



SOLID WASTE RULES AND REGULATIONS

Chapter 1

As amended May 7, 2014

(Revisions, August 18, 2016)

1 CHAPTER 1

2
3 GENERAL PROVISIONS

4
5 Section 1. In General.

6
7 (a) Authority: The authority for the rules and
8 regulations promulgated in this chapter is the Wyoming
9 Environmental Quality Act, W.S. 35-11-101 et seq. ~~Specific~~
10 ~~sections of the act that provide authority for this~~
11 ~~regulation include W.S. 35-11-102, 35-11-109, and Article~~
12 ~~5, Solid Waste Management, 35-11-501 et seq.~~

13
14 ~~(b) Applicability: The rules and regulations~~
15 ~~contained herein shall apply to any person, government or~~
16 ~~governmental subdivision, corporation, organization,~~
17 ~~partnership, business trust, association, district or~~
18 ~~other entity involved in any aspect of the management of~~
19 ~~solid waste.~~ These regulations are effective immediately
20 upon filing with the Secretary of State.

21
22 ~~(c) Objective: The objective of these rules and~~
23 ~~regulations is to provide minimum standards for the~~
24 ~~management of solid waste in order to carry out the policy~~
25 ~~and purpose of the Wyoming Environmental Quality Act,~~
26 ~~W.S.35-11-102.~~

27
28 ~~(d) Severability: If any section or provision of~~
29 ~~these regulations, or the application of that section or~~
30 ~~provision to any person, situation, or circumstance is~~
31 ~~adjudged invalid for any reason, the adjudication does not~~
32 ~~affect any other section or provision of these regulations~~
33 ~~or the application of the adjudicated section or provision~~
34 ~~to any other person, situation, or circumstance. The~~
35 ~~Environmental Quality Council declares that it would have~~
36 ~~adopted the valid portions and applications of these~~
37 ~~regulations without the invalid part, and to this end the~~
38 ~~provisions of these regulations are declared to be~~
39 ~~severable.~~

40
41 (e) Definitions: _____

42
43 ~~(i)~~ In addition to the definitions in the Wyoming
44 Environmental Quality Act, Ffor the purpose of these rules
45 and regulations, and unless the context otherwise requires:

46
47 (i) "Act" means the Wyoming Environmental
48 Quality Act, W.S. 35-11-101 et seq.

1
2 (ii) "Active life" means the period of operation
3 beginning with the initial receipt of solid waste and
4 ending at completion of closure activities.

5
6 (iii) "Active portion" means that part of a
7 facility or unit that has received or is receiving wastes
8 and that has not been closed or reclaimed.

9
10 (iv) "Applicant" means that person, as defined
11 in the act, submitting an application to the Administrator
12 for a permit for a solid waste management facility, who
13 shall be:

14
15 (A) For a city owned facility, the city,

16
17 (B) For a county owned facility, the
18 county,

19
20 (C) For a facility owned by any other
21 public entity, that public entity,

22
23 (D) For an individual, the individual,

24
25 (E) For a corporation, the corporation,
26 and

27
28 (F) For a sole proprietorship or
29 partnership, the partnership or proprietorship.

30
31 (v) "Aquifer" means, in relation to all solid
32 waste facilities except municipal solid waste landfills, a
33 geologic formation, group of formations, or portion of a
34 formation capable of yielding significant quantities of
35 groundwater to wells or springs. For municipal solid
36 waste landfills, "aquifer" means an underground geologic
37 formation:

38
39 (A) Which has boundaries that may be
40 ascertained or reasonably inferred;

41
42 (B) In which water stands, flows, or
43 percolates;

44
45 (C) Which is capable of yielding to wells
46 or springs significant quantities of groundwater that may
47 be put to beneficial use; and

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

4
5 (vi) "Asbestos-containing solid wastes" or
6 "asbestos" means solid wastes containing greater than one
7 percent (1%) by weight asbestos in any of the asbestiform
8 varieties of: chrysotile (serpentine), amosite
9 cummingtonite, grunerite), crocidolite (riebeckite),
10 anthophyllite, actinolite, or tremolite, and which may be
11 considered friable asbestos.

12
13 (vii) "Buffer zone" means that portion of
14 the solid waste management facility which is not used for
15 waste management activities but is reserved for the
16 placement and operation of monitoring equipment or for
17 preventing public access during specific waste disposal
18 events, such as the disposal of friable asbestos. The
19 fire lane may be within the buffer zone.

20
21 (viii) "Cell" means compacted solid wastes
22 that are enclosed by natural soil or other cover material
23 within a trench, unit, or area-fill in a land disposal
24 facility.

25
26 (ix) "Cease Disposal" for the purposes of the
27 Cease and Transfer Program created pursuant to W.S. §§ 35-
28 11-528 through 532, shall mean ceasing disposal of
29 municipal solid waste.

30
31 ~~_____ "Classification" means the specific type of~~
32 ~~solid waste management facility, as determined by the~~
33 ~~administrator, based upon waste type and volume of waste~~
34 ~~received.~~

35
36 (x) "Clean fill" means fill consisting solely
37 of uncontaminated natural soil and rock, hardened asphalt
38 rubble, bricks, and concrete rubble.

39
40 (xi) "Clean wood" means untreated wood which has
41 not been painted, stained, or sealed. Clean wood does
42 not include treated railroad ties, treated posts, paper,
43 or construction/demolition wastes containing non-wood
44 materials.

45
46 (xii) "Closed facility" means a regulated
47 facility at which operations have been properly terminated
48 in accord with an approved facility closure plan on file

1 with the Solid and Hazardous Waste Division or the Water
2 Quality Division and complying with all applicable
3 regulations and requirements concerning its stabilization.

4
5 (xiii) "Closure" in the context of a facility
6 means the act of securing and stabilizing a regulated
7 facility pursuant to the requirements of these
8 regulations. Closure of an individual unit means securing
9 and stabilizing an individual unit of a facility,
10 including the construction of final cover over disposal
11 units that have reached their permitted capacity and may
12 also be referred to as intermediate or phased reclamation.

13
14 (xiv) "Closure period" means the period of
15 time during which a facility is completing closure. The
16 closure period begins when the facility ceases receipt of
17 wastes. The closure period ends when the Administrator
18 approves certification from a registered professional
19 engineer confirming that the provisions of the closure
20 plan have been carried out and that the facility has been
21 closed in compliance with the closure standards specified
22 in these rules and regulations.

23
24 (xv) "Collateral" means as related to self
25 bonding the actual or constructive deposit, as
26 appropriate, with the Director of one or more of the
27 following kinds of property to support a self bond:

28
29 (A) A perfected, first-lien security
30 interest in real property located within the State of
31 Wyoming, in favor of the Wyoming Department of
32 Environmental Quality (Department) which meets the
33 requirements of Chapter 7,

34
35 (B) Securities backed by the full faith
36 and credit of the United States government or state
37 government securities acceptable to the Director. These
38 securities must be endorsed to the order of, and placed in
39 the possession of the Director, or

40
41 (C) Personal property located within the
42 state, owned by the operator, which in market value
43 exceeds \$1 million per property unit.

44
45 (xvi) "Commercial solid waste management
46 facility" means any facility receiving a monthly average
47 greater than five hundred (500) short tons per day of
48 unprocessed household refuse or mixed household and

1 industrial refuse for management or disposal;

2
3 (xvii) "Comparative balance sheet" means item
4 amounts from a number of the operator's successive yearly
5 balance sheets arranged side by side in a single
6 statement;

7
8 (xviii) "Comparative income statement" means
9 an operator's income statement amounts for a number of
10 successive yearly periods arranged side by side in a
11 single statement.

12
13 (xix) "Complete application" means a permit
14 application that the Administrator has determined to
15 contain all the information required to be submitted by
16 the regulations, in sufficient detail to allow a technical
17 review of the information to commence.

18
19 (xx) "Constituent", when used in the
20 context of groundwater monitoring, generally means
21 inorganic substances and organic compounds that may be
22 found in groundwater and in particular the constituents
23 that must be monitored in groundwater samples collected
24 under the applicable chapter of the Solid Waste Rules and
25 Regulations.

