cash or sold or consumed within one (1) year or within the normal identified operating cycle of the business;

"Current liabilities" means debts or other obligations that must be paid or liquidated within one (1) year or within the normal identified operating cycle of the business. This shall also include dividends payable on preferred stock within one (1) quarter if declared, or one (1) year if a pattern of declaring dividends each quarter is apparent from the business' past practices;

"Decommissioning" means removing all liquids and accumulated sludges, and cleaning a storage tank for its intended reuse or disposal;

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste material into or on any land or water so that such waste material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Existing facility" means any facility that was receiving solid wastes on or before September 13, 1989.

"Existing Unit" means any municipal solid waste landfill unit receiving solid waste as of October 9, 1993.

"Facility" means the total contiguous area described in the permit application and which is occupied by any solid waste management area, unit, site, process, or system and the operation thereof including, but not

limited to, equipment, buildings, solid waste treatment, storage, transfer, processing, and disposal areas, buffer zones, monitor well systems, fire lanes, working area litter and access fences, systems for the remediation of releases to the environment, and perimeter access control fences. The term "facility" does not include contiguous or noncontiguous lands which may be owned or leased by the applicant which are not disturbed by solid waste management operations and which are external to the contiguous area occupied by the solid waste management area, unit, site, process, or system.

"Farming and ranching operation" means agricultural operations whose principal function is the growing of crops and the raising of livestock, but does not include concentrated animal feeding operations involving more than one-thousand (1,000) animal units. Concentrated animal feeding operations are facilities where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and crops, vegetation forage growth, or post-harvest residues are not sustained over the normal growing season over any portion of the lot or facility. One-thousand (1,000) animal units equals 1,000 slaughter and feeder cattle, 700 mature dairy cattle, 2,500 swine each weighing over 55 pounds, 500 horses, 10,000 sheep or lambs, 55,000 turkeys, 30,000 laying hens or broilers, or 5,000 ducks.

"Final cover" means cover material that is used to completely cover the top of a land disposal facility and includes compacted soils, drainage layers, synthetic membranes, soil-cement admixtures, and topsoils.

"Fire lane" means an area which does not contain combustible materials, including vegetation, and which can be utilized to provide access to firefighting equipment.

"Fixed assets" means plants and equipment.

"Floodplain" means low land and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

"Friable asbestos", means asbestos that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure, and includes previously nonfriable asbestos after such previously nonfriable asbestos becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Garbage" means any putrescible solid or semi-solid animal and/or vegetable waste material resulting from the handling, preparation, cooking, serving and consumption of food.

"Green waste" means organic plant materials, such as yard trimmings, grass clippings, house and garden plants, tree trimmings, and brush. Green waste does not include other putrescible waste including, but not limited to food waste, animal waste, and manure.

"Groundwater" means, in relation to all solid waste facilities except municipal solid waste landfills, water below the land surface in a saturated zone of soil or rock. For municipal solid waste landfills, "groundwater" means any water, including hot water and geothermal steam, under the surface of the land or the bed of any stream, lake, reservoir or other body of surface water, including water that has been exposed to the surface by an excavation such as a pit which:

Stands, flows or percolates; and

Is capable of being produced to the ground surface in sufficient quantity to be put to beneficial use.

"Hazardous wastes" means those wastes that are defined as hazardous wastes in Wyoming Department of Environmental Quality Hazardous Waste Rules and Regulations, Chapter 2, Identification and Listing of Hazardous Waste.

"Incineration" means the controlled process by which combustible solid wastes are burned and altered to noncombustible gases and other residues. A solid waste incineration facility is considered to be a solid waste

management facility.

"Incorporated city or town" shall mean a "first class city" or a "town" as defined in W.S. 15-1-101(a).

"Industrial landfill" means a solid waste management facility utilizing an engineered method of land disposal primarily for industrial solid waste.

"Industrial solid waste" means solid waste resulting from, or incidental to, any process of industry, manufacturing, mining or development of any agricultural or natural resources.

"Irrevocable letter of credit" means an engagement, however named or described, by a bank made at the request of a customer (the operator and/or financially responsible parties for a permit or site), that the issuer will honor drafts or other demands for payment from the beneficiary (the State of Wyoming) upon compliance with the conditions specified in the letter of credit. The issuing party (a bank) guarantees that it will not withdraw the credit or cancel the letter before the expiration date. The customer cannot modify, revoke or repeal this letter of credit unless specified by the beneficiary.

"Land treatment facility" means a treatment facility or part of a solid waste management facility at which solid waste is applied onto the soil surface;

"Landfarm Facility" means a facility or part of a facility at which solid wastes are treated and disposed by incorporation into existing soils, and which is subject to a post-closure period;

"Landfill" means a solid waste management facility for the land burial of solid wastes, utilizing an engineered method of controls to avoid creating a hazard to the public health, the environment, plants, or animals.

"Lateral expansion" of a facility means the horizontal enlargement of the boundaries of a solid waste management facility. Lateral expansion of a disposal unit

means the horizontal enlargement of the permitted waste boundaries of a disposal unit.

"Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials removed from such wastes.

"Liabilities" means obligations to transfer assets or provide services to other entities in the future as a result of past transactions.

"Lifetime" for municipal solid waste landfills means the estimated time to fill and close a municipal solid waste landfill, not to exceed twenty-five (25) years.

"Lower explosive limit (LEL)" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° Celsius and atmospheric pressure.

"Low hazard and low volume treatment, processing, storage, and transfer facility" means a solid waste management facility which accepts only solid wastes as described in this subsection. This provision does not apply to facilities whose owner or operator simultaneously owns or operates more than one such solid waste management facility within one (1) mile of each other.

Mobile transfer, treatment, and storage facilities.

Clean wood waste storage facilities:
Facilities storing clean wood waste in storage piles with a combined base surface area larger than 10,000 square feet or containing greater than 100,000 cubic feet of clean wood waste. Clean wood waste at such facilities shall be stored no less than 100 feet from off-site structures, storm water shall be properly managed, and the pile shall not create a public or private nuisance.

Solid waste transfer, treatment, storage, and processing facilities: Solid waste transfer, treatment, storage, and processing facilities receiving 50 cubic yards or less of solid waste per day and occupying

no more than 5 acres, including a twenty foot buffer zone within a fenced facility boundary, which individually or in combination manage no more than the specified types and quantities of the following wastes:

Paper, cardboard, plastic, aluminum cans, glass, and metal, or other nonputrescible municipal solid wastes which may be specifically authorized by the administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse in a manner approved by the administrator. This provision applies to the sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse site; and

5,000 gallons of used oil or used oil generated by do-it-yourself used oil generators, if the used oil is stored to be recycled, reclaimed, or reused; and

5,000 gallons of used antifreeze, if the used antifreeze is stored to be recycled, reclaimed, or reused; and

1,000 scrap tires stored in compliance with standards in Chapter 8 of these rules and regulations, if the scrap tires are stored to be recycled, reclaimed, reused, or are destined for disposal at a permitted facility; and

Green waste and clean wood waste storage piles; and

Compost piles for green waste and manure operated in a manner that does not create odors, constitute a nuisance, or attract vectors; and

15,000 empty used drums; and

Household hazardous waste (HHW) collected no more frequently than quarterly collection days, provided that the HHW collected is removed from the site and transported to a permitted facility within thirty (30) days of receipt; and

50 cubic yards of electronic waste stored in containers; and

500 lead acid batteries, if the batteries are stored in an upright position and are not leaking, for the purpose of transfer to a recycling facility; and

100 cubic yards of construction and demolition waste stored in containers; and

150 cubic yards of mixed solid wastes stored in containers. Animal mortality managed at low hazard and low volume solid waste transfer, treatment, storage, and processing facilities shall be managed in mixed municipal solid waste or separate containers.

