



**SOLID WASTE  
RULES AND REGULATIONS**

**Chapter 1**

**As amended May 7, 2014**

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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. These regulations are effective immediately upon filing with the Secretary of State.

(b) Definitions: In addition to the definitions in the Wyoming Environmental Quality Act, for the purpose of these rules and regulations and unless the context otherwise requires:

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

(ii) "Active life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.

(iii) "Active portion" means that part of a facility or unit that has received or is receiving wastes and that has not been closed or reclaimed.

(iv) "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:

(A) For a city owned facility, the city,

(B) For a county owned facility, the county,

(C) For a facility owned by any other public entity, that public entity,

(D) For an individual, the individual,

(E) For a corporation, the corporation,  
and

(F) For a sole proprietorship or

1 partnership, the partnership or proprietorship.

2  
3 (v) "Aquifer" means, in relation to all solid  
4 waste facilities except municipal solid waste landfills, a  
5 geologic formation, group of formations, or portion of a  
6 formation capable of yielding significant quantities of  
7 groundwater to wells or springs. For municipal solid  
8 waste landfills, "aquifer" means an underground geologic  
9 formation:

10  
11 (A) Which has boundaries that may be  
12 ascertained or reasonably inferred;

13  
14 (B) In which water stands, flows, or  
15 percolates;

16  
17 (C) Which is capable of yielding to wells  
18 or springs significant quantities of groundwater that may  
19 be put to beneficial use; and

20  
21 (D) Which is capable of yielding to wells  
22 or springs which produce a sustainable volume of more than  
23 one-half (1/2) gallon of water per minute.

24  
25 (vi) "Asbestos-containing solid wastes" or  
26 "asbestos" means solid wastes containing greater than one  
27 percent (1%) by weight asbestos in any of the asbestiform  
28 varieties of: chrysotile (serpentine), amosite  
29 cummingtonite, grunerite), crocidolite (riebeckite),  
30 anthophyllite, actinolite, or tremolite, and which may be  
31 considered friable asbestos.

32  
33 (vii) "Buffer zone" means that portion of  
34 the solid waste management facility which is not used for  
35 waste management activities but is reserved for the  
36 placement and operation of monitoring equipment or for  
37 preventing public access during specific waste disposal  
38 events, such as the disposal of friable asbestos. The  
39 fire lane may be within the buffer zone.

40  
41 (viii) "Cell" means compacted solid wastes  
42 that are enclosed by natural soil or other cover material  
43 within a trench, unit, or area-fill in a land disposal  
44 facility.

45  
46 (ix) "Cease Disposal" for the purposes of the  
47 Cease and Transfer Program created pursuant to W.S. §§ 35-  
48 11-528 through 532, shall mean ceasing disposal of

1 municipal solid waste.

2  
3 (x) "Clean fill" means fill consisting solely  
4 of uncontaminated natural soil and rock, hardened asphalt  
5 rubble, bricks, and concrete rubble.

6  
7 (xi) "Clean wood" means untreated wood which has  
8 not been painted, stained, or sealed. Clean wood does  
9 not include treated railroad ties, treated posts, paper,  
10 or construction/demolition wastes containing non-wood  
11 materials.

12  
13 (xii) "Closed facility" means a regulated  
14 facility at which operations have been properly terminated  
15 in accord with an approved facility closure plan on file  
16 with the Solid and Hazardous Waste Division or the Water  
17 Quality Division and complying with all applicable  
18 regulations and requirements concerning its stabilization.

19  
20 (xiii) "Closure" in the context of a facility  
21 means the act of securing and stabilizing a regulated  
22 facility pursuant to the requirements of these  
23 regulations. Closure of an individual unit means securing  
24 and stabilizing an individual unit of a facility,  
25 including the construction of final cover over disposal  
26 units that have reached their permitted capacity and may  
27 also be referred to as intermediate or phased reclamation.

28  
29 (xiv) "Closure period" means the period of  
30 time during which a facility is completing closure. The  
31 closure period begins when the facility ceases receipt of  
32 wastes. The closure period ends when the Administrator  
33 approves certification from a registered professional  
34 engineer confirming that the provisions of the closure  
35 plan have been carried out and that the facility has been  
36 closed in compliance with the closure standards specified  
37 in these rules and regulations.

38  
39 (xv) "Collateral" means as related to self-  
40 bonding the actual or constructive deposit, as  
41 appropriate, with the Director of one or more of the  
42 following kinds of property to support a self-bond:

43  
44 (A) A perfected, first-lien security  
45 interest in real property located within the State of  
46 Wyoming, in favor of the Wyoming Department of  
47 Environmental Quality (Department) which meets the  
48 requirements of Chapter 7,

1  
2 (B) Securities backed by the full faith  
3 and credit of the United States government or state  
4 government securities acceptable to the Director. These  
5 securities must be endorsed to the order of, and placed in  
6 the possession of the Director, or

7  
8 (C) Personal property located within the  
9 state, owned by the operator, which in market value  
10 exceeds \$1 million per property unit.

11  
12 (xvi) "Commercial solid waste management  
13 facility" means any facility receiving a monthly average  
14 greater than five hundred (500) short tons per day of  
15 unprocessed household refuse or mixed household and  
16 industrial refuse for management or disposal;

17  
18 (xvii) "Comparative balance sheet" means item  
19 amounts from a number of the operator's successive yearly  
20 balance sheets arranged side by side in a single  
21 statement;

22  
23 (xviii) "Comparative income statement" means  
24 an operator's income statement amounts for a number of  
25 successive yearly periods arranged side by side in a  
26 single statement.

27  
28 (xix) "Complete application" means a permit  
29 application that the Administrator has determined to  
30 contain all the information required to be submitted by  
31 the regulations, in sufficient detail to allow a technical  
32 review of the information to commence.

33  
34 (xx) "Constituent", when used in the  
35 context of groundwater monitoring, generally means  
36 inorganic substances and organic compounds that may be  
37 found in groundwater and in particular the constituents  
38 that must be monitored in groundwater samples collected  
39 under the applicable chapter of the Solid Waste Rules and  
40 Regulations.

41  
42 (xxi) "Construction/demolition landfill"  
43 means a solid waste management facility that accepts only  
44 inert construction waste, demolition waste, street  
45 sweepings, brush, or other material specifically approved  
46 by the Administrator. This excludes garbage, liquids,  
47 sludges, friable asbestos, and hazardous or toxic wastes.

48

1 (xxii) "Construction/demolition waste"  
2 includes but is not limited to stone, clean and treated  
3 wood, concrete, asphaltic concrete, cinder blocks, brick,  
4 plaster and metal or other material specifically approved  
5 by the Administrator.

6  
7 (xxiii) "Container" means any portable device  
8 in which a material is stored, transported, treated,  
9 disposed of or otherwise handled.

10  
11 (xxiv) "Corrective action" means all actions  
12 necessary to eliminate the public health threat or  
13 environmental threat from a release to the environment of  
14 pollutants from an operating or closed regulated facility  
15 and to restore the environmental conditions as required;

16  
17 (xxv) "Cover material" means soil or other  
18 suitable material that is used to cover compacted solid  
19 wastes in a land disposal facility.

20  
21 (xxvi) "Current assets" means cash and assets  
22 that are reasonably expected to be realized in cash or  
23 sold or consumed within one (1) year or within the normal  
24 identified operating cycle of the business;

25  
26 (xxvii) "Current liabilities" means debts or  
27 other obligations that must be paid or liquidated within  
28 one (1) year or within the normal identified operating  
29 cycle of the business. This shall also include dividends  
30 payable on preferred stock within one (1) quarter if  
31 declared, or one (1) year if a pattern of declaring  
32 dividends each quarter is apparent from the business' past  
33 practices;

34  
35 (xxviii) "Decommissioning" means removing all  
36 liquids and accumulated sludges, and cleaning a storage  
37 tank for its intended reuse or disposal;

38  
39 (xxix) "Disposal" means the discharge,  
40 deposit, injection, dumping, spilling, leaking, or placing  
41 of any waste material into or on any land or water so that  
42 such waste material or any constituent thereof may enter  
43 the environment or be emitted into the air or discharged  
44 into any waters, including groundwaters.

45  
46 (xxx) "Existing facility" means any facility  
47 that was receiving solid wastes on or before September 13,  
48 1989.



1  
2 (xxxix) "Existing unit" means any municipal  
3 solid waste landfill unit receiving solid waste as of  
4 October 9, 1993.

5  
6 (xxxii) "Facility" means the total contiguous  
7 area described in the permit application and which is  
8 occupied by any solid waste management area, unit, site,  
9 process, or system and the operation thereof including,  
10 but not limited to, equipment, buildings, solid waste  
11 treatment, storage, transfer, processing, and disposal  
12 areas, buffer zones, monitor well systems, fire lanes,  
13 working area litter and access fences, systems for the  
14 remediation of releases to the environment, and perimeter  
15 access control fences. The term "facility" does not  
16 include contiguous or noncontiguous lands which may be  
17 owned or leased by the applicant which are not disturbed  
18 by solid waste management operations and which are  
19 external to the contiguous area occupied by the solid  
20 waste management area, unit, site, process, or system.

21  
22 (xxxiii) "Farming and ranching operation" means  
23 agricultural operations whose principal function is the  
24 growing of crops and the raising of livestock, but does  
25 not include large concentrated animal feeding operations  
26 (CAFOs) as defined by the Water Quality Rules and  
27 Regulations.

28  
29 (xxxiv) "Final cover" means cover material  
30 that is used to completely cover the top of a land  
31 disposal facility or unit, including, but not limited to,  
32 compacted soils, drainage layers, synthetic membranes,  
33 soil-cement admixtures, and topsoils.

34  
35 (xxxv) "Fire lane" means an area which does  
36 not contain combustible materials, including vegetation,  
37 and which can be utilized to provide access to  
38 firefighting equipment.

39  
40 (xxxvi) "Fixed assets" means plants and  
41 equipment.

42  
43 (xxxvii) "Floodplain" means low land and  
44 relatively flat areas adjoining inland and coastal waters,  
45 including flood-prone areas of offshore islands that are  
46 inundated by the 100-year flood.

47  
48 (xxxviii) "Friable asbestos", means asbestos

1 that, when dry, can be crumbled, pulverized or reduced to  
2 powder by hand pressure, and includes previously  
3 nonfriable asbestos after such previously nonfriable  
4 asbestos becomes damaged to the extent that when dry it  
5 may be crumbled, pulverized, or reduced to powder by hand  
6 pressure.

7  
8 (xxxix) "Garbage" means any putrescible solid  
9 or semi-solid animal and/or vegetable waste material  
10 resulting from the handling, preparation, cooking, serving  
11 and consumption of food.