26
27 ~~"Composite liner" means a system consisting of two~~
28 ~~(2) components; the upper component must consist of a~~
29 ~~minimum thirty (30) mil flexible membrane liner (FML) and the~~
30 ~~lower component shall consist of at least a two (2) foot~~
31 ~~layer of compacted soil with a hydraulic conductivity of no~~
32 ~~more than 1×10^{-7} centimeters per second. A flexible~~
33 ~~membrane liner components consisting of high density~~
34 ~~polyethylene (HDPE) shall be at least sixty (60) mil thick.~~
35 ~~The flexible membrane liner component shall be installed in~~
36 ~~direct and uniform contact with the compacted soil~~
37 ~~component.~~

38
39 (xxi) "Construction/demolition landfill"
40 means a solid waste management facility that accepts only
41 inert construction waste, demolition waste, street
42 sweepings, brush, or other material specifically approved
43 by the Administrator. This excludes garbage, liquids,
44 sludges, friable asbestos, and hazardous or toxic wastes.

45
46 (xxii) "Construction/demolition waste"
47 includes but is not limited to stone, clean and treated
48 wood, concrete, asphaltic concrete, cinder blocks, brick,

1 plaster and metal or other material specifically approved
2 by the Administrator.

3
4 (xxiii) "Container" means any portable device
5 in which a material is stored, transported, treated,
6 disposed of or otherwise handled.

7
8 (xxiv) "Corrective action" means all actions
9 necessary to eliminate the public health threat or
10 environmental threat from a release to the environment of
11 pollutants from an operating or closed regulated facility
12 and to restore the environmental conditions as required;

13
14 ~~"Cost effective" means the selection of~~
15 ~~alternative responses taking into account total short-term~~
16 ~~and long term costs of those responses including the costs~~
17 ~~of operation and maintenance for the entire activity, the~~
18 ~~presence of naturally occurring hazardous or toxic~~
19 ~~substances and current or potential uses of the natural~~
20 ~~resources impacted, as determined by the administrator;~~

21
22 (xxv) "Cover material" means soil or other
23 suitable material that is used to cover compacted solid
24 wastes in a land disposal facility.

25
26 (xxvi) "Current assets" means cash and assets
27 that are reasonably expected to be realized in cash or
28 sold or consumed within one (1) year or within the normal
29 identified operating cycle of the business;

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

39
40 (xxviii) "Decommissioning" means removing all
41 liquids and accumulated sludges, and cleaning a storage
42 tank for its intended reuse or disposal;

43
44 (xxix) "Disposal" means the discharge,
45 deposit, injection, dumping, spilling, leaking, or placing
46 of any waste material into or on any land or water so that
47 such waste material or any constituent thereof may enter
48 the environment or be emitted into the air or discharged

1 into any waters, including groundwaters.

2
3 (xxx) "Existing facility" means any facility
4 that was receiving solid wastes on or before September 13,
5 1989.

6
7 (xxxii) "Existing unit" means any municipal
8 solid waste landfill unit receiving solid waste as of
9 October 9, 1993.

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

26
27 (xxxiiii) "Farming and ranching operation" means
28 agricultural operations whose principal function is the
29 growing of crops and the raising of livestock, but does
30 not include large concentrated animal feeding operations
31 (CAFOs) as defined by the Water Quality Rules and
32 Regulations. ~~involving more than one thousand (1,000)~~
33 ~~animal units. Concentrated animal feeding operations are~~
34 ~~facilities where animals have been, are, or will be~~
35 ~~stabled or confined and fed or maintained for a total of~~
36 ~~45 days or more in any 12 month period and crops,~~
37 ~~vegetation forage growth, or post harvest residues are not~~
38 ~~sustained over the normal growing season over any portion~~
39 ~~of the lot or facility. One thousand (1,000) animal units~~
40 ~~equals 1,000 slaughter and feeder cattle, 700 mature dairy~~
41 ~~cattle, 2,500 swine each weighing over 55 pounds, 500~~
42 ~~horses, 10,000 sheep or lambs, 55,000 turkeys, 30,000~~
43 ~~laying hens or broilers, or 5,000 ducks.~~

44
45 (xxxv) "Final cover" means cover material
46 that is used to completely cover the top of a land
47 disposal facility or unit ~~and includes, including, but not~~
48 limited to, compacted soils, drainage layers, synthetic

1 membranes, soil-cement admixtures, and topsoils.

2
3 (xxxv) "Fire lane" means an area which does
4 not contain combustible materials, including vegetation,
5 and which can be utilized to provide access to
6 firefighting equipment.

7
8 (xxxvi) "Fixed assets" means plants and
9 equipment.

10
11 (xxxvii) "Floodplain" means low land and
12 relatively flat areas adjoining inland and coastal waters,
13 including flood-prone areas of offshore islands that are
14 inundated by the 100-year flood.

15
16 (xxxviii) "Friable asbestos", means asbestos
17 that, when dry, can be crumbled, pulverized or reduced to
18 powder by hand pressure, and includes previously
19 nonfriable asbestos after such previously nonfriable
20 asbestos becomes damaged to the extent that when dry it
21 may be crumbled, pulverized, or reduced to powder by hand
22 pressure.

23
24 (xxxix) "Garbage" means any putrescible solid
25 or semi-solid animal and/or vegetable waste material
26 resulting from the handling, preparation, cooking, serving
27 and consumption of food.

28
29 (xl) "Green waste" means organic plant
30 materials, such as yard trimmings, grass clippings, house
31 and garden plants, tree trimmings, and brush. Green
32 waste does not include other putrescible waste including,
33 but not limited to food waste, animal waste, and manure.

34
35 (xli) "Groundwater" means, in relation to
36 all solid waste facilities except municipal solid waste
37 landfills, water below the land surface in a saturated
38 zone of soil or rock. For municipal solid waste
39 landfills, "groundwater" means any water, including hot
40 water and geothermal steam, under the surface of the land
41 or the bed of any stream, lake, reservoir or other body of
42 surface water, including water that has been exposed to
43 the surface by an excavation such as a pit which:

44
45 (A) Stands, flows or percolates; and

46
47 (B) Is capable of being produced to the
48 ground surface in sufficient quantity to be put to

1 beneficial use.

2
3 ~~_____ "Hazardous wastes" means those wastes that are~~
4 ~~defined as hazardous wastes in Wyoming Department of~~
5 ~~Environmental Quality Hazardous Waste Rules and~~
6 ~~Regulations, Chapter 2, Identification and Listing of~~
7 ~~Hazardous Waste.~~

8
9 (xlii) "Incineration" means the controlled
10 process by which combustible solid wastes are burned and
11 altered to noncombustible gases and other residues. A
12 solid waste incineration facility is considered to be a
13 solid waste management facility.

14
15 (xliii) "Incorporated city or town" shall mean
16 a "first class city" or a "town" as defined in W.S. 15-1-
17 101(a).

18
19 (xliv) "Industrial landfill" means a solid
20 waste management facility utilizing an engineered method
21 of land disposal primarily for industrial solid waste.

22
23 (xlv) "Industrial solid waste" means solid
24 waste resulting from, or incidental to, any process of
25 industry, manufacturing, mining or development of any
26 agricultural or natural resources.

27
28 (xlvi) "Irrevocable letter of credit" means
29 an engagement, however named or described, by a bank made
30 at the request of a customer (the operator and/or
31 financially responsible parties for a permit or site),
32 that the issuer will honor drafts or other demands for
33 payment from the beneficiary (the State of Wyoming) upon
34 compliance with the conditions specified in the letter of
35 credit. The issuing party (a bank) guarantees that it
36 will not withdraw the credit or cancel the letter before
37 the expiration date. The customer cannot modify, revoke
38 or repeal this letter of credit unless specified by the
39 beneficiary.

40
41 ~~_____ "Land treatment facility" means a treatment~~
42 ~~facility or part of a solid waste management facility at~~
43 ~~which solid waste is applied onto the soil surface;~~

44
45 ~~_____ "Landfarm facility" means a facility or part of~~
46 ~~a facility at which solid wastes are treated and disposed~~
47 ~~by incorporation into existing soils, and which is subject~~
48 ~~to a post-closure period;~~

1
2 (xlvii) "Landfill" means a solid waste
3 management facility for the land burial of solid wastes,
4 utilizing an engineered method of controls to avoid
5 creating a hazard to the public health, the environment,
6 plants, or animals.

