

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF)
REVISIONS TO CHAPTERS 1)
THROUGH 14 OF THE HAZARDOUS)
WASTE MANAGEMENT RULES AND)
REGULATIONS)
)

STATEMENT OF PRINCIPAL REASONS
FOR ADOPTION

The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112(a)(i), is adopting revisions to Chapters 1 through 14 of the Hazardous Waste Management Rules and Regulations. The revisions to these chapters are the result of changes in the Environmental Protection Agency (EPA) rules promulgated under the authority of the Resource Conservation and Recovery Act (RCRA). These revisions also correct numerous typographical errors. The text below describes the chapter contents, and also a description of the major revisions is provided for each chapter.

Chapter 1 entitled "General Provisions" includes: definitions of terms, a list of references used throughout the regulations, the purpose and scope of the rules and regulations, the hazardous waste permit program requirements, the requirements for rule making petitions, and the requirements for the availability of information. Chapter 1, Section 1(e) is revised to cite federal laws as they exist on January 1, 2002, and to cite the Code of Federal Regulations (CFR) as it exists on July 1, 2001. The following definitions are added to Section 1(f)(i): active range,

agreement state, certified delivery, chemical agents and munitions, eligible naturally occurring and/or accelerator-produced radioactive material, enforceable document, excluded scrap metal, exempted waste, explosives or munitions emergency, explosives or munitions emergency response, explosives or munitions emergency specialist, home scrap, inactive range, lamp, land disposal restriction standards, license, low-level mixed waste, low-level radioactive waste, military, military munitions, military range, mixed waste, naturally occurring and/or accelerator-produced radioactive material, NRC, processed scrap metal, prompt scrap, sampling connection system, soil, staging pile, unexploded ordnance, we, and you. The following definitions in Section 1(f)(i) are revised: 100 year flood, boiler, conditionally exempt small quantity generator, consignee, corrective action management unit, director, equipment, hazardous debris, hazardous waste, land disposal, large quantity handler of universal waste, maximum organic vapor pressure, no detectable organic emission, open-ended valve or line, Organization for Economic Cooperation and Development (OECD), point of waste origination, point of waste treatment, safety device, small quantity handler of universal waste, thermostat, underground source of drinking water, underlying hazardous constituents, universal waste, universal waste handler, universal waste transfer facility, universal waste transporter, volatile organic concentration, waste determination, and waste material. In addition, the following definitions in Section 1(f)(i) are removed: competent authorities, concerned countries, country of transit, electric lamp, end of pipe, exporting country, importing country, mercury containing lamp, notifier, OECD area, recognized trader, recovery facility, recovery operations, stormwater impoundments, and transfrontier movement. Then Chapter 1, Section 1(g) is revised to add references to new sections in Chapter 12; to remove a duplicative entry which necessitates revisions in numbering of each reference; to modify the entry for Test Methods for Evaluating Solid Waste.

Physical/Chemical Methods SW-846; and to add a reference to a new test method. Chapter 1, Section 1(h) and Section 3(a)(i) are revised to add references to new sections of Chapter 12. Section 1(h)(iii) is also revised to exclude from permitting requirements emergency responses involving military munitions. Finally, Chapter 1, Section 1(h)(iii) is revised to allow the Department to issue an enforceable document in lieu of a post-closure permit.

Chapter 2 entitled "Identification and Listing of Hazardous Waste" identifies those waste materials which are subject to regulation as hazardous wastes. Chapter 2, Section 1(a)(iii) lists definitions which can be found in Chapter 1, Section 1(f)(i) which are applicable to this chapter. The following definitions are added to Chapter 1, Section 1(f)(i) and are also definitions used in Chapter 2: excluded scrap metal, processes scrap metal, home scrap metal, and prompt scrap metal. Chapter 2, Section 1(c) is revised to add new hazardous waste listings; to define when any mixture of waste from the extraction, beneficiation, and processing of ores and minerals is a hazardous waste; and to define when a mixture of a hazardous waste and a radioactive material is a hazardous waste. Further, Section 1(d) describes those substances that are not waste materials and thus are not hazardous wastes. Section 1(d) is revised to include: wood preserving wastewaters and spent wood preserving solutions as long as these materials meet certain conditions. In addition, Section 1(d) is also revised to include: oil-bearing hazardous secondary materials that are generated at petroleum refineries and inserted into the petroleum refining process, recovered oil recycled into the petroleum refining process, and petrochemical recovered oil also inserted into the petroleum refining process. Further, Section 1(d) is revised to include: certain scrap metal known as excluded scrap metal and shredded circuit boards that are recycled provided certain conditions are met. Section 1(d) is also revised to include comparable fuels or comparable syngas that meet the requirements defined in Chapter 2, Section 4. Section 1(d) is