12  
13 (xl) "Green waste" means organic plant  
14 materials, such as yard trimmings, grass clippings, house  
15 and garden plants, tree trimmings, and brush. Green  
16 waste does not include other putrescible waste including,  
17 but not limited to food waste, animal waste, and manure.

18  
19 (xli) "Groundwater" means, in relation to  
20 all solid waste facilities except municipal solid waste  
21 landfills, water below the land surface in a saturated  
22 zone of soil or rock. For municipal solid waste  
23 landfills, "groundwater" means any water, including hot  
24 water and geothermal steam, under the surface of the land  
25 or the bed of any stream, lake, reservoir or other body of  
26 surface water, including water that has been exposed to  
27 the surface by an excavation such as a pit which:

28  
29 (A) Stands, flows or percolates; and

30  
31 (B) Is capable of being produced to the  
32 ground surface in sufficient quantity to be put to  
33 beneficial use.

34  
35 (xlii) "Incineration" means the controlled  
36 process by which combustible solid wastes are burned and  
37 altered to noncombustible gases and other residues. A  
38 solid waste incineration facility is considered to be a  
39 solid waste management facility.

40  
41 (xliii) "Incorporated city or town" shall mean  
42 a "first class city" or a "town" as defined in W.S. 15-1-  
43 101(a).

44  
45 (xliv) "Industrial landfill" means a solid  
46 waste management facility utilizing an engineered method  
47 of land disposal primarily for industrial solid waste.

1 (xlv) "Industrial solid waste" means solid  
2 waste resulting from, or incidental to, any process of  
3 industry, manufacturing, mining or development of any  
4 agricultural or natural resources.

5  
6 (xlvi) "Irrevocable letter of credit" means  
7 an engagement, however named or described, by a bank made  
8 at the request of a customer (the operator and/or  
9 financially responsible parties for a permit or site),  
10 that the issuer will honor drafts or other demands for  
11 payment from the beneficiary (the State of Wyoming) upon  
12 compliance with the conditions specified in the letter of  
13 credit. The issuing party (a bank) guarantees that it  
14 will not withdraw the credit or cancel the letter before  
15 the expiration date. The customer cannot modify, revoke  
16 or repeal this letter of credit unless specified by the  
17 beneficiary.

18  
19 (xlvii) "Landfill" means a solid waste  
20 management facility for the land burial of solid wastes,  
21 utilizing an engineered method of controls to avoid  
22 creating a hazard to the public health, the environment,  
23 plants, or animals.

24  
25 (xlviiii) "Lateral expansion" of a facility  
26 means the horizontal enlargement of the boundaries of a  
27 solid waste management facility. Lateral expansion of a  
28 disposal unit means the horizontal enlargement of the  
29 permitted waste boundaries of a disposal unit.

30  
31 (xlix) "Liabilities" means obligations to  
32 transfer assets or provide services to other entities in  
33 the future as a result of past transactions.

34  
35 (l) "Lower explosive limit (LEL)" means the  
36 lowest percent by volume of a mixture of explosive gases  
37 in air that will propagate a flame at 25° Celsius and  
38 atmospheric pressure.

39  
40 (li) "Low hazard or low volume treatment,  
41 processing, storage, and transfer facility" means a solid  
42 waste management facility which accepts only solid wastes  
43 as described in this subsection. This provision does not  
44 apply to facilities whose owner or operator simultaneously  
45 owns or operates more than one such solid waste management  
46 facility within one (1) mile of each other.

47  
48 (A) Mobile transfer, treatment, and

1 storage facilities.

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(B) 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.

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20

(C) 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 ten (10) 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:

21  
22  
23  
24  
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26  
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31

(I) 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, except CRTs as noted below, prior to transfer to a recycling facility or approved beneficial reuse site; and

32  
33

(II) 5,000 gallons of used oil; and

34  
35

(III) 5,000 gallons of used antifreeze; and

36  
37

(IV) 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

42  
43

(V) Green waste and clean wood waste storage piles, and

44  
45

46  
47  
48

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

1  
2 (VII) Household hazardous waste  
3 (HHW) collected no more frequently than quarterly  
4 collection days, provided that the HHW collected is  
5 removed from the site and transported to a permitted  
6 facility within thirty (30) days of receipt; and  
7

8 (VIII) 50 cubic yards of electronic  
9 waste, other than CRTs, stored in containers; and  
10

11 (IX) 50 cubic yards of CRTs stored  
12 intact in containers and kept whole without any shredding,  
13 grinding, crushing, or baling. Devices containing CRTs,  
14 such as televisions and computer monitors, may be  
15 disassembled, but the CRTs shall remain intact. If  
16 inadvertently broken, CRTs must be promptly containerized  
17 for proper management; and  
18

19 (X) 500 lead acid batteries, if the  
20 batteries are stored in an upright position and are not  
21 leaking, for the purpose of transfer to a recycling  
22 facility; and  
23

24 (XI) 100 cubic yards of construction  
25 and demolition waste stored in containers; and  
26

27 (XII) 150 cubic yards of mixed  
28 solid wastes stored in containers. Animal mortality  
29 managed at low hazard and low volume solid waste transfer,  
30 treatment, storage, and processing facilities shall be  
31 managed in mixed municipal solid waste or separate  
32 containers.  
33

34 (D) Commercially operated used oil  
35 management facilities: Used oil collection centers,  
36 aggregation points, transfer facilities, processors, re-  
37 refiners, burners, and used oil fuel marketers that store  
38 greater than 10,000 gallons of used oil to be recycled or  
39 burned for energy recovery, subject to the used oil  
40 management requirements contained in the Wyoming Hazardous  
41 Waste Rules and Regulations.  
42

43 (E) Facilities storing waste, other than  
44 construction/demolition waste, for transfer to a recycling  
45 facility: Facilities occupying no more than 10 acres and  
46 used only for the transfer, treatment, and storage of less  
47 than 500 tons received per day of paper, cardboard,  
48 plastic, aluminum cans, glass, metal, clean wood, and

1 other nonputrescible municipal solid wastes which may be  
2 specifically authorized by the Administrator, for the  
3 primary purposes of transfer to a recycling facility or  
4 beneficial reuse in a manner approved by the  
5 Administrator. Unless all waste management occurs indoors,  
6 the facility shall have a twenty foot buffer zone/fire  
7 lane within a fenced facility boundary. This provision  
8 applies to the sorting, shredding, grinding, crushing,  
9 baling, and storage of these wastes prior to transfer to a  
10 recycling facility or approved beneficial reuse site.  
11 This provision does not apply to facilities that manage  
12 scrap tires or CRTs.

13  
14 (F) Facilities storing  
15 construction/demolition waste for transfer to a recycling  
16 facility: Facilities occupying no more than 10 acres and  
17 used only for the transfer, treatment, and storage of less  
18 than 500 tons received per day of construction/demolition  
19 waste authorized by the Administrator, for the primary  
20 purposes of transfer to a recycling facility or beneficial  
21 reuse in a manner approved by the Administrator. Unless  
22 all waste management occurs indoors, the facility shall  
23 maintain a twenty foot buffer zone/fire lane separating  
24 waste from a fenced facility boundary. This provision  
25 applies to the sorting, shredding, grinding, crushing,  
26 baling, and storage of these wastes prior to transfer to a  
27 recycling facility or approved beneficial reuse site.  
28 This provision applies only if all waste management  
29 activities occur either indoors or outdoors in containers.  
30 This provision does not apply to scrap tire or electronic  
31 waste management facilities.

32  
33 (G) Facilities not considered low hazard  
34 or low volume: Transfer, treatment, storage, and  
35 processing facilities managing wastes or materials having  
36 or exhibiting one or more of the following criteria or  
37 characteristics are not low hazard and low volume waste  
38 management facilities. Exceptions may be granted by the  
39 Administrator based on consideration of concentration and  
40 volumes of wastes to be managed:

41  
42 (I) Toxicity, Carcinogenicity,  
43 Ignitability, Flammability, Explosivity, Instability,  
44 Corrosivity, Incompatibility,

45  
46 (II) Special wastes as defined in this  
47 subsection,

48

1 (III) Medical/infectious wastes,  
2 PCB-containing wastes,  
3

4 (IV) Excluded hazardous wastes as  
5 defined in 40 CFR part 261, or the Department's Hazardous  
6 Waste Rules and Regulations,  
7

8 (V) Wastes that have the potential to  
9 create odor, vector, dust, or other nuisances, or  
10

11 (VI) Wastes that in the evaluation of  
12 the Administrator have a significant potential to impact  
13 public health and/or the environment, unless the operator  
14 of a proposed facility can demonstrate by submittal of a  
15 waste analysis and/or characterization plan that the waste  
16 treatment, processing, storage, or transfer activity can  
17 be considered a low hazard and low volume waste management  
18 activity consistent with the act.  
19

20 (lii) "Major Change" means a change to any  
21 solid waste management facility location, design or  
22 construction, or to any operating, monitoring, closure or  
23 post-closure activities, involving one or more of the  
24 following items:  
25

26 (A) The total permitted volumetric  
27 capacity of the facility is to be increased by more than  
28 five percent (5%);  
29  
30

31 (B) The effectiveness of any liner,  
32 leachate collection or detection system, gas detection or  
33 migration system, or pollution control or treatment system  
34 may be reduced; or  
35

36 (C) The facility modification will, in the  
37 judgment of the Administrator, be likely to alter the  
38 fundamental nature of the facility's activities.  
39

40 (liii) "Mixed household and industrial  
41 refuse" means any mixture of municipal solid wastes,  
42 industrial solid wastes, or sludge.  
43

44 (liv) "Mixed solid waste" means municipal  
45 solid waste and industrial solid waste.  
46

47 (lv) "Mobile transfer, treatment and storage  
48 facility" means a facility which is mobilized to conduct

1 transfer, treatment or storage of a solid waste at or near  
2 the point of generation.

3  
4 (lvi) "Monitoring" means all procedures and  
5 techniques used to systematically collect, analyze and  
6 inspect data on operational parameters of the facility or  
7 on the quality of the air, groundwater, surface water and  
8 soil.

9  
10 (lvii) "Municipal solid waste" means solid  
11 waste resulting from or incidental to residential,  
12 community, trade or business activities, including  
13 garbage, rubbish, dead animals, abandoned automobiles and  
14 all other solid waste other than construction and  
15 demolition, industrial or hazardous waste.

16  
17 (lviii) "Municipal solid waste landfill"  
18 (MSWLF) means a solid waste management facility for the  
19 land burial of municipal solid waste that utilizes an  
20 engineered method of controls to avoid creating a hazard  
21 to the public health, the environment, plants, or animals.