Commercially operated used oil management facilities: Used oil collection centers, aggregation points, transfer facilities, processors, re-refiners, burners, and used oil fuel marketers that store greater than 10,000 gallons of used oil to be recycled or burned for energy recovery, subject to the used oil management requirements contained in Chapter 12 of the Wyoming Hazardous Waste Rules and Regulations.

Facilities storing waste, other than construction/demolition waste, for transfer to a recycling facility: Facilities occupying no more than 10 acres and used only for the transfer, treatment, and storage of less than 500 tons received per day of paper, cardboard, plastic, aluminum cans, glass, metal, clean wood, and other nonputrescible municipal solid wastes which may be specifically authorized by the administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse in a manner approved by the administrator. Unless all waste management occurs indoors, the facility shall have a twenty foot buffer zone/fire lane within a fenced facility boundary. This provision applies to the sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse site. This provision does not apply to scrap tire or electronic waste management facilities.

Facilities storing construction/demolition waste for transfer to a recycling facility: Facilities occupying no more than 10 acres and used only for the transfer, treatment, and storage of less than 500 tons received per day of construction/demolition waste authorized by the administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse in a manner approved by the administrator. Unless all waste management occurs indoors, the facility shall maintain a twenty foot buffer zone/fire lane separating waste from a fenced facility boundary. This provision applies to the sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse site. This provision applies only if all waste management activities occur either indoors or outdoors in containers. This provision does not apply to scrap tire or electronic waste management facilities.

Facilities not considered low hazard and low volume: Transfer, treatment, storage, and processing facilities managing wastes or materials having or exhibiting one or more of the following criteria or characteristics are not low hazard and low volume waste management facilities. Exceptions may be granted by the administrator based on consideration of concentration and volumes of wastes to be managed:

Toxicity,
Carcinogenicity,
Ignitability,
Flammability,
Explosivity,
Instability,
Corrosivity,
Incompatibility,

Special wastes as defined in this subsection,

Medical/infectious wastes,

PCB-containing wastes,

Excluded hazardous wastes as defined at 40 CFR part 261, or Chapter 2 of the Department's Hazardous Waste rules and regulations,

Wastes that have the potential to create odor, vector, dust, or other nuisances, or

Wastes that in the evaluation of the administrator have a significant potential to impact public health and/or the environment, unless the operator of a proposed facility can demonstrate by submittal of a waste analysis and/or characterization plan that the waste treatment, processing, storage, or transfer activity can be considered a low hazard and low volume waste management activity consistent with the act.

"Major Change" means a change to any solid waste management facility location, design or construction, or to any operating, monitoring, closure or post-closure activities, involving one or more of the following items:

The total permitted volumetric capacity of the facility is to be increased by more than five percent (5%);

The facility classification will change;

The facility service area or source of waste will change and cause the original daily tonnage of waste received to increase by more than five percent (5%);

The facility may begin to accept for treatment, storage, or disposal one or more of the special wastes regulated under Chapter 8 of these rules and regulations;

The effectiveness of any liner, leachate collection or detection system, gas detection or migration system, or pollution control or treatment system may be changed; or

The facility modification will, in the judgement of the administrator, be likely to alter the fundamental nature of the facility's activities or cause noncompliance with any applicable facility standard.

"Mixed household and industrial refuse" means any mixture of municipal solid wastes, industrial solid wastes, or sludge.

"Mixed solid waste" means municipal solid waste and industrial solid waste.

"Mobile transfer, treatment and storage facility" means a facility which is mobilized to conduct transfer, treatment or storage of a solid waste at or near the point of generation.

"Monitoring" means all procedures and techniques used to systematically collect, analyze and inspect data on operational parameters of the facility or on the quality of the air, groundwater, surface water and soil.

"Municipal solid waste" means solid waste resulting from or incidental to residential, community, trade or business activities, including garbage, rubbish, ashes, street sweepings, dead animals, tires, abandoned automobiles and all other solid waste other than industrial or hazardous waste.

"Municipal solid waste landfill" (MSWLF) means a solid waste management facility for the land burial of municipal solid waste that utilizes an engineered method of controls to avoid creating a hazard to the public health, the environment, plants, or animals.

"Municipal solid waste landfill unit" means a discrete area of land or an excavation that receives municipal solid waste and that is not a land application unit, surface impoundment, injection well, or waste pile.

A MSWLF unit may also receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D waste such as commercial solid waste, nonhazardous sludge, small quantity generator waste, and industrial solid waste. Such a landfill unit may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion of an existing MSWLF unit. A construction and demolition landfill that receives residential lead-based paint waste and does not receive any other household waste is not a MSWLF unit.

"Municipality" means a city, town, county, district, association, or other public body.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"New facility" means:

Any facility that did not receive solid waste on or before September 13, 1989; or

Any modification or lateral expansion of an original permit boundary for the purpose of increasing capacity and/or site life by more than five percent (5%). An incidental facility boundary enlargement for the development of, but not limited to fire lanes, buffer zones, surface water diversion systems, and monitoring systems which are not in conflict with local zoning, land use, and/or land ownership is not considered to be a new facility.

"New municipal solid waste landfill unit" means any municipal solid waste landfill unit that did not receive waste prior to October 9, 1993.

"Occupied dwelling house" means a permanent building or fixed mobile home that is currently being used on a permanent or temporary basis for human habitation.

"100-year floodplain" means a flood that has a 1-percent (1%) or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

"On-site decommissioning" means decommissioning performed within a facility's property boundary on petroleum storage tank(s) which are being proposed to be removed from the ground or abandoned in-place within the facility's property boundary.

"Open burning" means uncontrolled burning of solid waste in the open.

"Open dump" means an uncontrolled solid waste management facility at which solid wastes are placed on the land in such a manner that they present a real or potential hazard to public health and the environment. Open dump includes any solid waste management facility subject to the permitting requirements of these rules and regulations which does not have a current, valid permit.

"Operator" means the applicant who has been granted a permit, who may manage and operate the solid waste management facility or who may hire another person, who shall be known as the solid waste manager, for these responsibilities.

"Parent corporation" means a United States corporation which owns or controls the applicant.

"Person" means an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.

"Petroleum-contaminated soils" means solid waste consisting of any natural or manmade soil or rock material into which petroleum product has been added, excluding hardened asphalt rubble.

"Petroleum product" means any crude oil or any liquid petroleum fraction including but not limited to gasoline, diesel fuels, and used and unused motor oils.

"Pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for

treatment or storage.

"Plans" means maps, specifications, drawings and narrative description, prepared to describe the solid waste management facility and its operation.

"Post-closure period" means the period of time during which a closed facility is maintained and monitored. The post-closure period begins when the administrator approves certification from a registered professional engineer confirming that the provisions of the closure plan have been carried out and that the facility has been closed in compliance with the closure standards specified in these rules and regulations. The post-closure period ends when the administrator determines, upon petition by the operator, that the facility has been adequately stabilized and that the environmental monitoring or control systems have demonstrated that the facility closure is protective of public health and the environment consistent with the purposes of the act.

"Principal officer" means an officer described in the bylaws of a corporation or appointed by the board of directors in accordance with the bylaws who serves at least at the level of vice president.

"Private industrial solid waste disposal facility" means any industrial solid waste disposal facility used solely for the disposal of solid waste generated by the owner of the facility; wastes are not transported over public roadways for delivery to the facility; and access by persons other than employees of the facility owner is restricted.

"Processing plant" means a solid waste management facility used or designed to transfer, shred, grind, bale, compost, salvage, separate, reclaim or provide other treatment of solid wastes.