also revised to include: spent caustic solutions from petroleum refining used as feedstock to produce cresylic or naphthenic acid under certain conditions; waste material from the extraction, beneficiation and processing of ores and minerals again provided certain conditions are met; and leachate or gas condensate collected from landfills where hazardous waste codes K169, K170, K171 and K172 may have been disposed with some restrictions. Finally, Section 1(d) is revised to include some dredged materials subject to the permitting requirements under the Federal Water Pollution Control Act or the Marine Protection, Research, and Sanctuaries Act. Chapter 2, Section 1(f) is revised to add scrap metal as a recyclable material, to remove a reference to Chapter 8, Section 8 and to insert a reference to the federal RCRA program regarding importing or exporting of waste to OECD countries. Section 1(i) adds lamps as a universal waste. Chapter 2, Section 1(c)(vi); Section 1(d)(iv) and (vi); Section 1(e)(ii), (v), (vi) and (vii); Section 1(f)(i) and (iii) and Section 1(i)(i) are revised to add references to new sections of Chapter 12. Chapter 2, Section 4 and Appendices G and H are revised to add the hazardous waste listings for K169, K170, K171, K172, K174 and K175; to remove listings for K064, K065, K066, K090 and K091; and to modify listings for F037, K161, P127, P197, P198, U271, U404 and U279. Chapter 2, Sections 4(f), (g), and (h) add requirements for specifications for comparable fuels. Finally, Chapter 2, Appendices C and B correct references regarding Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA publication SW-846.

Chapter 3 entitled "Permit Applications" contains permit application procedures and requirements for hazardous waste treatment, storage, or disposal facilities, including administrative procedures for permit applications such as permit application contents and review requirements, public notice and comment requirements, and permit issuance and appeal procedures. Chapter 3 also specifies the technical information that must be submitted in the

permit application. The certification statement in Section 2(b)(iv) is revised. Then, Chapter 3, Sections 2(e) and (s) revise the requirements for information submitted as part of a post-closure permit application. Finally, Chapter 3, Section 2(a)(v) and Section 2(e)(ii) are revised to refer to new sections of Chapter 12.

Chapter 4 entitled "Permit Conditions" contains permit conditions required to be incorporated into all hazardous waste permits. Chapter 4 also includes record keeping, reporting and schedules of compliance requirements. In addition, Chapter 4 specifies the duration of permits and the continuation of expiring permits. Chapter 4, Section 1(a)(x) is revised to cite where Test Methods for Evaluating Solid Waste, Physical/Chemical Method, EPA Publication SW-846 can be found. Then Section 1(b)(iii) and Section 1(c)(ii) are revised to add references to new sections of Chapter 12. Finally, Section 2(b)(i)(D) is added to state that compliance with the hazardous waste permit constitutes compliance for purposes of enforcement except for newly promulgated air emissions standards contained in Chapter 11.

Chapter 5 entitled "Financial Assurance" establishes standards that owners and operators of hazardous waste treatment, storage, and disposal facilities must meet to demonstrate there are sufficient funds available for closure and post-closure care. Chapter 5 also establishes standards for liability coverage to protect individuals that may be harmed due to sudden and non-sudden releases from the facility. Permitted and interim status treatment, storage and disposal facilities must comply with Chapter 5. This chapter is revised to add Section 1(a)(v) which allows the Director to replace the requirements for financial assurance proscribed by this chapter with alternative financial requirements. These alternative financial requirements must protect human health and the environment.

Chapter 6 entitled "Permit Modification, Revocation and Reissuance, or Termination"

includes standards and procedures for changes to permits. This chapter is revised to add references to new sections of Chapter 12 at Section 2(b)(i) and Section 2(c)(vii). Chapter 6 is also revised to add Section 2(c)(viii) regarding permit modifications to treat or dispose of waste military munitions. Then Chapter 6, Section 2(c)(x) is added regarding permit modifications to comply with new emission standards for hazardous waste combustors. Chapter 6, Section 2(c)(x)(B) is further revised to require the Director to respond to a request for a permit modification for a hazardous waste combustor within ninety (90) days. Section 2(c)(x)(B) is considered more stringent than the corresponding federal rule. Finally, Chapter 6, Appendix A is also revised to add provisions defining the type of permit modification to add a staging pile or to meet new air emission standards for a hazardous waste combustor.

