

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

Chapter 2 - Identification and Listing of Hazardous Wastes

2007 Rule Revision Explanation

Introduction:

The proposed revisions within Chapter 2 are being initiated by changes to federal rules that have been promulgated by the Environmental Protection Agency (EPA) through the Federal Register Notices listed below. Revisions being proposed in this package are comparable to the federal Resource Conservation and Recovery Act (RCRA) regulations. Other revisions are proposed to correct editorial errors.

The authority to adopt, revise or delete the rules contained within Chapter 2 is provided by W.S. 35-11-503(d)(i).

Applicable Federal Register Notices:

These proposed rules incorporate the final adopted EPA rule changes addressed in the following Federal Register (FR) notices:

- 1) April 12, 1996, in 61 FR 16290, *Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision*;
- 2) February 12, 1997, in 62 FR 6622, *Military Munitions Rule: Hazardous Waste Identification and Management, Explosives Emergencies, Manifest Exemption for Transport of Hazardous Waste on Right-of-ways on Contiguous Properties* (hereafter referred to as *Military munitions rule*) with revisions;
- 3) May 12, 1997, in 62 FR 25998, *Land Disposal Restriction (LDR) Phase IV, Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemption from RCRA for Certain Processed Materials and Miscellaneous Hazardous Waste Provisions* (hereafter referred to as *LDR Phase IV: Treatment Standards for Wood Preserving Wastes*);
- 4) May 26, 1998, in 63 FR 28558, *Land Disposal Restrictions Phase IV Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Secondary Materials and Bevill Exclusion Issues, Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters* (hereafter referred to as *LDR Phase IV(a)*);
- 5) June 19, 1998, in 63 FR 33782, *Hazardous Waste Combustors, Revised Standards* with one revision to Chapter 6, Section 2(c)(x) regarding permit modifications to comply

with new Clean Air Act Maximum Achievable Control Technology (hereafter referred to as Hazardous waste combustors);

- 6) August 6, 1998, in 63 FR 42110, *Hazardous Waste Management System, Identification and Listing of Hazardous Waste* (hereafter referred to as Petroleum refining hazardous waste listings);
- 7) November 30, 1998, in 63 FR 65874, *Hazardous Remediation Waste Management Requirements* (hereafter known as HWIR-Media);
- 8) February 11, 1999, in 64 FR 6806, *Hazardous Waste Management System, Identification and Listing of Hazardous Waste, Petroleum Refining Process Wastes, Exemption for Leachate from Non-Hazardous Waste Landfills* (hereafter known as Petroleum refining process wastes exemption for leachate);
- 9) May 11, 1999, in 64 FR 25408, *Land Disposal Restrictions Phase IV, Treatment Standards for Wood Preserving Wastes, Treatment Standards for Metal Wastes, Zinc Micronutrient Fertilizers, Carbamate Treatment Standards and K088 Treatment Standards* (hereafter known as LDR Phase IV(b));
- 10) July 6, 1999, in 64 FR 36466, *Hazardous Waste Management System, Modification of the Hazardous Waste Program, Hazardous Waste Lamps* (hereafter known as Universal lamps);
- 11) October 20, 1999, in 64 FR 56469, *Land Disposal Restrictions Phase IV, Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes, Mineral Processing Secondary Materials, and Bevill Exclusion Issues, Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters* (hereafter known as LDR Phase IV(c));
- 12) June 8, 2000, in 65 FR 36365, *Organobromines Production Wastes, Petroleum Refining Wastes, Identification and Listing of Hazardous Waste, Land Disposal Restrictions Correcting Amendments* (hereafter known as Petroleum refining process waste correction);
- 13) November 8, 2000, in 65 FR 67068, *Hazardous Waste Management System, Identification and Listing of Hazardous Waste, Chlorinated Aliphatics Production Wastes, Land Disposal Restrictions for Newly Identified Wastes, CERCLA Hazardous Substance Designation and Reportable Quantities* (hereafter known as Hazardous Waste listing for chlorinated aliphatic production);
- 14) May 16, 2001, in 66 FR 27218, *Storage, Treatment, Transportation and Disposal of Mixed Wastes*;
- 15) May 16, 2001, in 66 FR 27266, *Hazardous Waste Identification Rule (HWIR), Revision to the Mixture and Derived-from Rules* (hereafter known as Mixture and derived from rule revisions);
- 16) October 3, 2001, 66 FR 50332, *Corrections to the Hazardous Waste Identification Rule and Revisions to the Mixture and Derived-From Rules*;