"Release" includes, but is not limited to, any spilling, leaking, pumping, pouring, emptying, emitting, discharging, dumping, addition, escaping, leaching, or unauthorized disposal of any oil or hazardous substance which enters, or threatens to enter, waters of

the state.

"Routine cover" means cover material that is applied to the top and side slopes of compacted solid wastes at the end of each operating day.

"Salvaging" means the controlled removal by the operator or his or her agent of solid waste from a solid waste management facility for the purpose of reuse.

"Sanitary landfill" means a municipal solid waste landfill.

"Scavenging" means the removal by persons other than the operator or his agent of solid wastes from any solid waste management facility.

"Scrap tire" means a tire that is no longer used for its original purpose.

"Seismic impact zone" means an area with a 10 percent (10%) or greater probability that the maximum horizontal acceleration in hard rock, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in 250 years.

"Self bond" means an indemnity agreement in a sum certain executed by the permittee and/or the parent company or federal agency guarantor and made payable to the state, with or without separate surety.

"Silviculture waste" means any wood wastes generated during the management and development of forests. This includes but is not limited to all wood wastes that are generated during the operation of a sawmill.

"Sludge" means the accumulated semisolid mixture of solid wastes and water, oils, or other liquids.

"Solid waste" means garbage, and other discarded solid materials, materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but, unless disposed of at a solid waste management facility, does not include:

Solids or dissolved material in domestic sewerage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants;

Liquids, solids, sludges or dissolved constituents which are collected or separated in process units for recycling, recovery or reuse including the recovery of energy, within a continuous or batch manufacturing or refining process; or

Agricultural materials which are recycled in the production of agricultural commodities.

"Solid waste manager" means any person designated by the applicant who has primary responsibility for the daily management and operation of the solid waste management facility.

"Solid waste management facility" means any facility for the transfer, treatment, processing, storage or disposal of solid waste, but does not include:

Lands or facilities subject to the permitting requirements of Article 3 of the act;

Facilities which would have been subject to the permitting requirements of Article 3 of the act if constructed after July 1, 1973;

Any facility described under W.S. 30-5-104(d) (vi) (A) or (B);

Lands and facilities subject to the permitting requirements of Articles 2, 3 or 4 of the act used solely for the management of wastes generated within the boundary of the permitted facility or mine operation by the facility or mine owner or operator or from a mine mouth electric power plant or coal drier;

Lands and facilities owned by a person engaged in farming or ranching and used to dispose of solid waste generated incidental to his or her farming and

ranching operations; or

Transport vehicles, storage containers and treatment of the waste containers.

"Solid waste management unit" means a contiguous area of land on or in which solid waste is placed, or the largest area in which there is significant likelihood of mixing solid waste constituents in the same area of a solid waste management facility. Examples of solid waste management units include a surface impoundment at a solid waste management facility, a waste pile, a land treatment area, a municipal, construction/demolition, or industrial landfill unit, an incinerator, a tank and its associated piping and underlying containment systems at a solid waste management facility and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Solid waste petroleum storage tank" means any underground or aboveground storage tank that has been taken out of service and which contained any substance regulated under Subtitle I of the Resource Conservation and Recovery Act, as amended as of September 23, 1988, including but not limited to storage tanks that have held gasoline, diesel fuels, and used and unused motor oils.

"Special wastes" are those wastes which require special handling as described in Chapter 8 of these rules and regulations.

"State or federal highway" shall mean any road or primary highway designated as a "state highway" by the Wyoming State Highway Commission in accordance with W.S. 24-2-109(a).

"Storage" means the holding of solid waste for a temporary period, at the end of which time the solid waste is treated, disposed of, or stored elsewhere.

"Storage facility" means any facility that stores solid waste for a temporary period, at the end of which time the solid waste is treated, disposed, or stored elsewhere.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments include, but are not limited to holding, storage, settling, and aeration pits, ponds and lagoons.

"Tangible net worth" means net worth minus intangibles such as goodwill, patents or royalties.

"Tank" means a stationary device designed to contain an accumulation of waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) that provide structural support and integrity.

"Topsoil" means all surface soil usually including the organic layer in which plants have most of their roots, or in the case where no topsoil is present, the top six (6) inches of in-place native material.

"Transfer" means the temporary holding of solid waste pending transportation of the solid waste for treatment, storage, and/or disposal.

"Transfer facility" means any solid waste transportation related facility including loading docks, parking areas, storage areas and ancillary features.

"Treatment" means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid waste so as to recover energy or material resources from the waste or so as to render it safer to transport, store, or dispose of, or to make it amenable for recovery, use, or storage, or for reduction in volume. Treatment includes but is not limited to baling, chipping, composting, distilling, incinerating, processing, reconditioning, recovering, recycling, rerefining, reclaiming, and shredding.

"Treatment facility" means any facility that treats solid waste. Types of treatment facilities include but are not limited to solid waste incinerators, tire shredding/chipping facilities, tire pyrolysis plants, solid waste shredding or baling facilities, drum and barrel reconditioning/recycling facilities, composting facilities, and facilities used to distill, rerefine, recover, recycle, or incinerate used antifreeze, oils or solvents.

"Type I landfill" means a municipal solid waste landfill which is not a Type II landfill.

"Type II landfill" means a municipal solid waste landfill which:

Accepts for disposal less than twenty (20) tons of municipal solid wastes daily, and has no evidence of existing groundwater contamination from the landfill, and

Serves a community that has no practicable waste management alternatives and the landfill is located in an area that receives less than or equal to twenty-five (25) inches of precipitation annually, and

For the purposes of determining whether a landfill is a Type I or a Type II landfill, operators shall assume that each person served by the solid waste disposal facility generates an average of six and three tenths (6.3) pounds of solid waste per person per calendar day. If local data are available and the administrator approves, the applicant may use an alternate waste generation rate to calculate annual average daily tonnage of municipal solid waste which is received.

"Unprocessed household refuse" means municipal solid wastes which have not been treated, processed, or recycled at a facility subject to the requirements of these rules and regulations.

"Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the

landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terranes.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically connected with this aquifer within the facility's property boundary.

"Used antifreeze" means any antifreeze that has been used and as a result of such use is contaminated by physical or chemical impurities. Used antifreeze also includes new antifreeze which has not been used for its intended purpose but is being discarded.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities. Used oil also includes new oil which has not been used for its intended purpose but is being discarded.

"Vadose zone" means the unsaturated zone between the land surface and the water table.

"Vector" means a carrier capable of transmitting a pathogen from one organism to another, including flies, mosquitoes, skunks, or rodents.

"Waste management unit boundary" For the purpose of establishing a relevant point of compliance for municipal solid waste landfills, "waste management unit boundary" means a vertical surface located at the hydraulically downgradient limit of the municipal solid waste landfill unit. This vertical surface extends down to the uppermost aquifer.

"Waste pile" means any noncontainerized accumulation of solid waste used for treatment or storage of solid waste.

"Water table" means the seasonally high surface of groundwater which is subject to atmospheric

pressure in an unconfined aquifer. Water table does not mean the piezometric surface of a confined aquifer.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

"Working face" means that portion of the land disposal site where solid wastes are being deposited and are being spread and compacted prior to the placement of cover materials.

(ii) The singular includes the plural, the plural the singular, and the masculine the feminine or neuter, when consistent with the intent of the act and necessary to effect its purpose.

(f) Permit required for new and existing facilities:

(i) A permit or a one-time or emergency disposal authorization is required for the location, construction, operation or closure of any new or existing solid waste management facility as specified by Chapter 1, Section 5, or by the applicable chapter(s) of these rules and regulations. All facilities shall be located, designed, constructed, operated and closed in accordance with the permit or disposal authorization issued by the director or administrator.