Chapter 7 entitled "Special Forms of Permits" lists and describes the various forms of special hazardous waste permits. Section 1(c)(ii)(B) and Section 1(g)(iii)(B) are revised to cite that portion of the rules and regulations where Test Methods for Evaluating Solid Waste, Physical/Chemical Method, EPA Publication SW-846 can be found. Chapter 7 is also revised to add references to new sections of Chapter 12 at Section 1(b)(ii) and Section 1(f)(i).

Chapter 8 entitled "Standards Applicable to Generators of Hazardous Wastes" establishes standards that generators of hazardous waste must meet. Section 1(a)(iv) is revised to remove text regarding exports and imports of waste to OECD countries. Then Chapter 8 is also revised to add a reference at Section 1(a)(v) to the requirements for exporting and importing wastes to OECD countries under the federal RCRA program. In addition, Section 1(a)(x) is added which generally states persons responding to an explosive or munitions emergency are not required to comply with Chapter 8 during the emergency. Also Section 2(a)(vi) is added which allows transport of hazardous waste on a public right-of-way without requiring a hazardous waste

manifest where a facility is divided by a public right-of-way. In addition, Section 3(e)(i)(A) adds references to sections of the rules where organic air emission standards can be found. Sections 3(e)(i)(D) and 3(e)(iv)(D) correct references to land disposal restrictions contained in Chapter 13. Also Sections 3(e)(vii), (viii) and (ix) regarding wastewater treatment sludges from electroplating operations are added. Chapter 8 is also amended to add references to new sections of Chapter 12 at Section 1(a)(x) and Section 4(d)(ii). Finally, Section 5(i) and Section 8 are removed, and a reference to the federal RCRA program is added.

Chapter 9 entitled "Standards Applicable to Transporters of Hazardous Waste" establishes standards for hazardous waste transporters. This chapter is revised at Section 1(a)(iv) and Section 2(a)(i) to remove references to Chapter 8, Section 8 and to insert a reference to the federal RCRA program regarding import and export of waste to OECD countries. Chapter 9 is also revised to add Section 1(a)(v) which allows, under certain conditions, transportation of explosives and munitions waste without a hazardous waste manifest or using a hazardous waste transporter during an emergency response. Finally, Chapter 9, Section 1(a)(vi) is added and requires waste military munitions to be transported in accordance with Chapter 12, Section 19(d).

Chapter 10 entitled "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities" establishes minimum design, location, construction, operation, closure, and post-closure standards for facilities which treat, store, and dispose of hazardous waste. This chapter is revised to add Section 1(a)(vii)(H)(I)(4.) and Section 1(a)(vii)(H)(IV) regarding permitting requirements for immediate responses to an emergency involving military munitions or explosives. Section 1(a)(vii)(K) is also revised to add universal lamps to the list of universal wastes. Section 1(a)(x) is added to define when waste military munitions would be subject to the permitting requirements of Chapter 10 or the conditional storage exemption under

Chapter 12, Section 19(f). Section 2(c)(i)(B) and Section 5(b)(iv) are also revised to remove references to Chapter 8, Section 8 and to insert a reference to the federal RCRA program regarding exports and imports of waste to OECD countries. Text is also added at Section 5(a) regarding waste military munitions transported under the conditional transportation exemption. Then Section 6(a)(v), Section 6(a)(vi) and Section 7(a)(iii) are added to allow the WDEQ Director to issue either a post-closure permit or an enforceable document and to allow the WDEQ Director to replace all or part of the requirements for groundwater monitoring with alternative requirements that are protective of human health and the environment. Chapter 10 is further amended to add Section 7(c)(ii)(H) and Section 7(c)(iii)(B)(IV) requiring a closure plan or an amendment to a closure plan for a regulated unit to include either the groundwater monitoring alternative requirements or a reference to where the alternative requirements are contained in the enforceable document. Section 7(i)(ii)(D) and Section 7(i)(iv)(B)(IV) are added to require a post-closure plan or an amendment to a post-closure plan for a regulated unit to include either the groundwater monitoring alternative requirements or a reference to where the alternative requirements are contained in the enforceable document. Chapter 10, Section 10(b)(xii) is also added to address surface impoundments regulated because of a newly listed hazardous waste. Section 10(b)(xii) incorporates RCRA statutory language into the Hazardous Waste Management Rules and Regulation to require surface impoundments to be upgraded to meet minimum technology requirements or close if hazardous constituents could migrate to groundwater. Further, Chapter 10, Section 18 (a)(i) and Section 18(b)(i) are revised to define when, where and how corrective action management units and temporary units may be designated by the WDEQ Director. Section 18(a)(i) is also revised to allow corrective action management units at sites participating in the Voluntary Remediation of Contaminated Sites