17) January 22, 2002, 67 FR 2962, *Amendments to the Corrective Action Management Unit Rule*; and

18) March 13, 2002, in 67 FR 11251, *Hazardous Waste Management System; Definition of Solid Waste; Toxicity Characteristic*

EXPLANATION FOR PROPOSED REVISIONS, ADOPTIONS AND DELETIONS

Universal editing guides pertaining to the attached rules:

Text in the margins indicates the federal citation for the rule.

Boldface type indicates that the state has added language for which there is no federal equivalent language.

A caret symbol (^) indicates that federal language has not been adopted.

Editing guides pertaining to proposed changes:

Underline means language proposed to be added.

~~Strikethrough~~ means language proposed for removal.

The numbers in the left margin coincide with the page numbers on the attached pages from Chapter 2.

Changes proposed to Section 1(a) **PURPOSE AND SCOPE.**

2-2 Section 1(a)(iii) is proposed for revision to add the terms which are defined in Chapter 1, Section 1(f)(i). These added terms are: “excluded scrap metal,” “processed scrap metal,” “home scrap metal” and “prompt scrap metal.” These terms were added to the federal rules as part of e 62 FR 25998 (May 12, 1997 - LDR Phase IV: Treatment Standards for Wood Preserving Wastes).

Changes proposed to Section 1(c) **DEFINITION OF HAZARDOUS WASTE.**

2-2 Section 1(c)(i)(B)(I) is proposed for revision to make minor grammatical changes to the definition of hazardous waste. The corresponding federal definition was modified by 63 FR 28558 (May 26, 1998 - LDR Phase IV(a)).

2-3 Section 1(c)(i)(B)(III) and (IV). Text in subparagraph (III) is proposed for deletion, while a cross-reference to subsections 1(c)(vii) and (viii) is proposed for insertion in subparagraph (IV). Both changes are in response to modifications made to the definition of hazardous waste in 66 FR 27266, (May 16, 2001 - Mixture and derived from rule revisions).

2-4 Section 1(c)(i)(B)(IV)(3.) is proposed for revision to add language which was adopted by the EPA in 63 FR 42110, (August 6, 1998 - Petroleum refining hazardous waste listings).

2-4 Section 1(c)(i)(B)(IV)(6.) is proposed for revision to clearly identify that Section 4(c) is located within Chapter 2.

2-6 Section 1(c)(iii)(B) is proposed for revision to insert a cross-reference to subsections 1(c)(vii) and (viii) in response to modifications made to the definition of hazardous waste in 66 FR 27266, (May 16, 2001 - Mixture and derived from rule revisions).

2-6 & 2-8 Section 1(c)(iii)(C) (II) and (V) are proposed for revision to add language which was adopted by the EPA in 63 FR 42110, (August 6, 1998 - Petroleum refining hazardous waste listings).

2-8 Section 1(c)(iii)(C)(IV) is proposed for revision to clearly identify that Section 4(c) is located within Chapter 2.

2-9 Section 1(c)(vi) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) that are being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

2-9 & 10 Section 1(c)(vii) and (viii) are proposed for adoption in accordance with these additions to the definition of hazardous waste being added to the federal rules through 66 FR 27266, (May 16, 2001- Mixture and derived from rule revisions). However, subsection 1(c)(vii)(C) was added later to the federal definition of hazardous waste through 66 FR 50332, (October 3, 2001, *Corrections to the Hazardous Waste Identification Rule and Revisions to the Mixture and Derived-From Rules*).

Changes proposed to Section 1(d) EXCLUSIONS.

2-11 & 12 Section 1(d)(i)(I)(II) is proposed for adoption in accordance with these additions to the federal definition of hazardous waste through 63 FR 28558, (May 26, 1998, LDR Phase IV(a)).