7
8 (xlviii) "Lateral expansion" of a facility
9 means the horizontal enlargement of the boundaries of a
10 solid waste management facility. Lateral expansion of a
11 disposal unit means the horizontal enlargement of the
12 permitted waste boundaries of a disposal unit.

13
14 ~~—————"Leachate" means liquid that has passed through~~
15 ~~or emerged from solid waste and contains soluble,~~
16 ~~suspended or miscible materials removed from such wastes.~~

17
18 (xlix) "Liabilities" means obligations to
19 transfer assets or provide services to other entities in
20 the future as a result of past transactions.

21
22 ~~—————"Lifetime" for municipal solid waste landfills~~
23 ~~means the estimated time to fill and close a municipal~~
24 ~~solid waste landfill, not to exceed twenty-five (25)~~
25 ~~years.~~

26
27 (l) "Lower explosive limit (LEL)" means the
28 lowest percent by volume of a mixture of explosive gases
29 in air that will propagate a flame at 25° Celsius and
30 atmospheric pressure.

31
32 (li) "Low hazard ~~and~~or low volume treatment,
33 processing, storage, and transfer facility" means a solid
34 waste management facility which accepts only solid wastes
35 as described in this subsection. This provision does not
36 apply to facilities whose owner or operator simultaneously
37 owns or operates more than one such solid waste management
38 facility within one (1) mile of each other.

39
40 (A) Mobile transfer, treatment, and
41 storage facilities.

42
43 (B) Clean wood waste storage facilities:
44 Facilities storing clean wood waste in storage piles with
45 a combined base surface area larger than 10,000 square
46 feet or containing greater than 100,000 cubic feet of
47 clean wood waste. Clean wood waste at such facilities
48 shall be stored no less than 100 feet from off-site

1 structures, storm water shall be properly managed, and the
2 pile shall not create a public or private nuisance.

3
4 (C) Solid waste transfer, treatment,
5 storage, and processing facilities: Solid waste transfer,
6 treatment, storage, and processing facilities receiving 50
7 cubic yards or less of solid waste per day and occupying
8 no more than ~~5~~ten (10) acres, including a twenty foot
9 buffer zone within a fenced facility boundary, which
10 individually or in combination manage no more than the
11 specified types and quantities of the following wastes:

12
13 (I) Paper, cardboard, plastic,
14 aluminum cans, glass, and metal, or other nonputrescible
15 municipal solid wastes which may be specifically
16 authorized by the Administrator, for the primary purposes
17 of transfer to a recycling facility or beneficial reuse in
18 a manner approved by the Administrator. This provision
19 applies to the sorting, shredding, grinding, crushing,
20 baling, and storage of these wastes, except CRTs as noted
21 below, prior to transfer to a recycling facility or
22 approved beneficial reuse site; and

23
24 (II) 5,000 gallons of used oil ~~or used~~
25 ~~oil generated by do it yourself used oil generators, if~~
26 ~~the used oil is stored to be recycled, reclaimed, or~~
27 ~~reused~~; and

28
29 (III) 5,000 gallons of used
30 antifreeze, ~~if the used antifreeze is stored to be~~
31 ~~recycled,~~
32 ~~reclaimed, or reused~~; and

33
34 (IV) 1,000 scrap tires stored in
35 compliance with standards in Chapter 8 of these rules and
36 regulations, if the scrap tires are stored to be recycled,
37 reclaimed, reused, or are destined for disposal at a
38 permitted facility; and

39
40 (V) Green waste and clean wood waste
41 storage piles, and

42
43 (VI) Compost piles for green waste and
44 manure operated in a manner that does not create odors,
45 constitute a nuisance, or attract vectors; and

46
47 ~~15,000 empty used drums; and~~

48 (VII) Household hazardous waste

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

5
6 (VIII) 50 cubic yards of electronic
7 waste, other than CRTs, stored in containers; and

8
9 (IX) 50 cubic yards of CRTs stored
10 intact in containers and kept whole without any shredding,
11 grinding, crushing, or baling. Devices containing CRTs,
12 such as televisions and computer monitors, may be
13 disassembled, but the CRTs shall remain intact. If
14 inadvertently broken, CRTs must be promptly containerized
15 for proper management; and

16
17 (X) 500 lead acid batteries, if the
18 batteries are stored in an upright position and are not
19 leaking, for the purpose of transfer to a recycling
20 facility; and

21
22 (XI) 100 cubic yards of construction
23 and demolition waste stored in containers; and

24
25 (XII) 150 cubic yards of mixed
26 solid wastes stored in containers. Animal mortality
27 managed at low hazard and low volume solid waste transfer,
28 treatment, storage, and processing facilities shall be
29 managed in mixed municipal solid waste or separate
30 containers.

31
32 (D) Commercially operated used oil
33 management facilities: Used oil collection centers,
34 aggregation points, transfer facilities, processors, re-
35 refiners, burners, and used oil fuel marketers that store
36 greater than 10,000 gallons of used oil to be recycled or
37 burned for energy recovery, subject to the used oil
38 management requirements contained in ~~Chapter 12 of the~~
39 Wyoming Hazardous Waste Rules and Regulations.

40
41 (E) Facilities storing waste, other than
42 construction/demolition waste, for transfer to a recycling
43 facility: Facilities occupying no more than 10 acres and
44 used only for the transfer, treatment, and storage of less
45 than 500 tons received per day of paper, cardboard,
46 plastic, aluminum cans, glass, metal, clean wood, and
47 other nonputrescible municipal solid wastes which may be
48 specifically authorized by the Administrator, for the

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

11
12 (F) Facilities storing
13 construction/demolition waste for transfer to a recycling
14 facility: Facilities occupying no more than 10 acres and
15 used only for the transfer, treatment, and storage of less
16 than 500 tons received per day of construction/demolition
17 waste authorized by the Administrator, for the primary
18 purposes of transfer to a recycling facility or beneficial
19 reuse in a manner approved by the Administrator. Unless
20 all waste management occurs indoors, the facility shall
21 maintain a twenty foot buffer zone/fire lane separating
22 waste from a fenced facility boundary. This provision
23 applies to the sorting, shredding, grinding, crushing,
24 baling, and storage of these wastes prior to transfer to a
25 recycling facility or approved beneficial reuse site.
26 This provision applies only if all waste management
27 activities occur either indoors or outdoors in containers.
28 This provision does not apply to scrap tire or electronic
29 waste management facilities.

30
31 (G) Facilities not considered low hazard
32 ~~and/or~~ low volume: Transfer, treatment, storage, and
33 processing facilities managing wastes or materials having
34 or exhibiting one or more of the following criteria or
35 characteristics are not low hazard and low volume waste
36 management facilities. Exceptions may be granted by the
37 Administrator based on consideration of concentration and
38 volumes of wastes to be managed:

39
40 (I) Toxicity, Carcinogenicity,
41 Ignitability, Flammability, Explosivity, Instability,
42 Corrosivity, Incompatibility,

43
44 (II) Special wastes as defined in this
45 subsection,

46
47 (III) Medical/infectious wastes,
48 PCB-containing wastes,

1
2 (IV) Excluded hazardous wastes as
3 defined ~~at in~~ 40 CFR part 261, or ~~Chapter 2 of the~~
4 Department's Hazardous Waste ~~R~~rules and ~~R~~regulations,

5
6 (V) Wastes that have the potential to
7 create odor, vector, dust, or other nuisances, or

8
9 (VI) Wastes that in the evaluation of
10 the Administrator have a significant potential to impact
11 public health and/or the environment, unless the operator
12 of a proposed facility can demonstrate by submittal of a
13 waste analysis and/or characterization plan that the waste
14 treatment, processing, storage, or transfer activity can
15 be considered a low hazard and low volume waste management
16 activity consistent with the act.