22  
23 (lix) "Municipal solid waste landfill unit"  
24 means a discrete area of land or an excavation that  
25 receives municipal solid waste and that is not a land  
26 application unit, surface impoundment, injection well, or  
27 waste pile. A MSWLF unit may also receive other types of  
28 Resource Conservation and Recovery Act (RCRA) Subtitle D  
29 waste such as commercial solid waste, nonhazardous sludge,  
30 conditionally exempt small quantity generator waste, and  
31 industrial solid waste. Such a landfill unit may be  
32 publicly or privately owned. A MSWLF unit may be a new  
33 MSWLF unit, an existing MSWLF unit, or a lateral expansion  
34 of an existing MSWLF unit. A construction and demolition  
35 landfill that receives residential lead-based paint waste  
36 and does not receive any other household waste is not a  
37 MSWLF unit.

38  
39 (lx) "Net worth" means total assets minus total  
40 liabilities and is equivalent to owner's equity.

41  
42 (lxi) "New facility" means:

43  
44 (A) Any facility that did not receive  
45 solid waste on or before September 13, 1989; or

46  
47 (B) Any modification or lateral expansion  
48 of an original permit boundary for the purpose of



1 increasing capacity and/or site life by more than five  
2 percent (5%). An incidental facility boundary enlargement  
3 for the development of, but not limited to fire lanes,  
4 buffer zones, surface water diversion systems, and  
5 monitoring systems which are not in conflict with local  
6 zoning, land use, and/or land ownership is not considered  
7 to be a new facility.

8  
9 (lxii) "New municipal solid waste landfill  
10 unit" means any municipal solid waste landfill unit that  
11 did not receive waste prior to October 9, 1993.

12  
13 (lxiii) "Occupied dwelling house" means a  
14 permanent building or fixed mobile home that is currently  
15 being used on a permanent or temporary basis for human  
16 habitation.

17  
18 (lxiv) "100-year floodplain" means an area  
19 where a flood has a 1-percent (1%) or greater chance of  
20 recurring in any given year or a flood of a magnitude  
21 equaled or exceeded once in 100 years on the average over  
22 a significantly long period.

23  
24 (lxv) "On-site decommissioning" means  
25 decommissioning performed within a facility's property  
26 boundary.

27  
28 (lxvi) "Open burning" means uncontrolled  
29 burning of solid waste in the open.

30  
31 (lxvii) "Open dump" means an uncontrolled  
32 solid waste management facility at which solid wastes are  
33 placed on the land in such a manner that they present a  
34 real or potential hazard to public health and the  
35 environment. Open dump includes any solid waste  
36 management facility subject to the permitting requirements  
37 of these rules and regulations which does not have a  
38 current, valid permit.

39  
40 (lxviii) "Operator" means the applicant who has  
41 been granted a permit, who may manage and operate the  
42 solid waste management facility or who may hire another  
43 person, who shall be known as the solid waste manager, for  
44 these responsibilities.

45  
46 (lxix) "Parent corporation" means a United  
47 States corporation which owns or controls the applicant.

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

5  
6 (lxxi) "Petroleum product" means any crude  
7 oil or any liquid petroleum fraction including but not  
8 limited to gasoline, diesel fuels, and used and unused  
9 motor oils.

10  
11 (lxxii) "Pile" means any noncontainerized  
12 accumulation of solid, nonflowing waste that is used for  
13 treatment or storage.

14  
15 (lxxiii) "Plans" means maps, specifications,  
16 drawings and narrative description, prepared to describe  
17 the solid waste management facility and its operation.

18  
19 (lxxiv) "Population", when used in the context  
20 of statistical evaluations of groundwater data, means the  
21 total set of all possible concentration measurements for  
22 any given constituent.

23  
24 (lxxv) "Post-closure period" means the period  
25 of time during which a closed facility is maintained and  
26 monitored. The post-closure period begins when the  
27 Administrator approves certification from a registered  
28 professional engineer confirming that the provisions of  
29 the closure plan have been carried out and that the  
30 facility has been closed in compliance with the closure  
31 standards specified in these rules and regulations. The  
32 post-closure period ends when the Administrator  
33 determines, upon petition by the operator, that the  
34 facility has been adequately stabilized and that the  
35 environmental monitoring or control systems have  
36 demonstrated that the facility closure is protective of  
37 public health and the environment consistent with the  
38 purposes of the act.

39  
40 (lxxvi) "Principal officer" means an officer  
41 described in the bylaws of a corporation or appointed by  
42 the board of directors in accordance with the bylaws who  
43 serves at least at the level of vice president.

44  
45 (lxxvii) "Private industrial solid waste  
46 disposal facility" means any industrial solid waste  
47 disposal facility used solely for the disposal of solid  
48 waste generated by the owner of the facility; wastes are

1 not transported over public roadways for delivery to the  
2 facility; and access by persons other than employees of  
3 the facility owner is restricted.

4  
5 (lxxviii) "Processing plant" means a solid waste  
6 management facility used or designed to transfer, shred,  
7 grind, bale, compost, salvage, separate, reclaim or  
8 provide other treatment of solid wastes.

9  
10 (lxxix) "Recycling facility" means a facility  
11 where used or waste materials are processed or broken down  
12 into raw materials which are then used to make or produce  
13 new items or products.

14  
15 (lxxx) "Release" includes, but is not limited  
16 to, any spilling, leaking, pumping, pouring, emptying,  
17 emitting, discharging, dumping, addition, escaping,  
18 leaching, or unauthorized disposal of any oil or hazardous  
19 substance which enters, or threatens to enter, waters of  
20 the state.

21  
22 (lxxxxi) "Routine cover" means cover material  
23 that is applied to the top and side slopes of compacted  
24 solid wastes at the end of each operating day.

25  
26 (lxxxii) "Salvaging" means the controlled  
27 removal by the operator or his or her agent of solid waste  
28 from a solid waste management facility for the purpose of  
29 reuse.

30  
31 (lxxxiii) "Sanitary landfill" means a municipal  
32 solid waste landfill.

33  
34 (lxxxiv) "Scavenging" means the removal by  
35 persons other than the operator or his agent of solid  
36 wastes from any solid waste management facility.

37  
38 (lxxxv) "Scrap tire" means a tire that is no  
39 longer used for its original purpose. One scrap tire  
40 equals twenty pounds of scrap tire or processed scrap  
41 tire.

42  
43 (lxxxvi) "Seismic impact zone" means an area  
44 with a 10 percent (10%) or greater probability that the  
45 maximum horizontal acceleration in hard rock, expressed as  
46 a percentage of the earth's gravitational pull (g), will  
47 exceed 0.10g in 250 years.

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

6  
7 (lxxxviii) "Silviculture waste" means any  
8 wood wastes generated during the management and  
9 development of forests. This includes but is not limited  
10 to all wood wastes that are generated during the operation  
11 of a sawmill.

12  
13 (lxxxix) "Sludge" means the accumulated  
14 semisolid mixture of solid wastes and water, oils, or  
15 other liquids.

16  
17 (xc) "Solid waste manager" means any person  
18 designated by the applicant who has primary responsibility  
19 for the daily management and operation of the solid waste  
20 management facility.

21  
22 (xci) "Solid waste management unit" means a  
23 contiguous area of land on or in which solid waste is  
24 placed, or the largest area in which there is significant  
25 likelihood of mixing solid waste constituents in the same  
26 area of a solid waste management facility. Examples of  
27 solid waste management units include a surface impoundment  
28 at a solid waste management facility, a waste pile, a land  
29 treatment area, a municipal, construction/demolition, or  
30 industrial landfill unit, an incinerator, a tank and its  
31 associated piping and underlying containment systems at a  
32 solid waste management facility and a container storage  
33 area. A container alone does not constitute a unit; the  
34 unit includes containers and the land or pad upon which  
35 they are placed.

36  
37 (xcii) "Solid waste petroleum storage tank"  
38 means any underground or aboveground storage tank that has  
39 been taken out of service and which contained any  
40 petroleum substance, including but not limited to motor  
41 fuels, jet fuels, distillate fuel oils, residual fuel  
42 oils, lubricants, petroleum solvents, and used oils.

43  
44 (xciii) "Special wastes" are those wastes  
45 which require special handling as described in Chapter 8  
46 of these rules and regulations.

47  
48 (xciv) "Storage" means the holding of solid

1 waste for a temporary period, at the end of which time the  
2 solid waste is treated, disposed of, or stored elsewhere.

3  
4 (xcv) "Storage facility" means any facility  
5 that stores solid waste for a temporary period, at the end  
6 of which time the solid waste is treated, disposed, or  
7 stored elsewhere.

8  
9 (xcvi) "Surface impoundment" means a facility  
10 or part of a facility which is a natural topographic  
11 depression, man-made excavation, or diked area formed  
12 primarily of earthen materials (although it may be lined  
13 with man-made materials), which is designed to hold an  
14 accumulation of liquid wastes or wastes containing free  
15 liquids, and which is not an injection well. Examples of  
16 surface impoundments include, but are not limited to  
17 holding, storage, settling, and aeration pits, ponds and  
18 lagoons.

19  
20 (xcvii) "Tangible net worth" means net worth  
21 minus intangibles such as goodwill, patents or royalties.

22  
23 (xcviii) "Tank" means a stationary device  
24 designed to contain an accumulation of waste that is  
25 constructed primarily of nonearthen materials (e.g., wood,  
26 concrete, steel, plastic) that provide structural support  
27 and integrity.

28  
29 (xcix) "Topsoil" means all surface soil  
30 usually including the organic layer in which plants have  
31 most of their roots, or in the case where no topsoil is  
32 present, the top six (6) inches of in-place native  
33 material.

34  
35 (c) "Transfer of waste" means the temporary  
36 holding of solid waste pending transportation of the solid  
37 waste for treatment, storage, and/or disposal.

38  
39 (ci) "Transfer facility" means any solid waste  
40 transportation related facility including loading docks,  
41 parking areas, storage areas and ancillary features.

42  
43 (cii) "Treatment" means any method,  
44 technique, or process designed to change the physical,  
45 chemical, or biological character or composition of any  
46 solid waste so as to recover energy or material resources  
47 from the waste or so as to render it safer to transport,  
48 store, or dispose of, or to make it amenable for recovery,

1 use, or storage, or for reduction in volume. Treatment  
2 includes but is not limited to baling, chipping,  
3 composting, distilling, incinerating, processing,  
4 reconditioning, recovering, recycling, re-refining,  
5 reclaiming, and shredding.

6  
7 (ciii) "Treatment facility" means any  
8 facility that treats solid waste. Types of treatment  
9 facilities include but are not limited to solid waste  
10 incinerators, tire shredding/chipping facilities, tire  
11 pyrolysis plants, solid waste shredding or baling  
12 facilities, drum and barrel reconditioning/recycling  
13 facilities, composting facilities, and facilities used to  
14 distill, re-refine, recover, recycle, or incinerate used  
15 antifreeze, oils or solvents.

16  
17 (civ) "Unprocessed household refuse" means  
18 municipal solid wastes which have not been treated,  
19 processed, or recycled at a facility subject to the  
20 requirements of these rules and regulations.