2-12 & 13 Section 1(d)(i)(L)(I) and (II). The language regarding recovered oil currently in place is proposed for repeal. This language is to be replaced with modifications added through 63 FR 42110, (August 6, 1998, Petroleum refining hazardous waste listings).

2-13 & 14 Section 1(d)(i)(M) and (N) are proposed for adoption in accordance with these rules regarding scrap metal and circuit boards being added to the federal rules through 62 FR 25998, (May 12, 1997, LDR Phase IV: Treatment Standards for Wood Preserving Wastes).

2-14 Section 1(d)(i)(O) is proposed for adoption in accordance with this rule regarding fuels being added to the federal rules through 63 FR 33782, (June 19, 1998, Hazardous waste combustors).

2-14 Section 1(d)(i)(P) and (Q) are proposed for adoption in accordance with these rules regarding petrochemical recovered oil and spent caustic solutions being added to the federal rules through 63 FR 42110, (August 6, 1998, Petroleum refining hazardous waste listings).

2-14 to 16 Section 1(d)(i)(R) is proposed for adoption in accordance with these rules regarding spent materials generated by the mining industry being added to the federal rules. These rules were originally adopted as part of 63 FR 28556, (May 26, 1998 – LDR Phase IV(a)). They were later modified through 64 FR 25408, (May 11, 1999 - LDR Phase IV(b)) and 67 FR 11251, (March 13,

2002). The rules being proposed for adoption reflect the contents of the final rule as adopted by the EPA on March 13, 2002.

2-18
to 20

Section 1(d)(ii)(G)(I), (II), and (III) are being modified to adjust the numbering of all subsections in accordance with outlining conventions. Subsection (III) is proposed for adoption in accordance with these rules regarding mineral co-processing secondary materials being added to the federal rules through 63 FR 28558, (May 26, 1998 - LDR Phase IV(a)).

2-20
& 21

Section 1(d)(ii)(O) is proposed for adoption in accordance with these rules regarding leachate or gas condensate collected from landfills being added to the federal rules through 64 FR 6806, (February 11, 1999 - Petroleum refining process wastes exemption for leachate).

2-21
& 26

Section 1(d)(iv)(A) and 1(d)(vi) are proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) that are being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes). Insertion and correction to the sections being cross-referenced within 1(d)(iv)(A) is also proposed.

2-28

Section 1(d)(vii) is proposed for adoption in accordance with these rules regarding dredged material that is not a hazardous waste being to the federal rules through 63 FR 65874, (November 30, 1998 - HWIR-media rule).

Changes proposed to Section 1(e) SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS.

2-29,
30 &
32

Section 1(e)(ii), (v), (vi)(B) and (vii)(B) are proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) that are being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

2-30 to
31 &
2-32

Section 1(e)(vi)(C) and (vii)(C) are proposed for revision to provide for conditionally exempt small quantity generators to send hazardous waste and universal waste to any State with an authorized hazardous waste program or to any State with permitted municipal landfills. These changes to the federal rules were made in 60 FR 25492 (May 11, 1995 – Universal waste rule). However, required revisions were inadvertently omitted from the 1998 Hazardous Waste rule making and are being proposed at this time.

Changes proposed to Section 1(f) REQUIREMENTS FOR RECYCLABLE MATERIALS.

2-34

Section 1(f)(i)(C)(II) is proposed for revision in response to changes made through 63 FR 28558, (May 12, 1997 - LDR Phase IV: Treatment Standards for Wood Preserving Wastes)

2-35

Section 1(f)(i)(C)(V) is proposed for repeal in accordance with this rule being repealed from the federal rules as part of 63 FR 42110, (August 6, 1998 - Petroleum refining hazardous waste listings).

2-34,
35 &
36

Section 1(f)(i)(C) and (D), and 1(f)(iii)(A) are proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) that are being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes). In addition, Section 32 of Chapter 11 is proposed for addition into the sections cross-referenced within 1(f)(i)(D). Section 32 within Chapter 11 is being proposed for adoption as part of this rulemaking. This Section pertains to Hazardous Waste Munitions and Explosive Storage.

