

Superintendent
Andrew Frey, P.E.



FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

Member of Wyoming Solid Waste and Recycling Association (WSWRA)

P.O. Box 1400
Lander, WY 82520

telephone 307.332.7040

fax 307.332.5013

**SOLID AND HAZARDOUS
WASTE DIVISION**

FEB 25 2013

February 21, 2013

Wyoming Environmental Quality Council
Wyoming DEQ/SHWD
122 West 25th Street
Herschler Building – 4W
Cheyenne, Wyoming 82002

FILED

FEB 25 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

Re: Comments on WDEQ/SHWD Rule Changes

Environmental Quality Council,

The following is the Fremont County Solid Waste Disposal District's (District) comments to the proposed changes to the Wyoming Department of Environmental Quality's Solid Waste Rules and Regulations. The District's opposition to changes in filing times, nature of what has to be filed, and the onerous fee structure, should be considered. These changes unnecessarily increase the cost to the taxpayers of Fremont County, are inefficient uses of taxpayers resources, and do not lend themselves to industry standards. The balance of this letter will elaborate on the concerns and offer alternatives.

The Fremont County Solid Waste Disposal District has been actively involved with the Wyoming Solid Waste and Recycling Association (WSWRA), the Governor's Citizen Advisory Group (CAG), and the State Recycling Task Force (WSWRA – RTF). The District has also been actively involved with drafting the language in House Bill 65 and House Bill 66.

Throughout much of the discussions around the preparation of the draft House Bills and potential benefits of moving the municipal solid waste landfills in Wyoming to 25-year operating permits, it was felt these changes were being implemented to lessen the regulatory burden on solid waste facilities; and thus, driving down annual regulatory costs for these facility owners. The annual reporting requirements and the increased annual state mandated financial assurances with the rule changes both go against the goals of reducing annual operating costs and regulatory costs.

Chapter 1 Comments

In the proposed changes to Chapter 1, the General Provisions there are two areas of concern.

(1.) The first area of concern is on the timeframe in Section 2 – General Permit Application Procedures, item (e) (iii) (page 1-43 Rev. Date 10-26-12), requiring all closure permits and permit renewals to be submitted 12 months in advance. Other regional state regulatory agencies (e.g. South Dakota and

Minnesota) require no more than 6-months advance submittal of operating permits and permit amendments, for five and 10 year life permits.

Another comment on the same paragraph, although previously adopted into W.S. 35-11-502, requiring permit renewal submittals for lifetime (i.e. 25-year) having to be submitted 3-years in advance. It is our opinion that this continues to support inefficiencies of the state regulatory agency, and since the solid waste industry is an ever-changing field with substantial changes in materials and concepts annually, this would force every operator into countless major and minor permit amendments that have significant impacts on operating budgets. The abundance of major and minor permits will also consume a great amount of the regulatory agencies time and materials for review. Surrounding state regulatory agencies require no more than 6-months advance submittal of operating permits and permit amendments for eight and ten year life permits.

(2.) The second area of concern is on the timeframe in Section 2 – General Permit Application Procedures, item (g) (iii) (page 1-44 Rev. Date 10-26-12) which requires all closure permits to be submitted 12 months in advance. In our opinion, effort should be made to first try and find more efficient review systems within the state regulatory agency. Surrounding state regulatory agencies require no more than 6-months advance submittal for operating permits and permit amendments for eight and ten year life permits.

Chapter 2 Comments

In the proposed changes to Chapter 2, the Municipal Solid Waste Landfill Regulations, there are three areas of concern.

(1.) The first concern is the timeframe in Section 2 – Municipal Solid Waste Landfill Permit Application Requirements, item (a) (i) (A) II and III (page 2-5 Rev. Date 10-26-12), and item (a) (iii) (A) ((page 2-6 Rev. Date 10-26-12), requiring all closure permits and permit renewals to be submitted 12 months in advance. In our opinion, effort should be made to first try and find more efficient review systems within the state regulatory agency. Surrounding state regulatory agencies require no more than 6-months advance submittal for operating permits and permit amendments for eight and ten year life permits.

(2.) The second concern is on the details required for the 25-year operating permit in Section 4 – Design and Construction Standards, item (k) (vii) (page 2-36 Rev. Date 10-26-12), “Detailed design plans, including but not limited to plans for liners, leachate collection and management systems, caps and associated QA/QC plans shall be submitted as part of the lifetime permit or renewal as applicable. Additional or modified detailed design plans for engineered containment systems shall be submitted as minor changes unless a design change is proposed that constitutes a major change”. The requirements associated with submitting this level of detail as far as 25-years in advance is an immense waste of effort and money. A general conceptual layout should be adequate for a permit submitted with that much anticipated life. A more appropriate approach, successfully adopted in numerous other states, would be to provide conceptual design drawings with life estimates and then asking all operators to submit construction ready plans 6-months in advance to their regulator for review and approval prior to the actual construction. The solid waste industry is an ever-changing field with substantial changes in materials and concepts on a regular basis. This legislation would force every operator into countless major and minor permit amendments to update their permit to the current “state of the art” design. Again, these amendments would have significant impacts on operating budgets. The abundance of

major and minor permits will also consume a great amount of the regulatory agencies time and materials for review.

(3.) The third concern is on the level of detail required in the annual reports as defined in Section 5 – Operating Standards, item (bb) ((i) through (v)) (page 2-47 Rev. Date 10-26-13). The new legislation requires a level of data in annual reports that is very similar to that previously required every four years. This requirement alone will be driving up the annual operating costs for all solid waste facilities, as well as consume a great deal of the regulatory agencies time and materials.


Chapter 7 Comments


In the proposed changes to Chapter 7, the Financial Assurance Requirements, there is one specific area of concern.

(1.) The first area of concern is on the change in the calculations in Section 9 – Closure and Post-Closure Account for Municipally-Owned Solid Waste Disposal Facilities, item (b) (iii) (page 7-34 Rev. Date 10-26-12). The proposed formula changes for the annual premiums can initially lower the annual premiums dues; however, as the sites grow closer to their closure timeframe, the annual premiums will grow exponentially. The large payments required towards the end of the sites calculations may reach an amount not within their operating budgets.

The Fremont County Solid Waste Disposal District appreciates the opportunity to comment on the Wyoming Department of Environmental Quality's proposed Solid Waste Rule and Regulation changes, and looks forward to a continued cooperative relationship with the agency.

Thank you,


Andrew Frey, P.E.
Superintendent of Operations
Fremont County Solid Waste Disposal District


Mike Adams
Board of Directors Chairman
Fremont County Solid Waste Disposal District