21  
22 (cv) "Unstable area" means a location that is  
23 susceptible to natural or human-induced events or forces  
24 capable of impairing the integrity of some or all of the  
25 landfill structural components responsible for preventing  
26 releases from a landfill. Unstable areas can include  
27 poor foundation conditions, areas susceptible to mass  
28 movements, and karst terrains.

29  
30 (cvi) "Uppermost aquifer" means the geologic  
31 formation nearest the natural ground surface that is an  
32 aquifer, as well as lower aquifers that are hydraulically  
33 connected with this aquifer within the facility's property  
34 boundary.

35  
36 (cvii) "Used antifreeze" means any antifreeze  
37 that has been used and as a result of such use is  
38 contaminated by physical or chemical impurities. Used  
39 antifreeze also includes new antifreeze which has not been  
40 used for its intended purpose but is being discarded.

41  
42 (cviii) "Used oil" means any oil that has been  
43 refined from crude oil, or any synthetic oil, that has  
44 been used and as a result of such use is contaminated by  
45 physical or chemical impurities. Used oil does not  
46 include animal or vegetable oil.

47  
48 (cix) "Used tire" means a tire that cannot be

1 described as new, but which is structurally intact and,  
2 for passenger tires, has a tread depth greater than two  
3 thirty-seconds (2/32) of an inch. A used tire can be  
4 mounted on a vehicle's rim without repair.

5  
6 (cx) "Vadose zone" means the unsaturated zone  
7 between the land surface and the water table.

8  
9 (cxi) "Vector" means a carrier capable of  
10 transmitting a pathogen from one organism to another,  
11 including flies, mosquitoes, skunks, or rodents.

12  
13 (cxii) "Waste management unit boundary" For  
14 the purpose of establishing a relevant point of compliance  
15 for municipal solid waste landfills, "waste management  
16 unit boundary" means a vertical surface located at the  
17 hydraulically downgradient limit of the municipal solid  
18 waste landfill unit. This vertical surface extends down  
19 to the uppermost aquifer.

20  
21 (cxiii) "Waste pile" means any  
22 noncontainerized accumulation of solid waste used for  
23 treatment or storage of solid waste.

24  
25 (cxiv) "Water table" means the seasonally  
26 high surface of groundwater which is subject to  
27 atmospheric pressure in an unconfined aquifer. Water  
28 table does not mean the piezometric surface of a confined  
29 aquifer.

30  
31 (cxv) "Wetlands" means those areas that are  
32 inundated or saturated by surface or groundwater at a  
33 frequency and duration sufficient to support, and that  
34 under normal conditions do support, a prevalence of  
35 vegetation typically adapted for life in saturated soil  
36 conditions. Wetlands include, but are not limited to,  
37 swamps, marshes, bogs and similar areas.

38  
39 (cxvi) "Working face" means that portion of  
40 the land disposal site where solid wastes are being  
41 deposited and are being spread and compacted prior to the  
42 placement of cover materials.

43  
44 (c) Permit required for new and existing facilities:

45  
46 (i) A permit or a one-time or emergency  
47 disposal authorization is required for the location,  
48 construction, operation or closure of any new or existing

1 solid waste management facility. All facilities shall be  
2 located, designed, constructed, operated and closed in  
3 accordance with the permit or disposal authorization  
4 issued by the Director or Administrator.

5  
6 (ii) A permit or disposal authorization may not  
7 be required for the facilities or activities specified in  
8 subsection (g) of this section.

9  
10 (iii) Any facility that is regulated under  
11 more than one of the permitting chapters of these rules  
12 and regulations can apply for and receive a single solid  
13 waste management permit demonstrating compliance with each  
14 of the applicable chapters of these rules and regulations.

15  
16  
17 (d) Recordkeeping, monitoring and reporting  
18 requirements:

19  
20 (i) Operators of any solid waste management  
21 facility, including those operators of open dumps, will be  
22 required to establish and maintain monitoring equipment or  
23 methods, sample effluent discharges or emissions, or  
24 provide such other information as may be reasonably  
25 required and specified by the Administrator.

26  
27 (ii) All records required by these rules and  
28 regulations shall be maintained by the operator of the  
29 facility for a minimum of three (3) years from the date of  
30 recording, except for those records required to be kept  
31 through the life and post-closure period of the facility  
32 as specified in these rules and regulations. All records  
33 shall be available for inspection and copying by  
34 Department personnel during reasonable business hours.  
35 Copies of these records shall be submitted to the  
36 Administrator when requested.

37  
38 (e) Prohibited acts: The following acts are  
39 prohibited:

40  
41 (i) Open dumping;

42  
43 (ii) Scavenging and animal feeding at active  
44 solid waste management facilities;

45  
46 (iii) Dumping bulk liquid wastes at solid  
47 waste management facilities unless specifically authorized  
48 by the Administrator;



1  
2 (iv) Dumping hazardous wastes (other than  
3 hazardous wastes generated by residential households and  
4 conditionally exempt small quantity waste generators) in  
5 any facility other than a facility authorized as a  
6 hazardous waste disposal facility by these rules and  
7 regulations unless specifically authorized by the  
8 Administrator;

9  
10 (v) Open burning of any wastes not exempted in  
11 Subsection (g); and

12  
13 (vi) No solid wastes shall be speculatively  
14 accumulated at a facility intended for use as a solid  
15 waste management facility without a permit.

16  
17 (f) Inspections:

18  
19 (i) Inspections shall be conducted at the  
20 discretion of the Administrator and may consist of:

21  
22 (A) Pre-application inspections;

23  
24 (B) Preconstruction inspections;

25  
26 (C) Construction inspections;

27  
28 (D) Closure, post-closure, and annual  
29 operational compliance inspections; and

30  
31 (E) Routine or complaint-related  
32 inspections, at the Administrator's discretion.

33  
34 (ii) Neither advance notice nor a waiver of  
35 liability shall be required to be provided by Department  
36 personnel as a condition of entry to any facility for the  
37 purpose of conducting any solid waste management facility  
38 compliance inspection. The operator shall allow  
39 Department personnel entry to the facility for the purpose  
40 of inspection.

41  
42 (iii) The Administrator shall provide copies of  
43 all inspection reports to the operator following  
44 completion of the inspection.

45  
46 (iv) The inspection requirements for municipal  
47 solid waste landfills with lifetime permits are in Chapter  
48 2.

1  
2 (v) Following any inspection by Department  
3 personnel, the operator will be notified in writing of any  
4 deficiencies within forty-five (45) days from the date of  
5 the inspection unless the Department is waiting to receive  
6 additional information from the operator.  
7

8 (g) Exemptions: The Administrator may exempt the  
9 following from a permit or any requirement to obtain a  
10 waste management authorization under these regulations,  
11 provided that persons engaged in activities which are  
12 otherwise exempted may be required to supply information  
13 to the Administrator which demonstrates that the act,  
14 practice, or facility is exempt, and shall allow entry of  
15 Department inspectors for purposes of verification of such  
16 information:  
17

18 (i) Auto salvage yards and scrap metal dealers:  
19 Baling of used motor vehicles or scrap metals, and  
20 operation of metal smelters regulated by the Air Quality  
21 Division and storage for sale or reuse of used motor  
22 vehicles, motor vehicle parts, or scrap metals at auto  
23 salvage yards or scrap metal dealers as authorized under  
24 W.S. 31-13-114, provided that for used oil, used  
25 antifreeze, tires, and lead acid batteries the following  
26 storage accumulation limits are not exceeded:  
27

28  
29 (A) 1,000 scrap tires, excluding any scrap  
30 tires remaining on wheels attached to vehicles;  
31

32 (B) 1,000 gallons of used motor oil;  
33

34 (C) 1,200 used lead acid batteries,  
35 excluding any used lead acid batteries remaining in  
36 vehicles, if the batteries are being stored in an upright  
37 position and are not leaking, for the purpose of being  
38 transferred to a recycling facility;  
39

40 (D) 500 gallons of used antifreeze, if the  
41 antifreeze is being stored to be recycled, and the owner  
42 or operator only stores used antifreeze they generate or  
43 receive from do-it-yourself antifreeze changers or other  
44 similar sources.  
45

46 (ii) Single family units or households: The  
47 collection, storage and disposal of household wastes  
48 generated by a single family unit or household on their

1 own property in such a manner that does not create a  
2 health hazard, public or private nuisance, or detriment to  
3 the environment.

4  
5 (iii) Clean fill: The disposal or  
6 beneficial use of clean fill in such a manner that does  
7 not create a health hazard, public or private nuisance or  
8 detriment to the environment.

9  
10 (iv) Clean wood waste storage facilities:  
11 Facilities storing clean wood waste in storage piles with  
12 a base surface area no larger than 10,000 square feet  
13 containing no greater than 100,000 cubic feet of clean  
14 wood waste. Clean wood waste at such facilities shall  
15 be stored no less than 100 feet from off-site structures,  
16 storm water shall be properly managed, and the pile shall  
17 not create a public or private nuisance.

18  
19 (v) De minimis waste management activities:  
20 The management of solid wastes, which in the judgement of  
21 the Administrator, constitute de minimis quantities which  
22 are managed in a manner that does not create a health  
23 hazard, public or private nuisance, or detriment to the  
24 environment.

25  
26 (vi) Retail business facilities: Retail  
27 business facilities which have fewer than 1,000 scrap  
28 tires on the premises at any one time.

29  
30 (vii) Facilities that store lead acid  
31 batteries: A retail business facility or a solid waste  
32 storage or transfer facility used only for the storage or  
33 transfer of no more than 1,200 used lead acid batteries  
34 for the purpose of transfer to a recycling facility, if  
35 the batteries are stored in an upright position and are  
36 not leaking.

37  
38 (viii) Commercially operated used oil  
39 management facilities: Used oil collection centers,  
40 aggregation points, transfer facilities, processors, re-  
41 refiners, burners, and used oil fuel marketers that store  
42 no more than 10,000 gallons of used oil to be recycled or  
43 burned for energy recovery, provided the storage tanks are  
44 properly labeled, and subject to the used oil management  
45 requirements contained in the Wyoming Hazardous Waste  
46 Rules and Regulations.

47  
48 (ix) Used oil generators: Used oil

1 generators are subject to the used oil management  
2 requirements contained in the Wyoming Hazardous Waste  
3 Rules and Regulations.