17
18 (lii) "Major Change" means a change to any
19 solid waste management facility location, design or
20 construction, or to any operating, monitoring, closure or
21 post-closure activities, involving one or more of the
22 following items:

23
24 (A) The total permitted volumetric
25 capacity of the facility is to be increased by more than
26 five percent (5%);

27
28 ~~The facility classification will change;~~

29
30 ~~The facility may begin to accept for~~
31 ~~treatment, storage, or disposal one or more of the special~~
32 ~~wastes regulated under Chapter 8 of these rules and~~
33 ~~regulations;~~

34
35 (B) The effectiveness of any liner,
36 leachate collection or detection system, gas detection or
37 migration system, or pollution control or treatment system
38 may be ~~changed~~reduced; or

39
40 (C) The facility modification will, in the
41 judgment of the Administrator, be likely to alter the
42 fundamental nature of the facility's activities ~~or cause~~
43 ~~noncompliance with any applicable facility standard.~~

44
45 (liii) "Mixed household and industrial
46 refuse" means any mixture of municipal solid wastes,
47 industrial solid wastes, or sludge.

1 (liv) "Mixed solid waste" means municipal
2 solid waste and industrial solid waste.

3
4 (lv) "Mobile transfer, treatment and storage
5 facility" means a facility which is mobilized to conduct
6 transfer, treatment or storage of a solid waste at or near
7 the point of generation.

8
9 (lvi) "Monitoring" means all procedures and
10 techniques used to systematically collect, analyze and
11 inspect data on operational parameters of the facility or
12 on the quality of the air, groundwater, surface water and
13 soil.

14
15 (lvii) "Municipal solid waste" means solid
16 waste resulting from or incidental to residential,
17 community, trade or business activities, including
18 garbage, rubbish, dead animals, abandoned automobiles and
19 all other solid waste other than construction and
20 demolition, industrial or hazardous waste.

21
22 (lviii) "Municipal solid waste landfill"
23 (MSWLF) means a solid waste management facility for the
24 land burial of municipal solid waste that utilizes an
25 engineered method of controls to avoid creating a hazard
26 to the public health, the environment, plants, or animals.

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

43
44 ~~"Municipality" means a city, town, county,~~
45 ~~district, association, or other public body.~~

46
47 (lx) "Net worth" means total assets minus total
48 liabilities and is equivalent to owner's equity.

1
2 (lxi) "New facility" means:

3
4 (A) Any facility that did not receive
5 solid waste on or before September 13, 1989; or

6
7 (B) Any modification or lateral expansion
8 of an original permit boundary for the purpose of
9 increasing capacity and/or site life by more than five
10 percent (5%). An incidental facility boundary enlargement
11 for the development of, but not limited to fire lanes,
12 buffer zones, surface water diversion systems, and
13 monitoring systems which are not in conflict with local
14 zoning, land use, and/or land ownership is not considered
15 to be a new facility.

16
17 (lxii) "New municipal solid waste landfill
18 unit" means any municipal solid waste landfill unit that
19 did not receive waste prior to October 9, 1993.

20
21 (lxiii) "Occupied dwelling house" means a
22 permanent building or fixed mobile home that is currently
23 being used on a permanent or temporary basis for human
24 habitation.

25
26 (lxiv) "100-year floodplain" means an area
27 where a flood ~~that~~ has a 1-percent (1%) or greater chance
28 of recurring in any given year or a flood of a magnitude
29 equaled or exceeded once in 100 years on the average over
30 a significantly long period.

31
32 (lxv) "On-site decommissioning" means
33 decommissioning performed within a facility's property
34 boundary. ~~on petroleum storage tank(s) which are being~~
35 ~~proposed to be removed from the ground or abandoned in~~
36 ~~place within the facility's property boundary.~~

37
38 (lxvi) "Open burning" means uncontrolled
39 burning of solid waste in the open.

40
41 (lxvii) "Open dump" means an uncontrolled
42 solid waste management facility at which solid wastes are
43 placed on the land in such a manner that they present a
44 real or potential hazard to public health and the
45 environment. Open dump includes any solid waste
46 management facility subject to the permitting requirements
47 of these rules and regulations which does not have a
48 current, valid permit.

1
2 (lxviii) "Operator" means the applicant who has
3 been granted a permit, who may manage and operate the
4 solid waste management facility or who may hire another
5 person, who shall be known as the solid waste manager, for
6 these responsibilities.

7
8 (lxix) "Parent corporation" means a United
9 States corporation which owns or controls the applicant.

10
11 ~~"Person" means an individual, partnership, firm,~~
12 ~~association, joint venture, public or private corporation,~~
13 ~~trust, estate, commission, board, public or private~~
14 ~~institution, utility, cooperative, municipality or any~~
15 ~~other political subdivision of the state, or any~~
16 ~~interstate body or any other legal entity.~~

17
18 (lxx) "Petroleum-contaminated soils" means
19 solid waste consisting of any natural or manmade soil or
20 rock material into which petroleum product has been added,
21 excluding hardened asphalt rubble.

22
23 (lxxi) "Petroleum product" means any crude
24 oil or any liquid petroleum fraction including but not
25 limited to gasoline, diesel fuels, and used and unused
26 motor oils.

27
28 (lxxii) "Pile" means any noncontainerized
29 accumulation of solid, nonflowing waste that is used for
30 treatment or storage.

31
32 (lxxiii) "Plans" means maps, specifications,
33 drawings and narrative description, prepared to describe
34 the solid waste management facility and its operation.

35
36 (lxxiv) "Population", when used in the context
37 of statistical evaluations of groundwater data, means the
38 total set of all possible concentration measurements for
39 any given constituent.

40
41 (lxxv) "Post-closure period" means the period
42 of time during which a closed facility is maintained and
43 monitored. The post-closure period begins when the
44 Administrator approves certification from a registered
45 professional engineer confirming that the provisions of
46 the closure plan have been carried out and that the
47 facility has been closed in compliance with the closure
48 standards specified in these rules and regulations. The

1 post-closure period ends when the Administrator
2 determines, upon petition by the operator, that the
3 facility has been adequately stabilized and that the
4 environmental monitoring or control systems have
5 demonstrated that the facility closure is protective of
6 public health and the environment consistent with the
7 purposes of the act.

8
9 (lxxvi) "Principal officer" means an officer
10 described in the bylaws of a corporation or appointed by
11 the board of directors in accordance with the bylaws who
12 serves at least at the level of vice president.

13
14 (lxxvii) "Private industrial solid waste
15 disposal facility" means any industrial solid waste
16 disposal facility used solely for the disposal of solid
17 waste generated by the owner of the facility; wastes are
18 not transported over public roadways for delivery to the
19 facility; and access by persons other than employees of
20 the facility owner is restricted.

21
22 (lxxviii) "Processing plant" means a solid waste
23 management facility used or designed to transfer, shred,
24 grind, bale, compost, salvage, separate, reclaim or
25 provide other treatment of solid wastes.

26
27 (lxxix) "Recycling facility" means a facility
28 where used or waste materials are processed or broken down
29 into raw materials which are then used to make or produce
30 new items or products.

31
32 (lxxx) "Release" includes, but is not limited
33 to, any spilling, leaking, pumping, pouring, emptying,
34 emitting, discharging, dumping, addition, escaping,
35 leaching, or unauthorized disposal of any oil or hazardous
36 substance which enters, or threatens to enter, waters of
37 the state.

38
39 (lxxxix) "Routine cover" means cover material
40 that is applied to the top and side slopes of compacted
41 solid wastes at the end of each operating day.

42
43 (lxxxix) "Salvaging" means the controlled
44 removal by the operator or his or her agent of solid waste
45 from a solid waste management facility for the purpose of
46 reuse.

47
48 (lxxxix) "Sanitary landfill" means a municipal

1 solid waste landfill.

2
3 (lxxxiv) "Scavenging" means the removal by
4 persons other than the operator or his agent of solid
5 wastes from any solid waste management facility.

6
7 (lxxxv) "Scrap tire" means a tire that is no
8 longer used for its original purpose. One scrap tire
9 equals twenty pounds of scrap tire or processed scrap
10 tire.

11
12 (lxxxvi) "Seismic impact zone" means an area
13 with a 10 percent (10%) or greater probability that the
14 maximum horizontal acceleration in hard rock, expressed as
15 a percentage of the earth's gravitational pull (g), will
16 exceed 0.10g in 250 years.