Program pursuant to Wyoming Statutes 35-11-1601 through W.S. 35-11-1613. Chapter 10, Section 18(c) is also added to create a new type of unit called a staging pile. This chapter is also revised at Section 22(d)(ix) to add references to new sections of Chapter 12. Section 28(d)(i)(A)(I) and (II) and Section 28(d)(ii)(A)(I) and (II) are added to clarify when and how an owner or operator must determine the volatile organic concentration of a hazardous waste stream. Chapter 10, Section 28(e)(viii)(C) is revised to require tanks to be operated as a closed system except under two conditions. Chapter 10, Section 28(g)(v)(F) is added to require that transfers of hazardous waste in or out of a container be conducted using Container Level 3 controls which would result in minimizing exposure of the hazardous waste to the atmosphere. Finally, Chapter 10, Section 30 is added to safely store hazardous waste munitions and explosives.

Chapter 11 entitled "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" includes regulations that define the acceptable management of hazardous waste during the period of interim status when a facility is temporarily permitted to operate while awaiting denial or issuance of a permanent permit, and until certification of final closure or applicable post-closure requirements are fulfilled. Chapter 11, Section 1(a)(ii) is revised to include staging piles as a new type of unit. Section 1(a)(iii)(K)(I)(4.) and Section 1(a)(iii)(K)(IV) are also added to allow an immediate response to an emergency involving military munitions or explosives without requiring hazardous waste permits. Section 1(a)(iii)(N)(IV) is also revised to add universal lamps as a universal waste. Then Section 1(a)(vii) is added to define when waste military munitions would be subject to the Chapter 11 storage requirements or the conditional storage exemption under Chapter 12, Section 19(f). Section 2(c)(ii)(H) is also added to allow changes necessary to comply with National Emission Standards for Hazardous Air Pollutants from hazardous waste combustors. Section

4(c)(i)(B) is revised to remove references to Chapter 8, Section 8 and to insert a reference to the federal RCRA program regarding import and export of waste to OECD countries. Chapter 11, Section 7(a)(i) is also revised to add language that waste military munitions transported in compliance with Chapter 12, Section 19(d)(i) are not required to meet the manifest, record keeping and reporting requirements of this section. Chapter 11, Section 8(a)(vi) is added to allow the WDEQ Director to issue either a post-closure permit or an enforceable document and to replace all or part of the requirements for groundwater monitoring with alternative requirements that are protective of human health and the environment. Chapter 11 is further amended to add Section 9(a)(iii) and (iv), Section 9(c)(ii)(H) and Section 9(c)(iii)(A)(IV) to require a closure plan or an amendment to a closure plan for a regulated unit to include either the groundwater monitoring alternative requirements or a reference to an enforceable document which contains the alternative requirements. In addition, Section 9(i)(iii)(D), Section 9(i)(iii)(E), and Section 9(i)(iv)A(III) are added to require a post-closure plan or an amendment to a post-closure plan for a regulated unit to include either the groundwater monitoring alternative requirements or a reference to an enforceable document which contains the alternative requirements. Section 9(l) is added to require facilities who obtain an enforceable document in lieu of a post-closure permit to comply with certain requirements. Also Chapter 11, Section 12(b)(ix) is added to address surface impoundments regulated because of a newly listed hazardous waste. Section 12(b)(ix) incorporates RCRA statutory language into the Hazardous Waste Management Rules and Regulations to require surface impoundments to be upgraded to meet minimum technology requirements or to close if hazardous constituents could migrate to groundwater. Section 30(e) is revised to define how, when and where a waste determination for volatile organic concentration of a hazardous waste would be made. Further, Section

30(f)(viii)(C) is revised to require tanks to be operated as a closed system except under two conditions. Section 30(h)(v)(F) is also added to require transfers of hazardous waste in or out of a container be conducted using Container Level 3 controls which would result in minimizing exposure of the hazardous waste to the atmosphere. Finally, Chapter 11, Section 32 is added to safely store hazardous waste munitions and explosives.