4  
5 (x) Facilities storing waste , other than  
6 construction/demolition waste, for transfer to a recycling  
7 facility: A solid waste storage, treatment, or transfer  
8 facility occupying no more than five (5) acres and used  
9 only for the storage, treatment, or transfer of paper,  
10 cardboard, plastic, aluminum cans, glass, metal, clean  
11 wood, construction/demolition waste, and other  
12 nonputrescible municipal solid wastes which may be  
13 specifically authorized by the Administrator, for the  
14 primary purposes of transfer to a recycling facility or  
15 beneficial reuse in a manner approved by the  
16 Administrator. Unless all waste management occurs indoors,  
17 the facility shall maintain a twenty foot buffer zone/fire  
18 lane separating waste from a fenced facility boundary.  
19 This exemption applies to the sorting, shredding,  
20 grinding, crushing, baling and storage of these wastes  
21 prior to transfer to a recycling facility or approved  
22 beneficial reuse site. This exemption does not apply to  
23 facilities that manage scrap tires, CRTs, or that  
24 decommission petroleum storage tanks.

25  
26 (xi) Facilities storing construction/demolition  
27 waste for transfer to a recycling facility: A solid waste  
28 storage, treatment, or transfer facility occupying no more  
29 than one (1) acre and used only for the storage, treatment,  
30 or transfer of construction/demolition waste as authorized  
31 by the Administrator for the primary purposes of transfer  
32 to a recycling facility or beneficial reuse in a manner  
33 approved by the Administrator. Unless all waste management  
34 occurs indoors, the facility shall maintain a twenty foot  
35 buffer zone/fire lane separating waste from a fenced  
36 facility boundary. This exemption applies to the sorting,  
37 shredding, grinding, crushing, baling, and storage of these  
38 wastes prior to transfer to a recycling facility or approved  
39 beneficial reuse site. This exemption does not apply to  
40 facilities that manage scrap tires, electronic waste, or  
41 that decommission petroleum storage tanks.

42  
43 (xii) Solid waste transfer, treatment,  
44 storage, and processing facilities: Solid waste transfer,  
45 treatment, storage, and processing facilities receiving 20  
46 cubic yards or less of solid waste per day and occupying  
47 no more than five (5) acres, including a twenty foot  
48 buffer zone within a fenced facility boundary, which

1 individually or in combination manage no more than the  
2 quantities of wastes specified in this subsection. This  
3 exemption does not apply to facilities whose owner or  
4 operator simultaneously owns or operates more than one  
5 transfer facility within one (1) mile of each other;

6  
7 (A) 50 cubic yards of mixed solid wastes  
8 stored in containers; and

9  
10 (B) 50 cubic yards of construction and  
11 demolition waste stored in containers; and

12  
13 (C) Green waste and clean wood waste  
14 storage and/or compost piles; and

15  
16 (D) Compost piles for green waste and  
17 manure operated in a manner that does not create odors,  
18 constitute a nuisance, or attract vectors; and

19  
20 (E) 500 scrap tires stored in a manner  
21 that prevents fires and vector habitat; and

22  
23 (F) 20 cubic yards of electronic waste,  
24 except CRTs, stored in containers for shipment to a  
25 recycling facility; and

26  
27 (G) 20 cubic yards of CRTs stored intact  
28 in containers and kept whole without any shredding,  
29 grinding, crushing, or baling. Devices containing CRTs,  
30 such as televisions and computer monitors, may be  
31 disassembled, but the CRTs shall remain intact. If  
32 inadvertently broken, CRTs must be promptly containerized  
33 for proper management; and

34  
35 (H) 1,000 gallons of used oil; and

36  
37 (I) 1,000 gallons of used antifreeze, if  
38 the used antifreeze is stored to be recycled, reclaimed,  
39 or reused; and

40  
41 (J) 250 used lead acid batteries, if the  
42 batteries are stored in an upright position and are not  
43 leaking, for the purpose of transfer to a recycling  
44 facility; and

45  
46 (K) 150 cubic yards of paper, cardboard,  
47 plastic, aluminum cans, glass, and metal, or other  
48 nonputrescible municipal solid wastes which may be

1 specifically authorized by the Administrator, for the  
2 primary purposes of transfer to a recycling facility or  
3 beneficial reuse in a manner approved by the  
4 Administrator. This provision applies to the sorting,  
5 shredding, grinding, crushing, baling, and storage of  
6 these wastes prior to transfer to a recycling facility or  
7 approved beneficial reuse site; and

8  
9 (L) Household hazardous waste (HHW)  
10 collected no more frequently than semiannual collection  
11 days, provided that the HHW collected is removed from the  
12 site and transported to a permitted facility within thirty  
13 (30) days.

14  
15 (xiii) Vehicle service and maintenance  
16 facilities: In addition to used oil stored pursuant to  
17 this subsection, used antifreeze storage tanks located at  
18 vehicle service facilities, provided the storage tanks are  
19 properly labeled, have a used antifreeze storage capacity  
20 of no more than 500 gallons, and are used only to contain  
21 used antifreeze that the owner or operator generates or  
22 receives from do-it-yourself antifreeze changes;

23  
24 (xiv) Medical waste management facilities:  
25 Medical waste storage units, incinerators, autoclaves, or  
26 other treatment devices, used to store or treat only  
27 medical wastes which are generated by the owner or  
28 operator of the medical facility or by doctor's offices,  
29 medical clinics, dental offices and other medical waste  
30 generators within the county or local area where the  
31 medical waste storage units, incinerators, autoclaves, or  
32 other treatment devices are located.

33  
34 (xv) Beneficial use: The reuse of wastes in  
35 a manner which is both beneficial and protective of human  
36 health and the environment, as approved by the  
37 Administrator.

38  
39 (xvi) Household hazardous waste collection  
40 events: The collection of household hazardous waste (HHW)  
41 on no more than a quarterly basis by the operator of a  
42 permitted solid waste facility or by a person at a site  
43 where landowner consent has been obtained. Collected HHW  
44 must be removed from the collection site within thirty  
45 (30) days and transported to a permitted facility for  
46 proper management.

47  
48 (xvii) An exemption or solid waste management

1 permit are not required for facilities which are not solid  
2 waste facilities as defined by W.S. 35-11-103(d)(ii).

3  
4 Section 2. Permit Application Procedure.

5  
6 (a) Application requirements: Each application for  
7 a solid waste management facility permit described in this  
8 section shall contain information adequate to demonstrate  
9 compliance with the minimum standards for location, design  
10 and construction, operating, monitoring, closure and post-  
11 closure as specified in the applicable chapter of these  
12 rules and regulations. Permit application procedures are  
13 set out in W.S. 35-11-502, except general permit  
14 procedures for closure of municipal solid waste landfills  
15 with less than thirty (30) acres of municipal solid waste  
16 disposal area, which are set forth in Section 2(k) of this  
17 chapter.

18  
19 (b) Public notice and comment: Prior to the  
20 issuance of a permit by the Director, each application for  
21 a new, renewal, or closure permit shall be submitted for  
22 public notice and comment as follows:

23  
24 (i) Upon receipt of notification that the  
25 application has been determined to be complete, the  
26 applicant shall comply with the following requirements:

27  
28 (A) Within fifteen (15) days of being  
29 notified that the application is complete:

30  
31 (I) Provide written notice to  
32 landowners with property located within a half mile of the  
33 site, using certified, return receipt requested mail for  
34 disposal facilities and first class mail for other solid  
35 waste management facilities;

36  
37 (II) Provide written notice to each  
38 member of the interested parties mailing list maintained by  
39 the Administrator, the mayor of each city or town within  
40 fifty miles of the proposed facility and to the county  
41 commission and any solid waste district for the county in  
42 which the potential facility is located, using first class  
43 mail;

44  
45 (III) Cause a written notice to be  
46 published once a week for two (2) consecutive weeks in a  
47 newspaper of general circulation within the county where

1 the applicant plans to locate the facility;

2  
3 (IV) Specific text for the written  
4 notice shall be provided to the applicant by the  
5 Administrator. The notice shall contain information about  
6 the permit application including the identity of the  
7 applicant, the proposed facility location and size, the  
8 wastes types intended for management, the method of waste  
9 management, and the operating life. The notice shall  
10 identify the last date for filing comments on the  
11 application;

12  
13 (B) Provide the Administrator with  
14 documentation that the notice requirements of subsection  
15 (b)(i)(A) of this section have been followed.  
16 Documentation shall consist of copies of return receipt  
17 cards, publisher's affidavits and other documentation, as  
18 appropriate; and

19  
20 (C) The public comment period shall begin  
21 on the first date of publication and shall end at 5:00 pm  
22 on the thirtieth (30th) day following the last date of  
23 publication.

24  
25 (D) The Administrator may, at his or her  
26 discretion, conduct a public hearing on the application  
27 submission.

28  
29 (ii) For each new, renewal, or closure permit  
30 application or any application for a major change, the  
31 Administrator shall issue a proposed permit following  
32 completion of the Administrator's permit analysis, unless  
33 the permit is denied pursuant to Section 4 of this  
34 chapter. Upon receipt of a proposed permit, the applicant  
35 shall comply with the following requirements:

36  
37 (A) Within fifteen (15) days of receiving  
38 a proposed permit:

39  
40 (I) Provide written notice to  
41 landowners with property located within a half mile of the  
42 site, the mayor of each city or town within fifty (50)  
43 miles of the proposed facility, the local county  
44 commission and any solid waste district for the county in  
45 which the potential facility is located, using certified,  
46 return receipt requested mail for disposal facilities and  
47 first class mail for other solid waste management  
48 facilities;



1  
2 (II) Provide written notice to each  
3 member of the interested parties mailing list maintained by  
4 the Administrator using first class mail;

5  
6 (III) Cause a written notice to be  
7 published once a week for two (2) consecutive weeks in a  
8 newspaper of general circulation within the county where  
9 the applicant plans to locate the facility;

10  
11 (IV) Specific text for the written  
12 notice shall be provided to the applicant by the  
13 Administrator. The notice shall contain information about  
14 the permit application including the identity of the  
15 applicant, the proposed facility location and size, the  
16 wastes types intended for management, the method of waste  
17 management, the operating life, and the Administrator's  
18 findings. The notice shall identify the period for filing  
19 objections to the application;

20  
21 (V) Deliver, in person or via  
22 certified, return receipt requested mail, a copy of the  
23 permit application, the Administrator's review and the  
24 Administrator's proposed permit to a local public library  
25 and the county clerk of the county of the proposed  
26 facility. The permit application and proposed permit shall  
27 be maintained for public viewing at a local public library  
28 and at the county clerk's office for the duration of the  
29 public comment period specified in Section  
30 2(b)(ii)(C) of this chapter; and

31  
32  
33 (B) Provide the Administrator with  
34 documentation that the notice and filing requirements of  
35 subsection (b)(ii)(A) of this section have been followed.  
36 Documentation shall consist of copies of return receipt  
37 cards, and publisher's affidavits or affidavits of  
38 personal delivery as appropriate.

39  
40 (C) The public comment period shall begin  
41 on the first date of publication and shall end at 5:00 pm  
42 on the thirtieth (30th) day following the last date of  
43 publication.