17
18 (lxxxvii) "Self bond" means an indemnity
19 agreement in a sum certain executed by the permittee
20 and/or the parent company or federal agency guarantor and
21 made payable to
22 the state, with or without separate surety.

23
24 (lxxxviii) "Silviculture waste" means any
25 wood wastes generated during the management and
26 development of forests. This includes but is not limited
27 to all wood wastes that are generated during the operation
28 of a sawmill.

29
30 (lxxxix) "Sludge" means the accumulated
31 semisolid mixture of solid wastes and water, oils, or
32 other liquids.

33
34 ~~—————"Solid waste" means garbage, and other discarded~~
35 ~~solid materials, materials, including solid~~
36 ~~waste materials resulting from industrial, commercial, and~~
37 ~~agricultural operations, and from community activities,~~
38 ~~but, unless disposed of at a solid waste management~~
39 ~~facility, does not include:~~

40
41 ~~—————Solids or dissolved material in domestic~~
42 ~~sewerage or other significant pollutants in water~~
43 ~~resources, such as silt, dissolved or suspended solids in~~
44 ~~industrial waste water effluents, dissolved materials in~~
45 ~~irrigation return flows or other common water pollutants;~~

46
47 ~~—————Liquids, solids, sludges or dissolved~~
48 ~~constituents which are collected or separated in process~~

1 ~~units for recycling, recovery or reuse including the~~
2 ~~recovery of energy, within a continuous or batch~~
3 ~~manufacturing or refining process; or~~

4
5 ~~_____ Agricultural materials which are recycled~~
6 ~~in the production of agricultural commodities.~~

7
8
9 (xc) "Solid waste manager" means any person
10 designated by the applicant who has primary responsibility
11 for the daily management and operation of the solid waste
12 management facility.

13
14 ~~_____ "Solid waste management facility" means any~~
15 ~~facility for the transfer, treatment, processing, storage~~
16 ~~or disposal of solid waste, but does not include:~~

17
18 ~~_____ Lands or facilities subject to the~~
19 ~~permitting requirements of Article 3 of the act;~~

20
21 ~~_____ Facilities which would have been subject to~~
22 ~~the permitting requirements of Article 3 of the act if~~
23 ~~constructed after July 1, 1973;~~

24
25 ~~_____ Any facility described under W.S. 30-~~
26 ~~5-104(d)(vi)(A) or (B);~~

27
28 ~~_____ Lands and facilities subject to the~~
29 ~~permitting requirements of Articles 2, 3 or 4 of the act~~
30 ~~used solely for the management of wastes generated within~~
31 ~~the boundary of the permitted facility or mine operation~~
32 ~~by the facility or mine owner or operator or from a mine~~
33 ~~mouth electric power plant or coal drier;~~

34
35 ~~_____ Lands and facilities owned by a person~~
36 ~~engaged in farming or ranching and used to dispose of~~
37 ~~solid waste generated incidental to his or her farming and~~
38 ~~ranching operations; or~~

39
40 ~~_____ Transport vehicles, storage containers and~~
41 ~~treatment of the waste containers.~~

42
43 (xci) "Solid waste management unit" means a
44 contiguous area of land on or in which solid waste is
45 placed, or the largest area in which there is significant
46 likelihood of mixing solid waste constituents in the same
47 area of a solid waste management facility. Examples of
48 solid waste management units include a surface impoundment

1 at a solid waste management facility, a waste pile, a land
2 treatment area, a municipal, construction/demolition, or
3 industrial landfill unit, an incinerator, a tank and its
4 associated piping and underlying containment systems at a
5 solid waste management facility and a container storage
6 area. A container alone does not constitute a unit; the
7 unit includes containers and the land or pad upon which
8 they are placed.

9
10 (xcii) "Solid waste petroleum storage tank"
11 means any underground or aboveground storage tank that has
12 been taken out of service and which contained any
13 petroleum substance ~~regulated under Subtitle I of the~~
14 ~~Resource Conservation and Recovery Act, as amended as of~~
15 ~~September 23, 1988,~~ including but not limited to ~~storage~~
16 ~~tanks that have held gasoline, diesel fuels, and used and~~
17 ~~unused motor oils~~ motor fuels, jet fuels, distillate fuel
18 oils, residual fuel oils, lubricants, petroleum solvents,
19 and used oils.

20
21 (xciii) "Special wastes" are those wastes
22 which require special handling as described in Chapter 8
23 of these rules and regulations.

24
25 ~~—————"State or federal highway" shall mean any road~~
26 ~~or primary highway designated as a "state highway" by the~~
27 ~~Wyoming State Highway Commission in accordance with W.S.~~
28 ~~24-2-109(a).~~

29
30 (xciv) "Storage" means the holding of solid
31 waste for a temporary period, at the end of which time the
32 solid waste is treated, disposed of, or stored elsewhere.

33
34 (xcv) "Storage facility" means any facility
35 that stores solid waste for a temporary period, at the end
36 of which time the solid waste is treated, disposed, or
37 stored elsewhere.

38
39 (xcvi) "Surface impoundment" means a facility
40 or part of a facility which is a natural topographic
41 depression, man-made excavation, or diked area formed
42 primarily of earthen materials (although it may be lined
43 with man-made materials), which is designed to hold an
44 accumulation of liquid wastes or wastes containing free
45 liquids, and which is not an injection well. Examples of
46 surface impoundments include, but are not limited to
47 holding, storage, settling, and aeration pits, ponds and
48 lagoons.

1
2 (xcvii) "Tangible net worth" means net worth
3 minus intangibles such as goodwill, patents or royalties.
4

5 (xcviii) "Tank" means a stationary device
6 designed to contain an accumulation of waste that is
7 constructed primarily of nonearthen materials (e.g., wood,
8 concrete, steel, plastic) that provide structural support
9 and integrity.
10

11 (xcix) "Topsoil" means all surface soil
12 usually including the organic layer in which plants have
13 most of their roots, or in the case where no topsoil is
14 present, the top six (6) inches of in-place native
15 material.
16

17 (c) "Transfer of waste" means the temporary
18 holding of solid waste pending transportation of the solid
19 waste for treatment, storage, and/or disposal.
20

21 (ci) "Transfer facility" means any solid waste
22 transportation related facility including loading docks,
23 parking areas, storage areas and ancillary features.
24

25 (cii) "Treatment" means any method,
26 technique, or process designed to change the physical,
27 chemical, or biological character or composition of any
28 solid waste so as to recover energy or material resources
29 from the waste or so as to render it safer to transport,
30 store, or dispose of, or to make it amenable for recovery,
31 use, or storage, or for reduction in volume. Treatment
32 includes but is not limited to baling, chipping,
33 composting, distilling, incinerating, processing,
34 reconditioning, recovering, recycling, re-refining,
35 reclaiming, and shredding.
36

37 (ciii) "Treatment facility" means any
38 facility that treats solid waste. Types of treatment
39 facilities include but are not limited to solid waste
40 incinerators, tire shredding/chipping facilities, tire
41 pyrolysis plants, solid waste shredding or baling
42 facilities, drum and barrel reconditioning/recycling
43 facilities, composting facilities, and facilities used to
44 distill, re-refine, recover, recycle, or incinerate used
45 antifreeze, oils or solvents.
46

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

1
2 ~~"Type II landfill" means a municipal solid waste~~
3 ~~landfill which:~~

4
5 ~~Accepts for disposal less than twenty (20)~~
6 ~~tons of municipal solid wastes daily, and has no evidence~~
7 ~~of existing groundwater contamination from the landfill,~~
8 ~~and~~

9
10 ~~Serves a community that has no practicable~~
11 ~~waste management alternatives and the landfill is located~~
12 ~~in an area that receives less than or equal to twenty five~~
13 ~~(25) inches of precipitation annually, and~~

14
15 ~~For the purposes of determining~~
16 ~~whether a landfill is a Type I or a Type II landfill,~~
17 ~~operators shall assume that each person served by the~~
18 ~~solid waste disposal facility generates an average of six~~
19 ~~and three tenths (6.3) pounds of solid waste per person~~
20 ~~per calendar day. If local data are available and the~~
21 ~~administrator approves, the applicant may use an alternate~~
22 ~~waste generation rate to calculate annual average daily~~
23 ~~tonnage of municipal solid waste which is received.~~

24
25 (civ) "Unprocessed household refuse" means
26 municipal solid wastes which have not been treated,
27 processed, or recycled at a facility subject to the
28 requirements of these rules and regulations.