Chapter 12 entitled "Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities and Standards for the Management of Used Oil" includes standards for the management of specific hazardous wastes including recyclable materials used in a manner constituting disposal. This Chapter also includes regulations on specific types of hazardous waste management facilities, as well as standards pertaining to the management of used oil. Chapter 12, Section 7 is modified and a table is added to address spent lead-acid batteries being reclaimed. Section 8(a)(ii)(C) is also revised to refer to that portion of the rules dealing with recyclable materials particularly fuels produced from the refining of oil-bearing hazardous wastes or hazardous waste fuels produced from oil-bearing hazardous waste from petroleum refining. Chapter 12 is revised at Section 10(a), Section 10(a)(ii)(A), Section 10(a)(ii)(B)(I), Section 10(a)(iii)(A)(II), Section 10(a)(v)(A)(II), and Section 10(a)(v)(C)(II) to add references to new sections of Chapter 12. Section 11(c)(iv), Section 13(f)(viii), Section 14(e)(vii) and Section 15(e)(vii) are revised to clarify that the cleanup requirements apply to releases of used oil that occurred in Wyoming after October 18, 1995 - the date the State of Wyoming was authorized to implement a hazardous waste program in lieu of EPA. Further, Chapter 12, Section 19 is added to identify when waste military munitions are subject to the hazardous waste rules and regulations and the standards for the transportation and storage of these wastes. Certain rule provisions differ from the federal regulations and include

some more stringent rule provisions. The more stringent rule provisions are Chapter 12, Section 19(c)(iv), Section 19(d)(ii), Section 19(f)(i)(A)(VIII) and (IX) and Section 19(f)(iii). Finally, Chapter 12, Section 20 is also added to provide a conditional exemption for low-level mixed waste storage, treatment, transportation and disposal.

Chapter 13 entitled "Land Disposal Restrictions" establishes restrictions on the land disposal of hazardous wastes. Section 1(a)(v) is revised to define de minimis losses of characteristic hazardous waste. Chapter 13, Section 1(a)(vi) is also revised to add universal lamps to the list of universal wastes. Further, Section 1(c)(iv) is added and states the addition of iron filings to lead containing hazardous waste is a form of impermissible dilution and thus a prohibited activity. Section 1(d)(i)(B) defines the conditions that must be met to continue to treat hazardous waste in an impoundment. Revisions to Section 1(d)(i)(B) are made relating to removal of treatment residues, subsequent management of treatment residues and record keeping requirements for treated residues. Further, Section 1(d)(i)(D) requires the owner and operator to certify to the WDEQ Director that the surface impoundment meets design requirements; this rule provision was revised to state a waste analysis plan need not be submitted with the certification statement. Section 1(g) defines the testing, tracking, and record keeping requirements for generators and treatment and disposal facilities to comply with the land disposal restrictions for hazardous waste and contaminated soil. Section 1(g) is revised to add several tables and text specifying requirements for testing, tracking and record keeping. Section 1(i) defines the requirements for identifying and managing wastes that are both a listed and characteristic hazardous waste under the land disposal restrictions (LDR). Section 1(i)(i) is revised to better describe how a generator assigns waste codes when the waste is both a listed and characteristic hazardous waste thus determining the appropriate LDR treatment standard. Section 1(i)(iv) is

also revised to better describe which hazardous constituents must be included in the LDR notification based on monitoring data. In addition, Section 3(a) is revised to establish treatment standards for wood preserving wastes, namely waste codes F032, F034 and F035. Section 3(c) is revised to remove waste codes known as the California list wastes and to add LDRs for soils exhibiting the toxicity characteristic for metals and containing polychlorinated biphenyls (PCBs). Section 3(d) is revised to remove the waste codes known as the first third wastes and to add LDRs for chlorinated aliphatic wastes, K174 and K175. Further, Section 3(e) is revised to remove waste codes known as the second third wastes and to add LDRs for toxicity characteristic metal wastes. Section 3(f) is revised to remove the waste codes known as the third third wastes and to add LDRs for petroleum refining wastes, K169, and K170 through K172. Then Section 3(g) removes the dates when certain listed wastes are prohibited from land disposal; Section 3(g) is then reserved. Section 3(j)(iii) is revised to cite the date when waste code K088 is prohibited from land disposal. In addition, Section 4(a)(ii) is revised to cite that portion of the rules and regulations where Test Methods for Evaluating Solid Waste, Physical/Chemical Method, EPA Publication SW-846 can be found. Further, Section 4(a)(v) is revised to state that characteristic wastes subject to treatment standards contained in the table entitled "Treatment Standards for Hazardous Waste" must meet the universal treatment standards for all underlying hazardous constituents unless the waste is managed in a Clean Water Act wastewater treatment system. Section 4(a)(vii) is also revised to correct compliance dates that generators or treatment, storage, and disposal facilities must meet for certain carbamate wastes. Section 4(a)(viii) and (ix) are added to allow previously stabilized characteristic mixed wastes, being stored until disposal capacity becomes available, to comply with LDR metal standards that were in effect at the time the waste was stabilized. These paragraphs establish an administrative stay for applying the