(ii) A permit or disposal authorization may not be required for the facilities or activities specified in subsection (1) of this section.

(iii) Any facility that is regulated under more than one of the permitting chapters of these rules and regulations can apply for and receive a single solid waste management permit demonstrating compliance with each of the applicable chapters of these rules and regulations.

(g) Recordkeeping, monitoring and reporting

requirements:

(i) Operators of any solid waste management facility, including those operators of open dumps, will be required to establish and maintain monitoring equipment or methods, sample effluent discharges or emissions, or provide such other information as may be reasonably required and specified by the administrator.

(ii) All records required by these rules and regulations shall be maintained by the operator of the facility for a minimum of three (3) years from the date of recording, except for those records required to be kept through the life and post-closure period of the facility as specified in Chapter 2 of these rules and regulations. All records shall be available for inspection and copying by department personnel during reasonable business hours. Copies of these records shall be submitted to the administrator when requested.

(h) Prohibited acts: The following acts are prohibited:

(i) Open dumping;

(ii) Scavenging and animal feeding at active solid waste management facilities;

(iii) Dumping bulk liquid wastes at solid waste management facilities unless specifically authorized by the administrator;

(iv) Dumping hazardous wastes (other than hazardous wastes generated by residential households) in any facility other than a facility authorized as a hazardous waste disposal facility by these rules and regulations unless specifically authorized by the administrator;

(v) Open burning of any wastes not exempted in Chapter 1, Section 1(1); and

(vi) No solid wastes shall be speculatively accumulated at a facility intended for use as a solid waste management facility without a permit.

(i) Inspections:

(i) Inspections will be made to insure compliance with the standards included in each of the chapters of these rules and regulations. These inspections will consist of:

(A) Preapplication inspections, to evaluate suitability of locations for development of solid waste management facilities;

(B) Preconstruction inspections, to allow the administrator to evaluate planned construction designs for solid waste management facilities;

(C) Construction inspections, to determine if construction of a solid waste management facility is in accordance with plans and specifications for the facility which are contained in the permit application;

(D) Closure, post-closure, and annual operational compliance inspections to evaluate compliance with applicable standards contained in these rules and regulations; and

(E) More frequent routine or complaint-related inspections, at the administrator's discretion.

(ii) Neither advance notice nor a waiver of liability shall be required to be provided by department personnel as a condition of entry to any facility for the purpose of conducting any solid waste management facility compliance inspection under subsection (i)(i) of this section. The operator shall allow department personnel entry to the disposal facility for the purpose of inspection. Department personnel shall be required to obey all safety and other operation requirements as may be required of it's (the waste facility's) own employees.

(iii) The administrator shall provide copies of all inspection reports to the operator following completion of the inspection.

(iv) The inspection requirements for municipal

solid waste landfills with lifetime permits are in Chapter 2, Section 5(bb)(iii).

(j) Deficiencies:

(i) Following any inspection by department personnel, the operator will be notified in writing of any deficiencies within thirty (30) days from the date of the inspection.

(ii) The administrator will use conference and conciliation procedures cited in W.S. 35-11-701(c) to establish a plan and schedule to correct the deficiencies. Failure of the operator to implement the plan shall be cause for the director to begin enforcement proceedings under Article 7 (Complaint) or Article 9 (Penalties) of the act.

(iii) Denial of permit renewal and/or revocation of the facility permit may result from failure to implement corrective actions.

(k) Noncompliance: In the event of noncompliance with the rules and regulations contained herein, the director may seek remedies as prescribed under Article 7 (Complaints) and Article 9 (Penalties) of the Environmental Quality Act.

(l) Exemptions: The administrator may exempt the following from a permit or any requirement to obtain a waste management authorization under these regulations, provided that persons engaged in activities which are otherwise exempted may be required to supply information to the administrator which demonstrates that the act, practice, or facility is exempt, and shall allow entry of department inspectors for purposes of verification of such information:

(i) Auto salvage yards and scrap metal dealers: Baling of used motor vehicles or scrap metals, and operation of metal smelters regulated by the Air Quality Division and storage for sale or reuse of used motor vehicles, motor vehicle parts, or scrap metals at auto salvage yards or scrap metal dealers as authorized under W.S. 31-13-112(a), provided that for used oil, used

antifreeze, tires, and lead acid batteries the following storage accumulation limits are not exceeded:

(A) 1,000 scrap tires, excluding any scrap tires remaining on wheels attached to vehicles;

(B) 1,000 gallons of used motor oil, if the oil is being stored to be recycled, or to be burned in a device authorized by the Air Quality Division or in an oil-fired space heater, provided that tanks are properly labeled and the heater is designed to have a maximum capacity of not more than 0.5 million btu per hour, combustion gases are vented to the outside air, and the heater burns only used oil that the owner or operator generates or receives from do-it-yourself oil changers;

(C) 1200 used lead acid batteries, excluding any used lead acid batteries remaining in vehicles, if the batteries are being stored in an upright position and are not leaking, for the purpose of being transferred to a recycling facility;

(D) 500 gallons of used antifreeze, if the antifreeze is being stored to be recycled, and the owner or operator only stores used antifreeze they generate or receive from do-it-yourself antifreeze changers or other similar sources.

(ii) Single family units or households: The collection, storage and disposal of household wastes generated by a single family unit or household on their own property in such a manner that does not create a health hazard, public or private nuisance, or detriment to the environment.

(iii) Clean fill: The disposal of clean fill consisting solely of uncontaminated natural soil and rock, hardened asphalt rubble, bricks, and concrete rubble in such a manner that does not create a health hazard, public or private nuisance or detriment to the environment.

(iv) Clean wood waste storage facilities: Facilities storing clean wood waste in storage piles with a base surface area no larger than 10,000 square feet containing no greater than 100,000 cubic feet of clean

wood waste. Clean wood waste at such facilities shall be stored no less than 100 feet from off-site structures, storm water shall be properly managed, and the pile shall not create a public or private nuisance.

(v) De minimis waste management activities: The management of solid wastes, which in the judgement of the administrator, constitute de minimis quantities which are managed in a manner that does not create a health hazard, public or private nuisance, or detriment to the environment.

(vi) Retail business facilities: Retail business facilities which have fewer than 1,000 scrap tires on the premises at any one time.

(vii) Facilities that store lead acid batteries: A retail business facility or a solid waste storage or transfer facility used only for the storage or transfer of no more than 1,200 used lead acid batteries for the purpose of transfer to a recycling facility, if the batteries are stored in an upright position and are not leaking.

(viii) Commercially operated used oil management facilities: Used oil collection centers, aggregation points, transfer facilities, processors, re-refiners, burners, and used oil fuel marketers that store no more than 10,000 gallons of used oil to be recycled or burned for energy recovery, provided the storage tanks are properly labeled, and subject to the used oil management requirements contained in Chapter 12 of the Wyoming Hazardous Waste Rules and Regulations.

(ix) Used oil generators: Used oil generators are subject to the used oil management requirements contained in Chapter 12 of the Wyoming Hazardous Waste Rules and Regulations. Used oil generators that store their own used oil, or used oil received from do-it-yourself used oil generators, for transfer to a used oil recycling facility or burning in an on-site used oil-fired space heater, provided that the tanks are properly labeled and that:

(A) The heater burns only used oil that

the owner or operator generates, or used oil received from household do-it-yourself used oil generators; and

(B) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(C) The combustion gases from the heater are vented to the ambient air.