44  
45 (D) If substantial written objections are  
46 received by the Director by 5:00 pm on the last day of the  
47 public comment period, a public hearing will be held  
48 within twenty (20) days after the last day of the public

1 comment period, unless a different schedule is deemed  
2 necessary by the Environmental Quality Council (Council).  
3 The Council or Director shall publish notice of the time,  
4 date and location of the hearing in a newspaper of general  
5 circulation in the county where the applicant plans to  
6 locate the facility, once a week for two (2) consecutive  
7 weeks immediately prior to the hearing. The hearing shall  
8 be conducted as a contested case in accordance with the  
9 Wyoming Administrative Procedures Act, and right of  
10 judicial review shall be afforded as provided in that Act.  
11

12 (c) Permit application procedure:  
13

14 (i) The applicant shall provide the  
15 Administrator with three (3) complete paper copies and one  
16 (1) complete electronic copy of the permit application  
17 unless an alternative is approved by the Administrator.  
18 The application shall be organized in three- ring binders,  
19 and the information presented in an order that conforms to  
20 the order set forth in the applicable sections of these  
21 rules and regulations, unless the Administrator approves  
22 an alternate format for the organization of the  
23 application.  
24

25 (ii) The Administrator shall conduct a  
26 completeness review of each application and notify the  
27 applicant of the results within sixty (60) days of receipt  
28 of the application. If the Administrator deems the  
29 application incomplete, he or she shall so advise and  
30 state in writing to the applicant the information  
31 required. All items not specified as incomplete at the end  
32 of the first sixty (60) day period shall be deemed  
33 complete for the purposes of this subsection.  
34

35 (iii) If the applicant resubmits an  
36 application or further information, the Administrator  
37 shall review the application or additional information  
38 within sixty (60) days of each submission and advise the  
39 applicant in writing if the application or additional  
40 information is complete.  
41

42 (iv) After the application is determined  
43 complete, the applicant shall give written notice of the  
44 application as required in Section 2(b)(i) of this  
45 chapter.  
46

47 (v) The Administrator shall review the  
48 application and unless the applicant requests a delay,

1 advise the applicant in writing within ninety (90) days  
2 from the date of determining that the application is  
3 complete, that a proposed permit is suitable for  
4 publication under Section 2(b)(ii), or that the  
5 application is deficient, or that the application is  
6 denied. All reasons for deficiency or denial shall be  
7 stated in writing to the applicant. All items not  
8 specified as being deficient at the end of the first  
9 ninety (90) day period shall be deemed sufficient for the  
10 purposes of this subsection.

11  
12 (vi) If the applicant submits additional  
13 information in response to any deficiency notice, the  
14 Administrator shall review such additional information  
15 within thirty (30) days of submission and advise the  
16 applicant in writing if a proposed permit is suitable for  
17 publication under Section 2(b)(ii), or that the  
18 application is still deficient, or that the application is  
19 denied.

20  
21 (d) Permit issuance:

22  
23 (i) If the application is determined to be  
24 complete and demonstrates compliance with the applicable  
25 standards, the Administrator shall prepare a proposed  
26 permit. Public notice as specified in Section  
27 2(b)(i) and 2(b)(ii), will occur. No permit,  
28 authorization or exemption shall be issued unless the  
29 owner of the facility provides written authorization for  
30 the Department's authorized representative, upon the  
31 presentation of credentials and other documents as may be  
32 required by law, to access and enter upon the operator's  
33 premises where a regulated facility or activity is located  
34 or conducted, or where records must be kept under the  
35 conditions of a permit, authorization or exemption; have  
36 access to and copy, at reasonable times, any records that  
37 must be kept under the conditions of any permit,  
38 authorization or exemption; inspect at reasonable times  
39 any facilities, equipment (including monitoring and  
40 control equipment), practices, or operations regulated or  
41 required under the Act; and collect resource data, sample  
42 or monitor at reasonable times, for the purposes of  
43 ensuring compliance or as otherwise authorized by the  
44 appropriate rules and regulations of the Department, any  
45 substances or parameters at any location.

46  
47 (ii) The Director shall render a decision on the  
48 proposed permit within thirty (30) days after completion

1 of the notice period if no hearing is requested. If a  
2 hearing is held, the Council shall issue findings of fact  
3 and a decision on the proposed permit within thirty (30)  
4 days after the final hearing. The Director shall issue or  
5 deny the permit no later than fifteen (15) days from  
6 receipt of any findings of fact and decision of the  
7 Council. In granting permits, the Director may impose  
8 such conditions as may be necessary to accomplish the  
9 purpose of the act and which are not inconsistent with the  
10 existing rules, regulations, and standards.

11  
12 (e) Permit renewal applications:

13  
14 (i) In addition to the following requirements,  
15 permit renewal applications are subject to the application  
16 procedures set forth in subsection (b), (c), and (d) of  
17 this section.

18  
19 (ii) The operator subject to solid waste  
20 management facility permit requirements shall provide the  
21 Administrator with a renewal application. The renewal  
22 permit application shall contain the information specified  
23 in the relevant chapter(s) of these rules and regulations  
24 and be submitted in accordance with the time frames  
25 specified.

26  
27 (iii) Except for municipal solid waste  
28 landfills with lifetime permits, the operator of a  
29 facility with a valid permit issued under Section 2(d) of  
30 this chapter or a valid renewal permit issued under  
31 Section 2(f) of this chapter, shall submit a permit  
32 renewal application no less than 12 months prior to the  
33 expiration of said permit unless a closure permit  
34 application has been submitted. Municipal solid waste  
35 landfills with lifetime permits shall submit a renewal  
36 application no later than three (3) years prior to the  
37 expiration of the lifetime municipal solid waste landfill  
38 permit. The renewal application shall contain the  
39 information specified in the applicable chapter of these  
40 rules and regulations.

41  
42 (iv) Three (3) complete paper copies and one (1)  
43 complete electronic copy of the permit renewal application  
44 shall be submitted unless an alternative is approved by  
45 the Administrator. The application shall be organized in  
46 three ring binders, and the information presented in an  
47 order that conforms to the order set forth in the  
48 applicable application requirements sections of these

1 rules and regulations, unless the Administrator approves  
2 an alternate format for the organization of the  
3 application. The applicant shall have the option to  
4 submit copies of only the updated and revised portion of  
5 the previous application, if the revised and updated pages  
6 and drawings are appropriately numbered and dated to  
7 facilitate incorporation into the previous permit document  
8 and the revisions are clearly identified.

9  
10 (f) Renewal permit issuance:

11  
12 (i) Renewal permits are issued pursuant to  
13 subsection (d) of this section.

14  
15 (ii) The term of the renewal permit shall be as  
16 specified in the applicable chapter of these rules and  
17 regulations.

18  
19 (g) Closure permit applications:

20  
21 (i) In addition to the following requirements,  
22 closure permit applications are subject to the application  
23 procedures set forth in subsection (b), (c), and (d) of  
24 this section.

25  
26 (ii) The operator shall provide the  
27 Administrator with a closure permit application if  
28 required by the applicable chapter of these rules and  
29 regulations in accordance with the time frames specified  
30 therein.

31  
32 (iii) Anticipated closure: The operator  
33 of a facility with a valid permit shall submit a closure  
34 permit application to the Administrator no less than  
35 twelve (12) months prior to the anticipated facility  
36 closure.

37  
38 (iv) Unanticipated closure: In the event any  
39 solid waste management facility ceases operation, as  
40 determined by nonreceipt of solid wastes for any  
41 continuous nine (9) month period or any continuous one (1)  
42 year period for landfarm facilities or petroleum-  
43 contaminated soils land treatment facilities, the facility  
44 operator shall provide written notification to the  
45 Administrator no later than thirty (30) days after the end  
46 of such nine (9) month (or one (1) year) period. This  
47 notification shall be accompanied by a closure permit  
48 application unless the Administrator approves interim

1 measures with delayed final closure for good cause upon  
2 application by the operator.

3  
4 (v) Three (3) complete paper copies and one (1)  
5 complete electronic copy of the closure permit application  
6 shall be submitted unless an alternative is approved by  
7 the Administrator. The application shall be organized in  
8 three ring binders, and the information presented in an  
9 order that conforms to the order set forth in the  
10 applicable application requirements sections of these  
11 rules and regulations, unless the Administrator approves  
12 an alternate format for the organization of the  
13 application.

14  
15 (h) Closure permit issuance:

16  
17  
18 (i) Closure permit issuance: Closure permits  
19 are issued pursuant to subsection (d) of this section.

20  
21 (ii) The term of any closure permit shall be set  
22 to coincide with the duration of any closure/post- closure  
23 maintenance and monitoring period specified in the  
24 applicable chapter of these rules and regulations. No  
25 renewals of closure permits shall be required.

26  
27 (i) Variance application procedure for location  
28 standards specified in W.S. 35-11-502(c):

29  
30 (i) For solid waste disposal facilities which  
31 do not meet the location standards specified in paragraphs  
32 (i) through (iv) of W.S. 35-11-502(c), the applicant may  
33 apply to the Director for a variance from the standards by  
34 submitting a written variance application. The variance  
35 application shall contain the following information:

36  
37 (A) For proposed facilities which do not  
38 meet the location standards for proximity to towns,  
39 schools or any occupied dwelling house in W.S. 35-11-  
40 502(c)(i) or (ii), the applicant shall:

41  
42  
43 (I) Present an analysis of additional  
44 traffic which would result from the proposed facility, and  
45 demonstrate that additional traffic caused by operation of  
46 a disposal facility will not pose a safety threat to the  
47 public;

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

8  
9 (III) Provide design features and  
10 monitoring specifications used to preclude methane  
11 migration from affecting any buildings within one (1) mile  
12 of the proposed facility, if the facility is used for the  
13 disposal of wastes which may form methane as a  
14 decomposition product.

15  
16 (B) For proposed facilities which do not  
17 meet the location standard for proximity to, and visual  
18 screening from, state or federal highways in W.S. 35-11-  
19 502(c) (iii), the applicant shall provide information  
20 describing how the design and operation of the facility  
21 will minimize visual impacts to the highway(s).

22  
23 (C) For proposed facilities, excluding  
24 incinerators, which do not meet the location standard for  
25 proximity to water wells in W.S. 35-11-502(c)(iv), the  
26 applicant shall provide:

27  
28 (I) A detailed description of the  
29 site's geologic and hydrologic characteristics, supported  
30 by data from on-site soil borings and groundwater  
31 monitoring wells;

32  
33 (II) A detailed description of the  
34 proposed facility's containment system (cap and liner  
35 systems) and surface water diversion structures;

36  
37 (III) A detailed description of the  
38 groundwater monitoring program (including location of  
39 wells, sampling frequency and sampling parameters) which  
40 would be instituted when the facility begins operations;  
41 and

42  
43 (IV) An analysis of the potential for  
44 contaminants which may leak from the disposal facility to  
45 adversely affect the nearby water well(s). This analysis  
46 may be in the form of contaminant transport modeling  
47 results, an evaluation of hydrologic conditions or aquifer  
48 properties, or other applicable information.