LDRs to hazardous waste - derived zinc micronutrient fertilizers. Section 4(a)(x) is added to establish alternative treatment standards for certain hazardous waste codes (P185, P191, P192, P197, U364, U394, and U395) as either constituent concentrations or treatment technologies. Section 4(a) contains a table entitled "Treatment Standards for Hazardous Wastes," and the table is revised to list the constituent concentrations or the treatment technology for each characteristic and listed hazardous waste. Section 4(c)(i) is revised to state LDRs designated for any hazardous waste as a treatment technology are listed in the table entitled "Technology Codes and Description of Technology-Based Standards," and a new treatment technology is also added. Section 4(e)(viii)(C) and (D) are added to allow the WDEQ Director to establish a site-specific treatment variance for contaminated soil. Section 4(h)(i) contains a table entitled "Universal Treatment Standards" which lists the underlying hazardous constituents that are reasonably expected to be present in hazardous waste and the concentrations which cannot be exceeded for land disposal. This table is revised to list all underlying hazardous constituents and each numerical treatment standard. Section 4(j) is added to establish alternative LDR treatment standards for contaminated soil. Section 5(a)(vii) is added to state that the prohibition on storage does not apply to hazardous waste stored in an approved staging pile. Appendices A and B are removed and are reserved since these appendices refer to information now incorporated into the rules. Appendix C is revised to list those halogenated organic compounds regulated under Chapter 13, Section 3 regarding constituents subject to treatment. The introductory text to Appendix F is revised to clarify that land disposed characteristic wastes that also contain underlying hazardous constituents must be treated not only by a "deactivating" technology to remove the characteristic, but the waste must also be treated to achieve the universal treatment standard for underlying hazardous constituents. Appendices G and H are updated to include all

the effective dates for all surface disposed hazardous wastes for which there are treatment standards and to include all LDR effective dates for injected prohibited hazardous wastes.

Appendix I is revised to cite that portion of the rules where Test Methods for Evaluating Solid Waste Physical/Chemical Methods, SW-846 can be found. Finally, Appendix J is removed and is reserved because it summarizes paperwork requirements that are contained in tables within the rules at Chapter 13, Section 1(g).

Chapter 14 entitled “Standards for Universal Waste Management” establishes standards for the collection and management of the following widely generated wastes: batteries, pesticides, thermostats, and universal lamps. This chapter is revised to incorporate universal lamps as a universal waste at the following rule citations: Section 1(a)(i), Section 1(e), Section 1(d)(iv), Section 1(e)(v), Section 3(c), Section 3(d)(iv), and Section 3(e)(v). Section 2(k), Section 3(k), Section 4(g) and Section 6(a) are revised to remove references to Chapter 8, Section 8 and to insert references to the federal RCRA program regarding exports and imports of waste to OECD countries. Finally, Section 1(a)(ii), Section 1(c)(ii), Section 2(d), Section 2(h)(ii), Section 3(d), Section 3(h)(ii), Section 4(e)(ii) and Section 5(a)(i) are revised to include references to new sections of Chapter 12.

These amendments including provisions that are more stringent than federal provisions are adopted to govern the management of hazardous waste to reflect the special conditions that exist and that are unique to the State of Wyoming. These revisions also incorporate minimum federal regulatory criteria to allow the state to comply with Section 3006(b) of the RCRA which require authorized States to maintain equivalency to the federal program.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and they have been promulgated in accord with the rule making provisions of the Wyoming Administrative Procedures Act.

Dated this _____ day of _____, 20__

for the Environmental Quality Council