2-35

Section 1(f)(i)(E) is proposed for revision to remove the reference to Chapter 8, Section 8 and to insert a reference to the counterpart federal rules. This change was made to the federal rules as part of 61 FR 16289, (April 12, 1996).

Changes proposed to Section 1(i) **REQUIREMENTS FOR UNIVERSAL WASTE.**

2-38

Section 1(i)(i) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) that are being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

2-39

Section 1(i)(i)(D) is proposed for revision to remove a reference to the state definition for mercury containing lamp and insert "lamps" to coincide with the rules adopted by the EPA through 64 FR 36466, (July 6, 1999 - Universal Lamps).

Changes proposed to Section 3(e) **TOXICITY CHARACTERISTIC.**

2-43

Section 3(e)(i) is proposed for revision by adding the phrase "except manufactured gas plant waste" to coincide with a similar change made to the counterpart federal rule through 67 FR 11251, (March 13, 2002).

Changes proposed to Section 4. **LISTS OF HAZARDOUS WASTES.**

2-49

Section 4(b)(i); the listing for F037 is proposed for revision by adding language adopted in the federal rule through 63 FR 42110, (August 6, 1998 - Petroleum refining hazardous waste listings) and 65 FR 36365, (June 8, 2000 - Petroleum refining process waste correction).

2-55

Section 4(c); the listing for K161 is proposed for revision to add hazard code "R".

2-55
& 56

Section 4(c); the listings for K174 and K175 are proposed for adoption into the table provided in this subsection. These organic chemicals were added to the federal rules through 65 FR 67068, (November 8, 2000 - Hazardous waste listing for chlorinated aliphatic production wastes).

2-58
& 59

Section 4(c), the listings for K169, K170, K171 and K172 are proposed for adoption into the table provided in this subsection. These constituents associated with petroleum refining were added

to the federal rules through 63 FR 42110 (August 6, 1998 - Petroleum refining hazardous waste listings).

2-59

Section 4(c), the listings for K064, K065, K066, K090 and K091 are proposed for deletion from the table provided in this subsection to coincide with the repeal of these constituents in the federal rules through 64 FR 56469, (October 20, 1999 LDR Phase IV(c)).

2-66
& 67

Section 4(d)(v) - the listing for P198 in the table provided in this subsection is proposed for correction to reference the correct chemical abstract number.

2-78

Section 4(d)(vi) - the listing for U404 in the table provided in this subsection is proposed for correction to reference the correct chemical abstract number

2-90
to
104

Section 4(f), (g) and (h) including Table 1 are proposed for adoption in accordance with these rules being adopted by the EPA in 63 FR 33782, (June 19, 1998, Hazardous waste combustors).

Changes proposed to Appendix G - Basis for Listing Hazardous Waste

App G:
2-G-6
& 7

Appendix G is proposed for revision to add listings for K169, K170, K171, and K172 which were added to the federal rules in 63 FR 42110, (August 6, 1998, Petroleum refining hazardous waste listings). Listings for K174, and K175 are also proposed for adoption as added to the federal rules in 65 FR 67068, (November 8, 2000, Hazardous waste listing for chlorinated aliphatic production wastes).

Changes proposed to Appendix H - Hazardous Constituents

Appendix H is proposed for revision to:

Delete the entry for Bis(dibutylcarbamothioa) to dioxodimolydenum sulfurized (page 2-H-3) which is listed with Hazardous Waste no. U389. The actual constituent associated with this number is correctly presented on page 2-H-22 as Triallate. Bis(dibutylcarbamothioa) to dioxodimolydenum sulfurized is not a part of the federal rules and was inadvertently included in the Hazardous Waste rules during the 1998 rulemaking.

App
H: 2-
H-3, 9
& 15

Delete the Hazardous waste number associated with disulfiram (page 2-H-9). This deletion was originally proposed in the 1998 Hazardous Waste rulemaking and was approved; however the approved change was inadvertently omitted from the published final rules.

Adopt entries for otchlorodibenzo-p-dioxin and octoclorodibenzofuran (page 2-H-15) which were added to the federal rules in 65 FR 67068, (November 8, 2000, Hazardous Waste listing for chlorinated aliphatic production wastes).