29
30 (cv) "Unstable area" means a location that is
31 susceptible to natural or human-induced events or forces
32 capable of impairing the integrity of some or all of the
33 landfill structural components responsible for preventing
34 releases from a landfill. Unstable areas can include
35 poor foundation conditions, areas susceptible to mass
36 movements, and karst terrains.

37
38 (cvi) "Uppermost aquifer" means the geologic
39 formation nearest the natural ground surface that is an
40 aquifer, as well as lower aquifers that are hydraulically
41 connected with this aquifer within the facility's property
42 boundary.

43
44 (cvii) "Used antifreeze" means any antifreeze
45 that has been used and as a result of such use is
46 contaminated by physical or chemical impurities. Used
47 antifreeze also includes new antifreeze which has not been
48 used for its intended purpose but is being discarded.

1
2 (cviii) "Used oil" means any oil that has been
3 refined from crude oil, or any synthetic oil, that has
4 been used and as a result of such use is contaminated by
5 physical or chemical impurities. Used oil does not
6 include animal or vegetable oil. ~~Used oil also includes~~
7 ~~new oil which has not been used for its intended purpose~~
8 ~~but is being discarded.~~

9
10 (cix) "Used tire" means a tire that cannot be
11 described as new, but which is structurally intact and,
12 for passenger tires, has a tread depth greater than two
13 thirty-seconds (2/32) of an inch. A used tire can be
14 mounted on a vehicle's rim without repair.

15
16 (cx) "Vadose zone" means the unsaturated zone
17 between the land surface and the water table.

18
19 (cxi) "Vector" means a carrier capable of
20 transmitting a pathogen from one organism to another,
21 including flies, mosquitoes, skunks, or rodents.

22
23 (cxii) "Waste management unit boundary" For
24 the purpose of establishing a relevant point of compliance
25 for municipal solid waste landfills, "waste management
26 unit boundary" means a vertical surface located at the
27 hydraulically downgradient limit of the municipal solid
28 waste landfill unit. This vertical surface extends down
29 to the uppermost aquifer.

30
31 (cxiii) "Waste pile" means any
32 noncontainerized accumulation of solid waste used for
33 treatment or storage of solid waste.

34
35 (cxiv) "Water table" means the seasonally
36 high surface of groundwater which is subject to
37 atmospheric pressure in an unconfined aquifer. Water
38 table does not mean the piezometric surface of a confined
39 aquifer.

40
41 (cxv) "Wetlands" means those areas that are
42 inundated or saturated by surface or groundwater at a
43 frequency and duration sufficient to support, and that
44 under normal conditions do support, a prevalence of
45 vegetation typically adapted for life in saturated soil
46 conditions. Wetlands include, but are not limited to,
47 swamps, marshes, bogs and similar areas.

1 (cxvi) "Working face" means that portion of
2 the land disposal site where solid wastes are being
3 deposited and are being spread and compacted prior to the
4 placement of cover materials.

5
6 ~~(ii) The singular includes the plural, the~~
7 ~~plural the singular, and the masculine the feminine or~~
8 ~~neuter, when consistent with the intent of the act and~~
9 ~~necessary to effect its purpose.~~

10
11 (fc) Permit required for new and existing facilities:

12
13 (i) A permit or a one-time or emergency
14 disposal authorization is required for the location,
15 construction, operation or closure of any new or existing
16 solid waste management facility. ~~as specified by Chapter~~
17 ~~1, Section 5, or by the applicable chapter(s) of these~~
18 ~~rules and regulations.~~ All facilities shall be located,
19 designed, constructed, operated and closed in accordance
20 with the permit or disposal authorization issued by the
21 Director or Administrator.

22
23 (ii) A permit or disposal authorization may
24 not be required for the facilities or activities specified
25 in subsection (lg) of this section.

26
27 (iii) Any facility that is regulated under
28 more than one of the permitting chapters of these rules
29 and regulations can apply for and receive a single solid
30 waste management permit demonstrating compliance with each
31 of the applicable chapters of these rules and regulations.

32
33
34 (gd) Recordkeeping, monitoring and reporting
35 requirements:

36
37 (i) Operators of any solid waste management
38 facility, including those operators of open dumps, will be
39 required to establish and maintain monitoring equipment or
40 methods, sample effluent discharges or emissions, or
41 provide such other information as may be reasonably
42 required and specified by the Administrator.

43
44 (ii) All records required by these rules and
45 regulations shall be maintained by the operator of the
46 facility for a minimum of three (3) years from the date of
47 recording, except for those records required to be kept
48 through the life and post-closure period of the facility

1 as specified in ~~Chapter 2 of~~ these rules and regulations.
2 All records shall be available for inspection and copying
3 by ~~d~~Department personnel during reasonable business hours.
4 Copies of these records shall be submitted to the
5 Administrator when requested.

6
7 (h) Prohibited acts: The following acts are
8 prohibited:

9
10 (i) Open dumping;

11
12 (ii) Scavenging and animal feeding at active
13 solid waste management facilities;

14
15 (iii) Dumping bulk liquid wastes at solid
16 waste management facilities unless specifically authorized
17 by the Administrator;

18
19 (iv) Dumping hazardous wastes (other than
20 hazardous wastes generated by residential households and
21 conditionally exempt small quantity waste generators) in
22 any facility other than a facility authorized as a
23 hazardous waste disposal facility by these rules and
24 regulations unless specifically authorized by the
25 Administrator;

26
27 (v) Open burning of any wastes not exempted in
28 ~~Chapter 1, Section 1(1)~~subsection (g); and

29
30 (vi) No solid wastes shall be speculatively
31 accumulated at a facility intended for use as a solid
32 waste management facility without a permit.

33
34 (i) Inspections:

35
36 (i) Inspections ~~will be made to insure~~
37 ~~compliance with the standards included in each of the~~
38 ~~chapters of these rules and regulations. These~~
39 ~~inspections will~~shall be conducted at the discretion of
40 the Administrator and may consist of:

41
42 (A) Pre-application inspections, ~~to~~
43 ~~evaluate suitability of locations for development of solid~~
44 ~~waste management facilities;~~

45
46 (B) Preconstruction inspections, ~~to allow~~
47 ~~the administrator to evaluate planned construction designs~~
48 ~~for solid waste management facilities;~~

1
2 (C) Construction inspections, ~~to determine~~
3 ~~if construction of a solid waste management facility is in~~
4 ~~accordance with plans and specifications for the facility~~
5 ~~which are contained in the permit application;~~

6
7 (D) Closure, post-closure, and annual
8 operational compliance inspections ~~to evaluate compliance~~
9 ~~with applicable standards contained in these rules and~~
10 ~~regulations;~~ and

11
12 (E) ~~More frequent~~ Routine or complaint-
13 related inspections, at the Administrator's discretion.

14
15 (ii) Neither advance notice nor a waiver of
16 liability shall be required to be provided by dDepartment
17 personnel as a condition of entry to any facility for the
18 purpose of conducting any solid waste management facility
19 compliance inspection ~~under subsection (i)(i) of this~~
20 ~~section.~~ The operator shall allow dDepartment personnel
21 entry to the ~~disposal~~ facility for the purpose of
22 inspection. ~~Department personnel shall be required to~~
23 ~~obey all safety and other operation requirements as may be~~
24 ~~required of its (the waste facility's) own employees.~~

25
26 (iii) The Administrator shall provide copies
27 of all inspection reports to the operator following
28 completion of the inspection.

29
30 (iv) The inspection requirements for municipal
31 solid waste landfills with lifetime permits are in Chapter
32 2, ~~Section 5(bb)(iii).~~

33
34 ~~—— (j) Deficiencies:~~

35
36 (iy) Following any inspection by dDepartment
37 personnel, the operator will be notified in writing of any
38 deficiencies within ~~thirty (30)~~ forty-five (45) days from
39 the date of the inspection unless the Department is
40 waiting to receive additional information from the
41 operator.