(x) Facilities storing waste , other than construction/demolition waste, for transfer to a recycling facility: A solid waste storage, treatment, or transfer facility occupying no more than one (1) acre and used only for the storage, treatment, or transfer of paper, cardboard, plastic, aluminum cans, glass, metal, clean wood, construction/demolition waste, and other nonputrescible municipal solid wastes which may be specifically authorized by the administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse in a manner approved by the administrator. Unless all waste management occurs indoors, the facility shall maintain a twenty foot buffer zone/fire lane separating waste from a fenced facility boundary. This exemption applies to the sorting, shredding, grinding, crushing, baling and storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse site. This exemption does not apply to drum and barrel reconditioning or recycling facilities, scrap tire management facilities, electronic waste management facilities, or to underground storage tank storage or decommissioning facilities.

(xi) Facilities storing construction/demolition waste for transfer to a recycling facility: A solid waste storage, treatment, or transfer facility occupying no more than one (1) acre and used only for the storage, treatment, or transfer of construction/demolition waste as authorized by the administrator for the primary purposes of transfer to a recycling facility or beneficial reuse in a manner approved by the administrator. Unless all waste management occurs indoors, the facility shall maintain a twenty foot buffer zone/fire lane separating waste from a fenced facility boundary. This exemption applies to the sorting, shredding, grinding, crushing, baling, and

storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse site. This exemption does not apply to drum and barrel reconditioning or recycling facilities, scrap tire management facilities, electronic waste management facilities, or to underground storage tank decommissioning or storage facilities.

(xii) Solid waste transfer, treatment, storage, and processing facilities: Solid waste transfer, treatment, storage, and processing facilities receiving 20 cubic yards or less of solid waste per day and occupying no more than three (3) acres, including a twenty foot buffer zone within a fenced facility boundary, which individually or in combination manage no more than the following specified quantities of wastes. This exemption does not apply to facilities whose owner or operator simultaneously owns or operates more than one transfer facility within one (1) mile of each other;

50 cubic yards of mixed solid wastes stored in containers; and

50 cubic yards of construction and demolition waste stored in containers; and

Green waste and clean wood waste storage and/or compost piles; and

Compost piles for green waste and manure operated in a manner that does not create odors, constitute a nuisance, or attract vectors; and

500 scrap tires stored in a manner that prevents fires and vector habitat; and

20 cubic yards of electronic waste stored in containers for shipment to a recycling facility; and

1,000 gallons of on-specification used oil or used oil generated by do-it-yourself used oil generators, if the used oil is stored to be recycled, reclaimed, or reused; and

1,000 gallons of used antifreeze, if

the used antifreeze is stored to be recycled, reclaimed, or reused; and

250 used lead acid batteries, if the batteries are stored in an upright position and are not leaking, for the purpose of transfer to a recycling facility; and

150 cubic yards of paper, cardboard, plastic, aluminum cans, glass, and metal, or other nonputrescible municipal solid wastes which may be specifically authorized by the administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse in a manner approved by the administrator. This provision applies to the sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse site; and

Household hazardous waste (HHW) collected no more frequently than semiannual collection days, provided that the HHW collected is removed from the site and transported to a permitted facility within thirty (30) days.

(xiii) Vehicle service and maintenance facilities: In addition to used oil stored pursuant to this subsection, used antifreeze storage tanks located at vehicle service facilities, provided the storage tanks are properly labeled, have a used antifreeze storage capacity of no more than 500 gallons, and are used only to contain used antifreeze that the owner or operator generates or receives from do-it-yourself antifreeze changes;

(xiv) Medical waste management facilities: Medical waste storage units, incinerators, autoclaves, or other treatment devices, used to store or treat only medical wastes which are generated by the owner or operator of the medical facility or by doctor's offices, medical clinics, dental offices and other medical waste generators within the county or local area where the medical waste storage units, incinerators, autoclaves, or other treatment devices are located.

(xxv) Beneficial use: The reuse of wastes in a

manner which is both beneficial and protective of human health and the environment, as approved by the administrator.

(xvi) An exemption or solid waste management permit are not required for facilities which are not solid waste facilities as defined by W.S. 35-11-103(d) (ii):

(A) Facilities regulated by the Wyoming Oil and Gas Commission under W.S. 30-5-104(d) (vi) (A) or (B);

(B) The disposal of waste soil and rock directly connected with mining, subject to the Land Quality Division rules and regulations, and including overburden, reject mineral and mill tailings;

(C) The disposal of sewage waste, municipal wastewater treatment sludges, wastewaters, or bulk liquid waste at facilities, other than solid waste landfills, which are permitted in accord with the Water Quality Division rules and regulations;

(D) Open burning of wood, brush, weeds and tree trimmings conducted in compliance with the Air Quality Division rules and regulations;

(E) Facilities which would have been subject to the permitting requirements of Article 3 (Water Quality) of the act if constructed after July 1, 1973;

(F) Lands and facilities subject to the permitting requirements of Articles 2 (Air Quality), 3 (Water Quality), or 4 (Land Quality) of the act used solely for the management of wastes generated within the boundary of the permitted facility or mine operation by the facility or mine owner or operator or from a mine mouth electric power plant or coal drier;

(G) Lands and facilities owned by a person engaged in farming or ranching and used to dispose of solid waste generated incidental to his or her farming and ranching operation;

(H) Transport vehicles, storage containers

and treatment of waste in containers.

(m) Time:

(i) When time is prescribed by these rules and regulations in "days", the time period shall be counted as calendar days.

(ii) When time prescribed by these rules and regulations for performing any act expires on a Saturday or legal holiday, such time shall extend to and include the next succeeding business day.

Section 2. General Permit Application Procedure.

(a) General application requirements: Each application for a solid waste management facility permit described in this section shall contain information adequate to demonstrate compliance with the minimum standards for location, design and construction, operating, monitoring, closure and post-closure as specified in the applicable chapter of these rules and regulations. Permit application procedures are set out in W.S. 35-11-502.

(b) Public notice and comment: Prior to the issuance of a permit by the director, each application for a new, renewal, or closure permit shall be submitted for public notice and comment as follows:

(i) Upon receipt of notification that the application has been determined to be complete, the applicant shall comply with the following requirements:

(A) Within fifteen (15) days of being notified that the application is complete:

(I) Provide written notice to landowners with property located within a half mile of the site, using certified, return receipt requested mail for disposal facilities and first class mail for other solid waste management facilities;

(II) Provide written notice to each member of the interested parties mailing list maintained

by the administrator, the mayor of each city or town within fifty miles of the proposed facility and to the county commission and any solid waste district for the county in which the potential facility is located, using first class mail;

(III) Cause a written notice to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the county where the applicant plans to locate the facility;

(IV) Specific text for the written notice shall be provided to the applicant by the administrator. The notice shall contain information about the permit application including the identity of the applicant, the proposed facility location and size, the wastes types intended for management, the method of waste management, and the operating life. The notice shall identify the last date for filing comments on the application;

(B) Provide the administrator with documentation that the notice requirements of subsection (b)(i)(A) of this section have been followed. Documentation shall consist of copies of return receipt cards, publisher's affidavits and other documentation, as appropriate; and

(C) The public comment period shall begin on the first date of publication of the notice required in subsection (b)(i)(A)(III) of this section, and shall end at 5:00 pm on the thirtieth (30th) day following the last date of publication of the notice.

(D) The administrator may, at his or her discretion, conduct a public hearing on the application submission.