1  
2 (D) In addition to the other information  
3 requested in this subsection, all variance applications  
4 made under this subsection shall be accompanied by the  
5 following information:

6  
7 (I) The proposed size of the facility;

8  
9 (II) The name, address and telephone  
10 number of the applicant;

11  
12 (III) The legal description of the  
13 property;

14  
15 (IV) A detailed description of the  
16 facility which includes information on the amount, rate  
17 (tons per day), type (including chemical analyses if other  
18 than household refuse) and source of incoming wastes, a  
19 narrative describing the facility operating procedures,  
20 and the estimated site capacity and site life;

21  
22 (V) The names and addresses of the  
23 property owners of all lands within one (1) mile of the  
24 proposed facility boundary;

25  
26 (VI) A USGS topographic map (scale of  
27 1:24,000 or 1: 62,500) which shows the boundaries of the  
28 proposed landfill site; and

29  
30 (VII) Information sufficient to  
31 evaluate the conditions specified in paragraph (i)(ii) of  
32 this section.

33  
34 (ii) In granting any variance as provided by  
35 this paragraph, the Director shall issue written findings  
36 that the variance will not injure or threaten to injure  
37 the public health, safety, or welfare. The Director shall  
38 only make such a finding if the evidence presented in the  
39 application and obtained at a public hearing demonstrates  
40 that:

41  
42 (A) There are no available alternative  
43 locations which meet the location standards to meet the  
44 disposal needs of the applicant, within a reasonable  
45 distance of the boundary of the service area of the  
46 facility;



1 (B) It is not possible to use existing  
2 facilities owned by another person within a reasonable  
3 distance of the boundary of the service area of the  
4 facility; and

5  
6 (C) Special or unique conditions or  
7 circumstances apply to the applicant and justify granting  
8 the variance.

9  
10 (iii) In granting any variance the Director  
11 shall condition the variance such that it applies only to  
12 the facility described in the application. Changes to the  
13 facility size, type or source of waste, rate at which  
14 waste is received, or any other aspect of the facility may  
15 render the variance invalid as determined by the Director.

16  
17 (iv) The Administrator shall review the variance  
18 application within ninety (90) days of the receipt of the  
19 application. If the application is incomplete and/or  
20 technically inadequate, the Administrator shall so advise  
21 and state in writing to the applicant the information  
22 required. Additional information submitted in response to  
23 any deficiency notification shall be reviewed by the  
24 Administrator within ninety (90) days.

25  
26 (v) If the application is complete and  
27 technically adequate the Administrator shall provide draft  
28 findings and recommendations to the Director and the  
29 applicant. The draft findings shall state whether or not  
30 the Administrator has found that the variance will not  
31 injure or threaten to injure the public health, safety or  
32 welfare and the basis for the draft findings.

33  
34 (vi) Unless a delay is requested by the  
35 applicant, the Director shall schedule a public hearing on  
36 the draft findings within forty-five (45) days. Notice of  
37 the hearing shall be published at least thirty (30) days  
38 prior to the date of the hearing. Notice shall be  
39 published once a week for two (2) consecutive weeks in a  
40 paper of general circulation within the county where the  
41 facility is located. The notice shall contain the  
42 identity of the applicant, summary information on the  
43 variance application, the location where the public can  
44 view copies of the application and the Administrator's  
45 review, the Administrator's draft decision regarding  
46 granting or denying the variance application, and the  
47 date, time and location of the hearing.

1 (vii) A public comment period shall begin on  
2 the first date of publication and shall end at the  
3 conclusion of the hearing. The Director shall make a  
4 final decision regarding the variance within sixty (60)  
5 days from the date of the hearing.

6  
7 (j) Permit application procedures for low hazard or  
8 low volume treatment, processing, storage, and transfer  
9 facilities:

10  
11 (i) The applicant shall submit three (3)  
12 complete paper copies and one (1) complete electronic copy  
13 of the permit application unless an alternative is  
14 approved by the Administrator. The application shall be  
15 organized in three- ring binders and the information  
16 presented in an order that conforms to the order set forth  
17 in the applicable sections of these rules and regulations,  
18 unless the Administrator approves an alternate format for  
19 the organization of the application;

20  
21 (ii) The Administrator shall conduct a  
22 completeness and technical review of each application  
23 submittal within thirty (30) days of receipt of the  
24 application. If the Administrator deems the application  
25 incomplete and/or technically inadequate, the  
26 Administrator shall so advise and state in writing to the  
27 applicant the information required;

28  
29 (iii) Public notice for low hazard or low  
30 volume facilities: For each new low hazard or low volume  
31 treatment, processing, storage, and transfer facility  
32 permit application or application for a major amendment to  
33 an existing facility permit, the Administrator shall issue  
34 a proposed permit following completion of the  
35 Administrator's permit analysis, unless the permit is  
36 denied pursuant to Section 4 of this chapter. Upon  
37 receipt of a proposed permit the applicant shall within  
38 fifteen (15) days:

39  
40 (A) Cause a written notice to be published  
41 once a week for two (2) consecutive weeks. If the  
42 facility is mobile, notice shall be published in a  
43 newspaper of general circulation within the state. If the  
44 facility is not mobile, notice shall be published in a  
45 newspaper of general circulation within the county where  
46 the applicant plans to locate the facility. Specific text  
47 of the notice shall be provided to the applicant by the  
48 Administrator. The notice shall contain information about

1 the permit application including the identity of the  
2 applicant, the proposed facility service area, location,  
3 if not mobile, size, the waste types intended for  
4 management, the method of waste management, the operating  
5 life, and the Administrator's findings. The notice shall  
6 identify the period for filing objections to the  
7 application;

8  
9 (B) If a fixed facility, notify adjacent  
10 landowners by first class mail;

11  
12 (C) Provide the Administrator  
13 documentation that the notice requirements of this  
14 subsection have been followed, including copies of the  
15 publisher's affidavits and sworn statement;

16  
17 (iv) The public comment period shall begin on  
18 the first day of publication of the notice and end at 5:00  
19 pm on the thirtieth (30th) day following the last day of  
20 publication of the notice;

21  
22 (v) If substantial written objections are  
23 received by the Director within the public comment period  
24 a public hearing will be held within twenty (20) days  
25 after the last day of the public comment period, unless a  
26 different schedule is deemed necessary by the Council. The  
27 Council or Director shall publish notice of the time,  
28 date, and location of the hearing in a newspaper of  
29 general circulation in the county where the applicant  
30 plans to locate the facility, once a week for two (2)  
31 consecutive weeks immediately prior to the hearing. The  
32 hearing shall be conducted as a contested case in  
33 accordance with the Wyoming Administrative Procedures Act,  
34 and right of judicial review shall be afforded as provided  
35 in that act.

36  
37 (vi) Low hazard or low volume permit or renewal  
38 permit issuance: If documentation has been received that  
39 the public notice requirements of this section have been  
40 met and no substantial objections are received, the  
41 Director shall issue a permit or renewal permit within  
42 thirty (30) days.

43  
44 (vii) The operator of a facility with a  
45 valid permit or renewal permit issued under Section 2(j)  
46 of this chapter, shall submit a permit renewal application  
47 no later than 180 days prior to the expiration of said  
48 permit unless a closure permit application has been

1 submitted. The renewal application shall contain the  
2 information specified in the applicable chapter of these  
3 rules and regulations.

4  
5 (viii) Three (3) complete paper copies and  
6 one (1) complete electronic copy of the permit renewal  
7 application shall be submitted unless and alternative is  
8 approved by the Administrator. The application shall  
9 be organized in three ring binders, and the information  
10 presented in an order that conforms to the order set forth  
11 in the applicable application requirements sections of  
12 these rules and regulations, unless the Administrator  
13 approves an alternate format for the organization of the  
14 application. The applicant shall have the option to  
15 submit copies of only the updated and revised portion of  
16 the previous application, if the revised and updated pages  
17 and drawings are appropriately numbered and dated to  
18 facilitate incorporation into the previous permit document  
19 and the revisions are clearly identified.

20  
21 (k) General Closure Permit for Municipal Solid Waste  
22 Landfills

23  
24 (i) A general closure permit shall apply to the  
25 closure and post closure activities for municipal solid  
26 waste landfills with less than thirty (30) acres of  
27 municipal solid waste disposal area.

28  
29 (ii) Notice of intent for coverage under a  
30 general permit must be accompanied by three (3) complete  
31 paper copies and one (1) complete electronic copy of the  
32 form, plans, specifications, design data or other  
33 pertinent information concerning the project unless an  
34 alternative is approved by the Administrator.

35  
36 (A) Notice of intent for coverage under a  
37 general permit shall be made on forms provided by the  
38 Department which require a signature of agreement by the  
39 applicant to abide by all conditions of the permit.

40  
41 (B) All activities shall meet the  
42 standards of Chapter 2 of these regulations.

43  
44 (C) All notice of intent for coverage  
45 forms shall be prepared under the supervision of a  
46 professional engineer licensed in the State of Wyoming.  
47 All notice of intent for coverage forms shall be stamped,  
48 signed and dated by a professional engineer. In addition,

1 all portions of the notice of intent for coverage which  
2 require geological services or work shall be stamped,  
3 signed and dated by a professional geologist licensed in  
4 the State of Wyoming.

5  
6 (iii) All notices of intent for coverage  
7 under a general permit shall be processed as follows:

8  
9 (A) The Administrator shall review each  
10 notice of intent or resubmittal within sixty (60) days  
11 from the date the notice of intent or resubmittal is  
12 received.

13  
14 (B) The Administrator may request  
15 additional information if it is determined that the  
16 information is inadequate to satisfy the requirements of  
17 these regulations.

18  
19 (C) The Department shall issue an  
20 Authorization of Coverage within thirty (30) days of  
21 finding that the notice of intent or resubmittal is  
22 complete.

23  
24 (D) No closure or post closure activities  
25 shall commence until a written Authorization of Coverage  
26 under the general closure permit has been received from  
27 the Department.

28  
29 (iv) Authorizations of Coverage for municipal  
30 solid waste landfills shall be issued through the end of  
31 the post-closure period specified in Chapter 2 of these  
32 regulations and shall be extended until such time when the  
33 Administrator determines, upon petition by the operator  
34 accompanied by submission of relevant information, that  
35 the facility has been adequately stabilized in a manner  
36 protective of human health and the environment. Petitions  
37 to terminate the post-closure period shall include  
38 certification from a Wyoming licensed professional  
39 engineer that post-closure care has been completed in  
40 compliance with the approved post-closure plan and in a  
41 manner protective of human health and the environment. No  
42 renewals of Authorizations of Coverage shall be required.