42
43 ~~—— (ii) The administrator will use conference and~~
44 ~~conciliation procedures cited in W.S. 35-11-701(c) to~~
45 ~~establish a plan and schedule to correct the deficiencies.~~
46 ~~Failure of the operator to implement the plan shall be~~
47 ~~cause for the director to begin enforcement proceedings~~
48 ~~under Article 7 (Complaint) or Article 9 (Penalties) of~~

1 ~~the act.~~

2
3 ~~———— (iii) ——— Denial of permit renewal and/or~~
4 ~~revocation of the facility permit may result from failure~~
5 ~~to implement corrective actions.~~

6
7 ~~———— (k) Noncompliance: In the event of noncompliance~~
8 ~~with the rules and regulations contained herein, the~~
9 ~~director may seek remedies as prescribed under Article 7-~~
10 ~~(Complaints) and Article 9 (Penalties) of the~~
11 ~~Environmental Quality Act.~~

12
13 (l) Exemptions: The Administrator may exempt the
14 following from a permit or any requirement to obtain a
15 waste management authorization under these regulations,
16 provided that persons engaged in activities which are
17 otherwise exempted may be required to supply information
18 to the Administrator which demonstrates that the act,
19 practice, or facility is exempt, and shall allow entry of
20 ~~e~~Department inspectors for purposes of verification of
21 such information:
22

23 (i) Auto salvage yards and scrap metal dealers:
24 Baling of used motor vehicles or scrap metals, and
25 operation of metal smelters regulated by the Air Quality
26 Division and storage for sale or reuse of used motor
27 vehicles, motor vehicle parts, or scrap metals at auto
28 salvage yards or scrap metal dealers as authorized under
29 W.S. 31-13-~~112(a)~~114, provided that for used oil, used
30 antifreeze, tires, and lead acid batteries the following
31 storage accumulation limits are not exceeded:
32

33
34 (A) 1,000 scrap tires, excluding any scrap
35 tires remaining on wheels attached to vehicles;
36

37 (B) 1,000 gallons of used motor oil, ~~if~~
38 ~~the oil is being stored to be recycled, or to be burned in~~
39 ~~a device authorized by the Air Quality Division or in an~~
40 ~~oil-fired space heater, provided that tanks are properly~~
41 ~~labeled and the heater is designed to have a maximum~~
42 ~~capacity of not more than 0.5 million btu per hour,~~
43 ~~combustion gases are vented to the outside air, and the~~
44 ~~heater burns only used oil that the owner or operator~~
45 ~~generates or receives from do it yourself oil changers;~~
46

47 (C) 1,200 used lead acid batteries,
48 excluding any used lead acid batteries remaining in

1 vehicles, if the batteries are being stored in an upright
2 position and are not leaking, for the purpose of being
3 transferred to a recycling facility;

4
5 (D) 500 gallons of used antifreeze, if the
6 antifreeze is being stored to be recycled, and the owner
7 or operator only stores used antifreeze they generate or
8 receive from do-it-yourself antifreeze changers or other
9 similar sources.

10
11 (ii) Single family units or households: The
12 collection, storage and disposal of household wastes
13 generated by a single family unit or household on their
14 own property in such a manner that does not create a
15 health hazard, public or private nuisance, or detriment to
16 the environment.

17
18 (iii) Clean fill: The disposal or
19 beneficial use of clean fill ~~consisting solely of~~
20 ~~uncontaminated natural soil and rock, hardened asphalt~~
21 ~~rubble, bricks, and concrete rubble~~ in such a manner that
22 does not create a health hazard, public or private
23 nuisance or detriment to the environment.

24
25 (iv) Clean wood waste storage facilities:
26 Facilities storing clean wood waste in storage piles with
27 a base surface area no larger than 10,000 square feet
28 containing no greater than 100,000 cubic feet of clean
29 wood waste. Clean wood waste at such facilities shall
30 be stored no less than 100 feet from off-site structures,
31 storm water shall be properly managed, and the pile shall
32 not create a public or private nuisance.

33
34 (v) De minimis waste management activities:
35 The management of solid wastes, which in the judgement of
36 the Administrator, constitute de minimis quantities which
37 are managed in a manner that does not create a health
38 hazard, public or private nuisance, or detriment to the
39 environment.

40
41 (vi) Retail business facilities: Retail
42 business facilities which have fewer than 1,000 scrap
43 tires on the premises at any one time.

44
45 (vii) Facilities that store lead acid
46 batteries: A retail business facility or a solid waste
47 storage or transfer facility used only for the storage or
48 transfer of no more than 1,200 used lead acid batteries

1 for the purpose of transfer to a recycling facility, if
2 the batteries are stored in an upright position and are
3 not leaking.

4
5 (viii) Commercially operated used oil
6 management facilities: Used oil collection centers,
7 aggregation points, transfer facilities, processors, re-
8 refiners, burners, and used oil fuel marketers that store
9 no more than 10,000 gallons of used oil to be recycled or
10 burned for energy recovery, provided the storage tanks are
11 properly labeled, and subject to the used oil management
12 requirements contained in ~~Chapter 12 of~~ the Wyoming
13 Hazardous Waste Rules and Regulations.

14
15 (ix) Used oil generators: Used oil
16 generators are subject to the used oil management
17 requirements contained in ~~Chapter 12 of~~ the Wyoming
18 Hazardous Waste Rules and Regulations. ~~Used oil~~
19 ~~generators that store their own used oil, or used oil~~
20 ~~received from do it yourself used oil generators, for~~
21 ~~transfer to a used oil recycling facility or burning in an~~
22 ~~on-site used oil-fired space heater, provided that the~~
23 ~~tanks are properly labeled and that:~~

24
25 ~~_____ (A) The heater burns only used oil that~~
26 ~~the owner or operator generates, or used oil received from~~
27 ~~household do it yourself used oil generators; and~~

28
29 ~~_____ (B) The heater is designed to have a~~
30 ~~maximum capacity of not more than 0.5 million Btu per~~
31 ~~hour; and~~

32
33 ~~_____ (C) The combustion gases from the heater~~
34 ~~are vented to the ambient air.~~

35
36 (x) Facilities storing waste , other than
37 construction/demolition waste, for transfer to a recycling
38 facility: A solid waste storage, treatment, or transfer
39 facility occupying no more than ~~one (1)~~five (5) acres and
40 used only for the storage, treatment, or transfer of
41 paper, cardboard, plastic, aluminum cans, glass, metal,
42 clean wood, construction/demolition waste, and other
43 nonputrescible municipal solid wastes which may be
44 specifically authorized by the Administrator, for the
45 primary purposes of transfer to a recycling facility or
46 beneficial reuse in a manner approved by the
47 Administrator. Unless all waste management occurs indoors,
48 the facility shall maintain a twenty foot buffer zone/fire

1 lane separating waste from a fenced facility boundary.
2 This exemption applies to the sorting, shredding,
3 grinding, crushing, baling and storage of these wastes
4 prior to transfer to a recycling facility or approved
5 beneficial reuse site. This exemption does not apply to
6 ~~drum and barrel reconditioning or recycling facilities,~~
7 facilities that manage scrap tires ~~management facilities,~~
8 ~~electronic waste management facilities~~ CRTs, or ~~to that~~
9 decommission underground petroleum storage tanks. ~~storage~~
10 ~~or decommissioning facilities.~~

11
12
13 (xi) Facilities storing construction/demolition
14 waste for transfer to a recycling facility: A solid waste
15 storage, treatment, or transfer facility occupying no more
16 than one (1) acre and used only for the storage, treatment,
17 or transfer of construction/demolition waste as authorized
18 by the Administrator for the primary purposes of transfer
19 to a recycling facility or beneficial reuse in a manner
20 approved by the Administrator. Unless all waste management
21 occurs indoors, the facility shall maintain a twenty foot
22 buffer zone/fire lane separating waste from a fenced
23 facility boundary. This exemption applies to the sorting,
24 shredding, grinding, crushing, baling, and storage of these
25 wastes prior to transfer to a recycling facility or approved
26 beneficial reuse site. This exemption does not apply to
27 ~~drum and barrel reconditioning or recycling~~
28 ~~facilities,~~ facilities that manage scrap tires ~~management~~
29 ~~facilities,~~ electronic waste ~~management facilities,~~ or that
30 decommission to underground petroleum storage tanks.
31 ~~decommissioning or storage facilities.~~