(ii) For each new, renewal, or closure permit application or any application for a major change, the administrator shall issue a proposed permit following completion of the administrator's permit analysis, unless the permit is denied pursuant to Section 4 of this chapter. Upon receipt of a proposed permit, the applicant shall comply with the following requirements:

(A) Within fifteen (15) days of receiving a proposed permit:

(I) Provide written notice to landowners with property located within a half mile of the site, the mayor of each city or town within fifty (50) miles of the proposed facility, the local county commission and any solid waste district for the county in which the potential facility is located, using certified, return receipt requested mail for disposal facilities and first class mail for other solid waste management facilities;

(II) Provide written notice to each member of the interested parties mailing list maintained by the administrator using first class mail;

(III) Cause a written notice to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the county where the applicant plans to locate the facility;

(IV) Specific text for the written notice shall be provided to the applicant by the administrator. The notice shall contain information about the permit application including the identity of the applicant, the proposed facility location and size, the wastes types intended for management, the method of waste management, the operating life, and the administrator's findings. The notice shall identify the period for filing objections to the application;

(V) Deliver, in person or via certified, return receipt requested mail, a copy of the permit application, the administrator's review and the administrator's proposed permit to a local public library and the county clerk of the county of the proposed facility. The permit application and proposed permit shall be maintained for public viewing at a local public library and at the county clerk's office for the duration of the public comment period specified in Section 2(b)(ii)(C) of this chapter; and

(B) Provide the administrator with

documentation that the notice and filing requirements of subsection (b)(ii)(A) of this section have been followed. Documentation shall consist of copies of return receipt cards, and publisher's affidavits or affidavits of personal delivery as appropriate.

(C) The public comment period shall begin on the first date of publication of the notice required in subsection (b)(ii)(A)(III) of this section, and shall end at 5:00 pm on the thirtieth (30th) day following the last date of publication of the notice.

(D) If substantial written objections are received by the director by 5:00 pm on the last day of the public comment period, a public hearing will be held within twenty (20) days after the last day of the public comment period, unless a different schedule is deemed necessary by the council. The council or director shall publish notice of the time, date and location of the hearing in a newspaper of general circulation in the county where the applicant plans to locate the facility, once a week for two (2) consecutive weeks immediately prior to the hearing. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedures Act, and right of judicial review shall be afforded as provided in that Act.

(c) Permit application procedure:

(i) The applicant shall provide the administrator with three (3) complete copies of the permit application. The application shall be organized in three-ring binders, and the information presented in an order that conforms to the order set forth in the applicable sections of these rules and regulations, unless the administrator approves an alternate format for the organization of the application.

(ii) The administrator shall conduct a completeness review of each application and notify the applicant of the results within sixty (60) days of receipt of the application. If the administrator deems the application incomplete, he or she shall so advise and state in writing to the applicant the information required. All items not specified as incomplete at the

end of the first sixty (60) day period shall be deemed complete for the purposes of this subsection.

(iii) If the applicant resubmits an application or further information, the administrator shall review the application or additional information within sixty (60) days of each submission and advise the applicant in writing if the application or additional information is complete.

(iv) After the application is determined complete, the applicant shall give written notice of the application as required in Section 2(b)(i) of this chapter. A preconstruction inspection will be conducted within sixty (60) days of a determination that the application is complete.

(v) The administrator shall review the application and unless the applicant requests a delay, advise the applicant in writing within ninety (90) days from the date of determining that the application is complete, that a proposed permit is suitable for publication under Chapter 1, Section 2(b)(ii), or that the application is deficient, or that the application is denied. All reasons for deficiency or denial shall be stated in writing to the applicant. All items not specified as being deficient at the end of the first ninety (90) day period shall be deemed sufficient for the purposes of this subsection.

(vi) If the applicant submits additional information in response to any deficiency notice, the administrator shall review such additional information within thirty (30) days of submission and advise the applicant in writing if a proposed permit is suitable for publication under Chapter 1, Section 2(b)(ii), or that the application is still deficient, or that the application is denied.

(d) Permit issuance:

(i) If the application is determined to be complete and demonstrates compliance with the applicable standards, the administrator shall prepare a proposed permit. Public notice as specified in Chapter 1, Section

2(b)(i) and 2(b)(ii), will occur.

(ii) The director shall render a decision on the proposed permit within thirty (30) days after completion of the notice period if no hearing is requested. If a hearing is held, the council shall issue findings of fact and a decision on the proposed permit within thirty (30) days after the final hearing. The director shall issue or deny the permit no later than fifteen (15) days from receipt of any findings of fact and decision of the Environmental Quality Council. In granting permits, the director may impose such conditions as may be necessary to accomplish the purpose of the act and which are not inconsistent with the existing rules, regulations, and standards.

(iii) The operator shall notify the administrator as soon as construction has been completed. A construction inspection shall be conducted within ninety (90) days of the notification.

(e) Permit renewal applications:

(i) In addition to the following requirements, permit renewal applications are subject to the application procedures set forth in subsection (b), (c), and (d) of this section.

(ii) The operator subject to solid waste management facility permit requirements shall provide the administrator with a renewal application. The renewal permit application shall contain the information specified in the relevant chapter(s) of these rules and regulations and be submitted in accordance with the time frames specified.

(iii) Except for municipal solid waste landfills with lifetime permits, the operator of a facility with a valid permit issued under Section 2(d) of this chapter or a valid renewal permit issued under Section 2(f) of this chapter, shall submit a permit renewal application no less than 12 months prior to the expiration of said permit unless a closure permit application has been submitted. Municipal solid waste landfills with lifetime permits shall submit a renewal

application no later than three (3) years prior to the expiration of the lifetime municipal solid waste landfill permit. The renewal application shall contain the information specified in the applicable chapter of these rules and regulations.

(iv) Three (3) copies of the permit renewal application shall be submitted to the administrator. The application shall be organized in three ring binders, and the information presented in an order that conforms to the order set forth in the applicable application requirements sections of these rules and regulations, unless the administrator approves an alternate format for the organization of the application. The applicant shall have the option to submit copies of only the updated and revised portion of the previous application, if the revised and updated pages and drawings are appropriately numbered and dated to facilitate incorporation into the previous permit document and the revisions are clearly identified.

(v) A renewal inspection shall be conducted within sixty (60) days after the application is determined complete and technically adequate.

(f) Renewal permit issuance:

(i) Renewal permits are issued pursuant to subsection (d) of this section.

(ii) The term of the renewal permit shall be as specified in the applicable chapter of these rules and regulations.

(g) Closure permit applications:

(i) In addition to the following requirements, closure permit applications are subject to the application procedures set forth in subsection (b), (c), and (d) of this section.

(ii) The operator shall provide the administrator with a closure permit application if required by the applicable chapter of these rules and regulations in accordance with the time frames specified

therein.

(iii) Anticipated closure: The operator of a facility with a valid permit on the effective date of these regulations, or a valid permit or renewal permit issued under Section 2(d) or Section 2(f) of this chapter, shall submit a closure permit application to the administrator no less than twelve (12) months prior to the anticipated facility closure.

(iv) Unanticipated closure: In the event any solid waste management facility ceases operation, as determined by nonreceipt of solid wastes for any continuous nine (9) month period or any continuous one (1) year period for landfarm facilities or petroleum-contaminated soils land treatment facilities, the facility operator shall provide written notification to the administrator no later than thirty (30) days after the end of such nine (9) month (or one (1) year) period. This notification shall be accompanied by a closure permit application unless the administrator approves interim measures with delayed final closure for good cause upon application by the operator.

(v) Three (3) copies of the closure permit application shall be submitted to the administrator. The application shall be organized in three ring binders, and the information presented in an order that conforms to the order set forth in the applicable application requirements sections of these rules and regulations, unless the administrator approves an alternate format for the organization of the application.

(h) Closure permit issuance:

(i) Closure permit issuance: Closure permits are issued pursuant to subsection (d) of this section.

(ii) Upon completion of closure activities, the operator shall provide a certification from a registered professional engineer confirming that the provisions of the closure plan have been carried out and that the facility has been closed in compliance with the closure standards specified in these rules and regulations.