43  
44 (v) The general permit shall be developed  
45 pursuant to the permit issuance procedures of W.S. 35-11-  
46 502(j), (k) and (m).

47  
48 Section 3. Permit Amendments and Transfers: This

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

4  
5 (a) Permit amendments constituting a major change  
6 for municipal solid waste landfills shall comply with the  
7 requirements of Chapter 2 of these rules and regulations.

8  
9 (b) Permit amendments:

10  
11 (i) This subsection applies to minor changes of  
12 municipal solid waste landfill permits and to all permit  
13 amendments for other solid waste facilities.

14  
15 (ii) Unless an alternative is approved by the  
16 administrator, the operator shall submit three (3)  
17 complete paper copies and one (1) complete electronic copy  
18 of the application, describing the amendments sought,  
19 including additional plates and/or drawings as necessary  
20 to completely describe the proposed amendment.

21  
22 (iii) Within sixty (60) days of receipt of  
23 any application for a permit amendment, the Administrator  
24 shall conduct a review of the application and provide a  
25 written response to the operator. If the amendment is  
26 deemed to be complete and demonstrates compliance with  
27 applicable standards and constitutes a major change, the  
28 public notice and comment period in Chapter 1, Section  
29 2(b)(ii) shall commence. If the proposed amendment is  
30 determined to be inadequate, the operator shall be  
31 required to submit any additional information required by  
32 the Administrator, unless there is a basis for denial.

33  
34 (iv) All amendments shall comply with the  
35 location, design and construction, operating, monitoring,  
36 financial assurance and closure standards of the  
37 applicable chapter of these rules and regulations.

38  
39 (c) Permit transfers:

40  
41 (i) An operator shall receive written approval  
42 from the Director prior to transfer of any permit  
43 authorized by these regulations.

44  
45 (ii) Applications for the approval of the  
46 transfer of any permit shall be made in writing by the  
47 operator. The operator shall submit three (3) complete  
48 paper copies and one (1) complete electronic copy of the

1 application unless an alternative is approved by the  
2 administrator. The application shall contain:

3  
4 (A) The name, address and telephone number  
5 of the legal operator of the facility to whom the permit  
6 will be transferred, and, at a minimum, a summary, listing  
7 of any administrative order, civil or administrative  
8 penalty assessment, bond forfeiture, civil, misdemeanor,  
9 or felony conviction, or court proceeding for any  
10 violations of any local, state or federal law occurring  
11 within a minimum of five (5) years of application  
12 submittal relating to environmental quality or criminal  
13 racketeering, of the solid waste manager, the applicant,  
14 or if the applicant is a partnership or corporation, any  
15 partners in the partnership or executive officers or  
16 corporate directors in the corporation;

17  
18 (B) The name, address and telephone number  
19 of the solid waste manager;

20  
21 (C) Proposed date of the transfer of the  
22 permit;

23  
24 (D) Signed and notarized documentation  
25 from the new operator indicating that the new operator has  
26 agreed to accept and be bound by the provisions of the  
27 permit and any amendments, agreed to construct and operate  
28 the facility in accordance with the approved plan, and  
29 agreed to accept responsibility for the facility's  
30 compliance with the standards specified in the applicable  
31 chapter of these rules and regulations, including the  
32 responsibility to perform corrective actions.

33  
34 (iii) The original operator shall retain  
35 responsibility for the facility according to the terms of  
36 the original permit until the application for permit  
37 transfer has been approved by the Director. The new  
38 operator may not operate the facility until the permit  
39 transfer has been approved.

40  
41 Section 4. Permit Denial, Revocation,  
42 Modification, or Termination.

43  
44 (a) Permit denials: The Director may deny a permit  
45 if:

46  
47 (i) Permit issuance would conflict with the  
48 policy and purpose of the act; or

1  
2 (ii) The applicant fails to submit the required  
3 information; or

4  
5 (iii) The facility history indicates  
6 continual noncompliance with these rules and regulations;  
7 or

8  
9 (iv) The application indicates that the facility  
10 would not comply with the location, design and  
11 construction, operating, monitoring, closure or post-  
12 closure standards as specified in the applicable sections  
13 of these regulations; or

14  
15 (v) The application misrepresents actual site  
16 conditions; or

17  
18 (vi) The applicant fails to employ a solid  
19 waste manager who meets the qualifications of the  
20 applicable chapter of these rules and regulations; or

21  
22 (vii) The applicant, or any partners,  
23 executive officers, or corporate directors, has been found  
24 civilly or criminally liable for violations of  
25 environmental quality or criminal racketeering laws or  
26 regulations which in the judgment of the Director  
27 constitutes evidence that the applicant cannot be relied  
28 upon to conduct the operations described in the  
29 application in compliance with the act and these rules and  
30 regulations.

31  
32 (b) Permit revocation:

33  
34 (i) The Director may revoke a permit in  
35 instances of continual noncompliance, or if it is  
36 determined that the permit application misrepresented  
37 actual site conditions, or if the continued operation is  
38 inconsistent with the policy and purpose of the act.

39  
40 (ii) The Director shall notify the operator of  
41 his or her intent to revoke the permit. The written  
42 notification shall contain the basis for revoking the  
43 permit. All permit revocation procedures shall be  
44 accomplished in accordance with the requirements of the  
45 Wyoming Administrative Procedures Act.

46  
47 (iii) The Director may order facility  
48 closure following permit revocation. Closure and post-



1 closure activities shall be accomplished in accordance  
2 with a plan approved by the Administrator. If a  
3 closure/post-closure plan has not been approved, closure  
4 and post-closure activities shall be accomplished in  
5 accordance with the standards specified in the applicable  
6 chapter of these rules and regulations.

7  
8 (c) Permit modification: The Director may modify  
9 an existing permit by notifying the facility operator in  
10 writing. The written notification shall contain the basis  
11 for modifying the permit.

12  
13 (d) Permit termination:

14  
15 (i) Operating, renewal, and closure permit  
16 termination:

17  
18 (A) Upon completion of closure activities,  
19 the operator shall provide a certification, with  
20 supporting documentation, from a Wyoming registered  
21 professional engineer confirming that the provisions of  
22 the closure plan have been carried out and that the  
23 facility has been closed in compliance with the closure  
24 standards specified in these rules and regulations. The  
25 operator shall be notified in writing whether the closure  
26 certification is deficient or a written termination of the  
27 operating permit shall be issued. Operating permits shall  
28 not terminate until written authorization has been  
29 provided by the Administrator.

30  
31 (ii) Closure permit termination:

32  
33 (A) Following the initial minimum post-  
34 closure period specified in the applicable chapter of  
35 these rules and regulations, the owner or operator may  
36 submit a petition to the Administrator requesting  
37 termination of the facility's closure permit and post-  
38 closure period. Petitions shall include supporting  
39 documentation and certification from a Wyoming registered  
40 engineer that post-closure care has been completed in  
41 compliance with the post-closure plan and in a manner  
42 protective of human health and the environment. The  
43 operator shall be notified in writing whether the post-  
44 closure certification is deficient or a written  
45 termination of the closure permit shall be issued.  
46 Closure permits shall not terminate until written  
47 authorization has been provided by the Administrator.

1 (iii) Return of financial assurance: Following  
2 permit termination, financial assurance shall be released  
3 as prescribed in Chapter 7 of these rules and regulations.  
4

5 Section 5. One-Time or Emergency Waste Management  
6 Authorizations.

7  
8 (a) Authorization application procedure:

9  
10 (i) This section applies to emergency  
11 situations, spilled solid wastes and residues from  
12 uncontrolled releases. This section does not apply to  
13 the land disposal of municipal solid wastes, mixed wastes,  
14 hazardous wastes or actions completed under either a  
15 hazardous waste permit or a hazardous waste corrective  
16 action order.  
17

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

23  
24 (A) The proposed waste management activity  
25 shall be a single occurrence of limited duration.  
26

27 (B) The applicant documents that other  
28 waste management and/or reuse options were thoroughly  
29 investigated and that no other reasonable alternatives had  
30 been identified.  
31

32 (C) The proposed waste disposal site would  
33 meet the applicable location standards specified in  
34 Chapter 3, or 4 of these rules and regulations or the  
35 proposed waste management site would meet the applicable  
36 location standards specified in Chapter 8 of these rules  
37 and regulations.  
38

39 (D) The proposed waste management activity  
40 would not present a significant threat to public health or  
41 the environment.  
42

43 (E) The waste management activity would  
44 result in de minimis impacts which would not warrant the  
45 initiation of public participation procedures.  
46

47 (F) The total waste disposal area would be

1 no more than one (1) acre.

2  
3 (G) The applicant can document that  
4 permission has been obtained from the landowner to manage  
5 the materials at the proposed waste management location,  
6 if that location is not owned by the applicant.

7  
8 (H) The applicant commits to promptly  
9 record a notarized notice with the county clerk, in the  
10 county where the facility is located, which adequately  
11 describes the location, nature and extent of any waste  
12 disposal activity.

13  
14 (iii) Three (3) complete paper copies and  
15 one complete electronic copy of the waste management  
16 authorization request shall be submitted unless an  
17 alternative is approved by the Administrator. The  
18 request shall be organized in a three ring binder and the  
19 information presented in an order that conforms to the  
20 relevant application requirements section of these rules  
21 and regulations, unless the Administrator approves an  
22 alternate format for the organization of the request.

23  
24 (iv) The waste management authorization request  
25 shall document compliance with the conditions specified in  
26 subsection (a)(ii) of this section allowing for the  
27 Administrator's consideration of a one-time or emergency  
28 waste management authorization. The request shall  
29 contain information adequate to demonstrate compliance  
30 with the standards specified in the applicable chapter of  
31 these rules and regulations.

32  
33 (v) The waste management authorization request  
34 shall be reviewed by the Administrator within forty-five  
35 (45) days after submission.

36  
37 (b) Authorization issuance:

38  
39 (i) The Administrator may deny a one-time or  
40 emergency waste management authorization for any of the  
41 reasons specified in Section 4(a) of this Chapter. The  
42 Administrator may also deny a one-time or emergency waste  
43 management authorization if it is determined that the  
44 proposed waste management activity would not be subject to  
45 the provisions described in subsections (a)(i) and (a)(ii)  
46 of this section.

47  
48 (ii) If the waste management authorization

1 request is determined to be complete and the request  
2 demonstrates compliance with the standards in the relevant  
3 application requirements section, a waste management  
4 authorization will be granted by the Administrator.

5  
6 (iii) The operator shall notify the  
7 Administrator following completion of authorized waste  
8 management activities. This notification shall be  
9 accompanied by site photographs adequate to demonstrate  
10 the site conditions following closure.

11  
12 (iv) The term of the waste management  
13 authorization shall be no longer than one (1) year unless,  
14 for good cause, the Administrator approves additional  
15 time.