(iii) The term of any closure permit shall be

set to coincide with the duration of any closure/post-closure maintenance and monitoring period specified in the applicable chapter of these rules and regulations. No renewals of closure permits shall be required.

(i) Variance application procedure for location standards specified in W.S. 35-11-502(c):

(i) For solid waste disposal facilities which do not meet the location standards specified in paragraphs (i) through (iv) of W.S. 35-11-502(c), the applicant may apply to the director for a variance from the standards by submitting a written variance application. The variance application shall contain the following information:

(A) For proposed facilities which do not meet the location standards for proximity to towns, schools or any occupied dwelling house in W.S. 35-11-502(c) (i) or (ii), the applicant shall:

(I) Present an analysis of additional traffic which would result from the proposed facility, and demonstrate that additional traffic caused by operation of a disposal facility will not pose a safety threat to the public;

(II) Demonstrate that the operation of the proposed facility will not present odor, dust, litter, insect, noise, health (human and animal) or aesthetic problems, and will not present a public nuisance by its proximity to the town, schools and/or dwellings. This demonstration may be made through analysis of the facility design and operation practices; and

(III) Provide design features and monitoring specifications used to preclude methane migration from affecting any buildings within one (1) mile of the proposed facility, if the facility is used for the disposal of wastes which may form methane as a decomposition product.

(B) For proposed facilities which do not meet the location standard for proximity to, and visual screening from, state or federal highways in W.S. 35-11-502(c) (iii), the applicant shall provide information

describing how the design and operation of the facility will minimize visual impacts to the highway(s).

(C) For proposed facilities, excluding incinerators, which do not meet the location standard for proximity to water wells in W.S. 35-11-502(c)(iv), the applicant shall provide:

(I) A detailed description of the site's geologic and hydrologic characteristics, supported by data from on-site soil borings and groundwater monitoring wells;

(II) A detailed description of the proposed facility's containment system (cap and liner systems) and surface water diversion structures;

(III) A detailed description of the groundwater monitoring program (including location of wells, sampling frequency and sampling parameters) which would be instituted when the facility begins operations; and

(IV) An analysis of the potential for contaminants which may leak from the disposal facility to adversely affect the nearby water well(s). This analysis may be in the form of contaminant transport modeling results, an evaluation of hydrologic conditions or aquifer properties, or other applicable information.

(D) In addition to the other information requested in this subsection, all variance applications made under this subsection shall be accompanied by the following information:

(I) The proposed size of the facility;

(II) The name, address and telephone number of the applicant;

(III) The legal description of the property;

(IV) A detailed description of the

facility which includes information on the amount, rate (tons per day), type (including chemical analyses if other than household refuse) and source of incoming wastes, a narrative describing the facility operating procedures, and the estimated site capacity and site life;

(V) The names and addresses of the property owners of all lands within one (1) mile of the proposed facility boundary;

(VI) A USGS topographic map (scale of 1:24,000 or 1: 62,500) which shows the boundaries of the proposed landfill site; and

(VII) Information sufficient to evaluate the conditions specified in paragraph (i)(ii) of this section.

(ii) In granting any variance as provided by this paragraph, the director shall issue written findings that the variance will not injure or threaten to injure the public health, safety, or welfare. The director shall only make such a finding if the evidence presented in the application and obtained at a public hearing demonstrates that:

(A) There are no available alternative locations which meet the location standards for a solid waste management disposal facility to meet the disposal needs of the applicant, within a reasonable distance of the boundary of the service area of the facility;

(B) It is not possible for the applicant to use existing, permitted solid waste management disposal facilities owned by another person within a reasonable distance of the boundary of the service area of the facility; and

(C) Special or unique conditions or circumstances apply to the applicant and justify granting the variance.

(iii) In granting any variance as provided by this paragraph, the director shall condition the variance such that it applies only to the facility described in the

application. Changes to the facility size, type or source of waste, rate at which waste is received, or any other aspect of the facility as described in paragraph (i)(i)(D)(IV) of this section shall render the variance invalid.

(iv) The administrator shall review the variance application and provide his or her draft findings and recommendations to the director and the applicant within ninety (90) days of the date when the variance application is received, unless a delay is requested by the applicant.

(v) Upon issuance of the administrator's draft findings and recommendations, the administrator shall schedule and conduct a hearing on the variance in accordance with the procedures specified in W.S. 35-11-601. The director shall make a final decision regarding the variance application within sixty (60) days from the date of the hearing.

(j) Permit application procedures for low hazard and low volume treatment, processing, storage, and transfer facilities:

(i) The applicant shall provide the administrator with three (3) complete copies of the permit application. The application shall be organized in three-ring binders and the information presented in an order that conforms to the order set forth in the applicable sections of these rules and regulations, unless the administrator approves an alternate format for the organization of the application;

(ii) The administrator shall conduct a completeness and technical review of each application submittal within thirty (30) days of receipt of the application. If the administrator deems the application incomplete and/or technically inadequate, the administrator shall so advise and state in writing to the applicant the information required;

(iii) For each new low hazard and low volume treatment, processing, storage, and transfer facility permit application or application for a major amendment to

an existing facility , excluding mobile transfer, treatment or storage facilities, the administrator shall issue a proposed permit following completion of the administrator's permit analysis, unless the permit is denied pursuant to Section 4 of this chapter. Upon receipt of a proposed permit the applicant shall within fifteen (15) days:

(A) Cause a written notice to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the county where the applicant plans to locate the facility. Specific text of the notice shall be provided to the applicant by the administrator. The notice shall contain information about the permit application including the identity of the applicant, the proposed facility location and size, the waste types intended for management, the method of waste management, the operating life, and the administrator's findings. The notice shall identify the period for filing objections to the application;

(B) Notify adjacent landowners by first class mail;

(C) Provide the administrator with documentation that the notice requirements of paragraphs (iii)(A) and (B) of this subsection have been followed. Documentation shall consist of the publisher's affidavits and sworn statement;

(iv) For each new mobile low hazard and low volume treatment, processing, storage, and transfer facility permit application or application for a major amendment to an existing facility, the administrator shall issue a proposed permit following completion of the administrator's permit analysis, unless the permit is denied pursuant to Section 4 of this chapter. Upon receipt of a proposed permit the applicant shall within fifteen (15) days:

(A) Cause a written notice to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the state. Specific text of the notice shall be provided to the applicant by the administrator. The notice shall contain information about

the permit application including the identity of the applicant, the proposed facility service area, the waste types intended for management, the method of waste management, the operating life, and the administrator's findings. The notice shall identify the period for filing objections to the application;

(B) Provide the administrator with documentation that the notice requirements of paragraphs (iv)(A) of this subsection have been followed. Documentation shall consist of the publisher's affidavits and sworn statement;

(v) The public comment period shall begin on the first day of publication of the notice required in paragraphs (iii)(A) or (iv)(A) of this section and shall end at 5:00 pm on the thirtieth (30th) day following the last day of publication of the notice;

(vi) If substantial written objections are received by the director by 5:00 pm on the thirtieth (30th) day following the last date of publication of the notice, a public hearing will be held within twenty (20) days after the last day of the public comment period, unless a different schedule is deemed necessary by the council. The council or director shall publish notice of the time, date, and location of the hearing in a newspaper of general circulation in the county where the applicant plans to locate the facility, once a week for two (2) consecutive weeks immediately prior to the hearing. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedures Act, and right of judicial review shall be afforded as provided in that act.

(vii) The operator of a facility with a valid permit issued under Section 2(j) of this chapter or a valid renewal permit issued under Section 2(f) of this chapter, shall submit a permit renewal application between 270 and 180 days prior to the expiration of said permit unless a closure permit application has been submitted. The renewal application shall contain the information specified in the applicable chapter of these rules and regulations.

(viii) Three (3) copies of the permit renewal application shall be submitted to the administrator. The application shall be organized in three ring binders, and the information presented in an order that conforms to the order set forth in the applicable application requirements sections of these rules and regulations, unless the administrator approves an alternate format for the organization of the application. The applicant shall have the option to submit copies of only the updated and revised portion of the previous application, if the revised and updated pages and drawings are appropriately numbered and dated to facilitate incorporation into the previous permit document and the revisions are clearly identified.

Section 3. Permit Amendments and Transfers: This section applies to all permits, renewal permits and closure permits previously described in Chapter 1, Section 2, as follows:

(a) Permit amendments constituting a major change for municipal solid waste landfills shall comply with the requirements of Chapter 2, Section 2(g) of these rules and regulations.

(b) Permit amendments:

(i) This subsection applies to minor changes of municipal solid waste landfill permits and to all permit amendments for other solid waste facilities.

(ii) The operator shall submit a written application, describing the amendments sought, including additional plates and/or drawings as necessary to completely describe the proposed amendment.

(iii) Within sixty (60) days of receipt of any application for a permit amendment, the administrator shall conduct a review of the application and provide a written response to the operator. If the amendment is deemed to be complete and demonstrates compliance with applicable standards and constitutes a major change, the public notice and comment period in Chapter 1, Section 2(b)(ii) shall commence. If the proposed amendment is determined to be inadequate, the operator shall be

required to submit any additional information required by the administrator, unless there is a basis for denial as specified in Chapter 1, Section 4(a).

(iii) All amendments shall comply with the location, design and construction, operating, monitoring, financial assurance and closure standards of the applicable chapter of these rules and regulations.

(c) Permit transfers:

(i) An operator shall receive written approval from the director prior to transfer of any permit authorized by these regulations.

(ii) Applications for the approval of the transfer of any permit shall be made in writing by the operator and shall contain:

(A) The name, address and telephone number of the legal operator of the facility to whom the permit will be transferred, and, at a minimum, a summary, listing of any administrative order, civil or administrative penalty assessment, bond forfeiture, civil, misdemeanor, or felony conviction, or court proceeding for any violations of any local, state or federal law occurring within a minimum of five (5) years of application submittal relating to environmental quality or criminal racketeering, of the solid waste manager, the applicant, or if the applicant is a partnership or corporation, any partners in the partnership or executive officers or corporate directors in the corporation;

(B) The name, address and telephone number of the solid waste manager;

(C) Proposed date of the transfer of the permit;

(D) Signed and notarized documentation from the new operator indicating that the new operator has agreed to accept and be bound by the provisions of the permit and any amendments, agreed to construct and operate the facility in accordance with the approved plan, and agreed to accept responsibility for the facility's

compliance with the standards specified in the applicable chapter of these rules and regulations, including the responsibility to perform corrective actions.

(iii) The original operator shall retain responsibility for the facility according to the terms of the original permit until the application for permit transfer has been approved by the director. The new operator may not operate the facility until the permit transfer has been approved.

Section 4. Permit Denial, Revocation or Modification. This section applies to all permits, renewal permits and closure permits previously described in Chapter 1, Section 2, as follows:

(a) Permit denials: The director may deny a permit if:

(i) Permit issuance would conflict with the policy and purpose of the act; or

(ii) The applicant fails to submit the required information; or

(iii) The facility history indicates continual noncompliance with these rules and regulations; or

(iv) The application indicates that the facility would not comply with the location, design and construction, operating, monitoring, closure or post-closure standards as specified in the applicable sections of these regulations; or

(v) The application misrepresents actual site conditions; or

(vi) The applicant fails to employ a solid waste manager who meets the qualifications of the applicable chapter of these rules and regulations; or

(vii) The applicant, or any partners, executive officers, or corporate directors, has been found civilly or criminally liable for violations of environmental quality or criminal racketeering laws or regulations which

in the judgement of the director constitutes evidence that the applicant cannot be relied upon to conduct the operations described in the application in compliance with the act and these rules and regulations.

(b) Permit revocation:

(i) The director may revoke a permit in instances of continual noncompliance, or if it is determined that the permit application misrepresented actual site conditions, or if the continued operation is inconsistent with the policy and purpose of the act.

(ii) The director shall notify the operator of his or her intent to revoke the permit. The written notification shall contain the basis for revoking the permit. All permit revocation procedures shall be accomplished in accordance with the requirements of the Wyoming Administrative Procedures Act.

(iii) The director may order facility closure following permit revocation. Closure and post-closure activities shall be accomplished in accordance with a plan approved by the administrator. If a closure/post-closure plan has not been approved, closure and post-closure activities shall be accomplished in accordance with the standards specified in the applicable chapter of these rules and regulations.

(c) Permit modification: The director may modify an existing permit by notifying the facility operator in writing. The written notification shall contain the basis for modifying the permit.

Section 5. One-Time or Emergency Waste Management Authorization Permit.

(a) Authorization application procedure:

(i) This section applies to emergency situations, spilled solid wastes and residues from uncontrolled releases. This section does not apply to hazardous wastes or actions completed under either a hazardous waste permit or a hazardous waste corrective action order.

(ii) The administrator may choose to issue a one-time or emergency waste management authorization in lieu of the permits specified in Chapter 1, Section 2. This type of waste management authorization shall only be considered under the following conditions:

(A) The proposed waste management activity shall be a single occurrence of limited duration.

(B) The applicant documents that other waste management and/or reuse options were thoroughly investigated and that no other reasonable alternatives had been identified.

(C) The proposed waste disposal site would meet the location standards specified in the applicable section of Chapter 2, 3, or 4 of these rules and regulations or the proposed waste management site would meet the location standards specified in the applicable section of Chapter 8 of these rules and regulations.

(D) The proposed waste management activity would not present a significant threat to public health or the environment.

(E) The waste management activity would result in de minimis impacts which would not warrant the initiation of public participation procedures.

(F) The total waste disposal area would be no more than one (1) acre.

(G) The applicant can document that permission has been obtained from the landowner to manage the materials at the proposed waste management location, if that location is not owned by the applicant.

(H) The applicant commits to promptly record a notarized notice with the county clerk, in the county where the facility is located, which adequately describes the location, nature and extent of any waste disposal activity.

(iii) Three (3) copies of the waste management

authorization request shall be submitted to the administrator. The request shall be organized in a three ring binder and the information presented in an order that conforms to the relevant application requirements section of these rules and regulations, unless the administrator approves an alternate format for the organization of the request.

(iv) The waste management authorization request shall document compliance with the conditions specified in subsection (a)(ii) of this section allowing for the administrator's consideration of a one-time or emergency waste management authorization. The request shall contain information adequate to demonstrate compliance with the standards specified in the applicable chapter of these rules and regulations.

(v) The waste management authorization request shall be reviewed by the administrator within twenty (20) days after submission.

(b) Authorization issuance:

(i) The administrator may deny waste management authorization for any of the reasons specified in Section 4(a) of this Chapter. The administrator may also deny waste management authorization if it is determined that the proposed waste management activity would not be subject to the provisions described in subsections (a)(i) and (a)(ii) of this section.

(ii) If the waste management authorization request is determined to be complete and the request demonstrates compliance with the standards in the relevant application requirements section, a waste management authorization will be granted by the administrator.

(iii) The operator shall notify the administrator following completion of authorized waste management activities. This notification shall be accompanied by site photographs adequate to demonstrate the site conditions following closure.

(iv) The term of the waste management authorization shall be no longer than one (1) year.