32
33 (xii) Solid waste transfer, treatment,
34 storage, and processing facilities: Solid waste transfer,
35 treatment, storage, and processing facilities receiving 20
36 cubic yards or less of solid waste per day and occupying
37 no more than ~~three (3)~~ five (5) acres, including a twenty
38 foot buffer zone within a fenced facility boundary, which
39 individually or in combination manage no more than the
40 ~~following specified~~ quantities of wastes specified in this
41 subsection. This exemption does not apply to facilities
42 whose owner or operator simultaneously owns or operates
43 more than one transfer facility within one (1) mile of
44 each other;

45
46 (A) 50 cubic yards of mixed solid wastes
47 stored in containers; and
48

1 (B) 50 cubic yards of construction and
2 demolition waste stored in containers; and

3
4 (C) Green waste and clean wood waste
5 storage and/or compost piles; and

6
7 (D) Compost piles for green waste and
8 manure operated in a manner that does not create odors,
9 constitute a nuisance, or attract vectors; and

10
11 (E) 500 scrap tires stored in a manner
12 that prevents fires and vector habitat; and

13
14 (F) 20 cubic yards of electronic waste,
15 except CRTs, stored in containers for shipment to a
16 recycling facility; and

17
18 (G) 20 cubic yards of CRTs stored intact
19 in containers and kept whole without any shredding,
20 grinding, crushing, or baling. Devices containing CRTs,
21 such as televisions and computer monitors, may be
22 disassembled, but the CRTs shall remain intact. If
23 inadvertently broken, CRTs must be promptly containerized
24 for proper management; and

25
26 (H) 1,000 gallons of ~~on-specification-used~~
27 ~~oil or used oil generated by do-it-yourself used oil~~
28 ~~generators, if the used oil is stored to be recycled,~~
29 ~~reclaimed, or reused; and~~

30
31 (I) 1,000 gallons of used antifreeze, if
32 the used antifreeze is stored to be recycled, reclaimed,
33 or reused; and

34
35 (J) 250 used lead acid batteries, if the
36 batteries are stored in an upright position and are not
37 leaking, for the purpose of transfer to a recycling
38 facility; and

39
40 (K) 150 cubic yards of paper, cardboard,
41 plastic, aluminum cans, glass, and metal, or other
42 nonputrescible municipal solid wastes which may be
43 specifically authorized by the Administrator, for the
44 primary purposes of transfer to a recycling facility or
45 beneficial reuse in a manner approved by the
46 Administrator. This provision applies to the sorting,
47 shredding, grinding, crushing, baling, and storage of
48 these wastes prior to transfer to a recycling facility or

1 approved beneficial reuse site; and

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

8
9 (xiii) Vehicle service and maintenance
10 facilities: In addition to used oil stored pursuant to
11 this subsection, used antifreeze storage tanks located at
12 vehicle service facilities, provided the storage tanks are
13 properly labeled, have a used antifreeze storage capacity
14 of no more than 500 gallons, and are used only to contain
15 used antifreeze that the owner or operator generates or
16 receives from do-it-yourself antifreeze changes;

17
18 (xiv) Medical waste management facilities:
19 Medical waste storage units, incinerators, autoclaves, or
20 other treatment devices, used to store or treat only
21 medical wastes which are generated by the owner or
22 operator of the medical facility or by doctor's offices,
23 medical clinics, dental offices and other medical waste
24 generators within the county or local area where the
25 medical waste storage units, incinerators, autoclaves, or
26 other treatment devices are located.

27
28 (xv) Beneficial use: The reuse of wastes in
29 a manner which is both beneficial and protective of human
30 health and the environment, as approved by the
31 Administrator.

32
33 (xvi) Household hazardous waste collection
34 events: The collection of household hazardous waste (HHW)
35 on no more than a quarterly basis by the operator of a
36 permitted solid waste facility or by a person at a site
37 where landowner consent has been obtained. Collected HHW
38 must be removed from the collection site within thirty
39 (30) days and transported to a permitted facility for
40 proper management.

41
42 (xvii) An exemption or solid waste management
43 permit are not required for facilities which are not solid
44 waste facilities as defined by W.S. 35-11-103(d)(ii)+.

45
46 ~~_____ (A) Facilities regulated by the Wyoming Oil~~
47 ~~and Gas Commission under W.S. 30-5-104(d)(vi)(A) or (B);~~
48

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

5
6 ~~_____ (C) The disposal of sewage waste,~~
7 ~~municipal wastewater treatment sludges, wastewaters, or~~
8 ~~bulk liquid waste at facilities, other than solid waste~~
9 ~~landfills, which are permitted in accord with the Water~~
10 ~~Quality Division rules and regulations;~~

11
12 ~~_____ (D) Open burning of wood, brush, weeds and~~
13 ~~tree trimmings conducted in compliance with the Air~~
14 ~~Quality Division rules and regulations;~~

15
16 ~~_____ (E) Facilities which would have been~~
17 ~~subject to the permitting requirements of Article 3 (Water~~
18 ~~Quality) of the act if constructed after July 1, 1973;~~

19
20 ~~_____ (F) Lands and facilities subject to the~~
21 ~~permitting requirements of Articles 2 (Air Quality), 3~~
22 ~~(Water Quality), or 4 (Land Quality) of the act used~~
23 ~~solely for the management of wastes generated within the~~
24 ~~boundary of the permitted facility or mine operation by~~
25 ~~the facility or mine owner or operator or from a mine-~~
26 ~~mouth electric power plant or coal drier;~~

27
28 ~~_____ (G) Lands and facilities owned by a person~~
29 ~~engaged in farming or ranching and used to dispose of~~
30 ~~solid waste generated incidental to his or her farming and~~
31 ~~ranching operation;~~

32
33 ~~_____ (H) Transport vehicles, storage containers~~
34 ~~and treatment of waste in containers.~~

35
36 ~~_____ (m) Time:~~

37
38 ~~_____ (i) When time is prescribed by these rules and~~
39 ~~regulations in "days", the time period shall be counted as~~
40 ~~calendar days.~~

41
42 ~~_____ (ii) When time prescribed by these rules and~~
43 ~~regulations for performing any act expires on a Saturday~~
44 ~~or legal holiday, such time shall extend to and include~~
45 ~~the next succeeding business day.~~

46
47 Section 2. Permit Application Procedure.
48

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

14
15 (b) Public notice and comment: Prior to the
16 issuance of a permit by the Director, each application for
17 a new, renewal, or closure permit shall be submitted for
18 public notice and comment as follows:

19
20 (i) Upon receipt of notification that the
21 application has been determined to be complete, the
22 applicant shall comply with the following requirements:

23
24 (A) Within fifteen (15) days of being
25 notified that the application is complete:

26
27 (I) Provide written notice to
28 landowners with property located within a half mile of the
29 site, using certified, return receipt requested mail for
30 disposal facilities and first class mail for other solid
31 waste management facilities;

32
33 (II) Provide written notice to each
34 member of the interested parties mailing list maintained by
35 the Administrator, the mayor of each city or town
36 within fifty miles of the proposed facility and to the
37 county commission and any solid waste district for the
38 county in which the potential facility is located, using
39 first class mail;

40
41 (III) Cause a written notice to be
42 published once a week for two (2) consecutive weeks in a
43 newspaper of general circulation within the county where
44 the applicant plans to locate the facility;

45
46 (IV) Specific text for the written
47 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 location and size, the
3 wastes types intended for management, the method of waste
4 management, and the operating life. The notice shall
5 identify the last date for filing comments on the
6 application;

7
8 (B) Provide the Administrator with
9 documentation that the notice requirements of subsection
10 (b)(i)(A) of this section have been followed.
11 Documentation shall consist of copies of return receipt
12 cards, publisher's affidavits and other documentation, as
13 appropriate; and

14
15 (C) The public comment period shall begin
16 on the first date of publication ~~of the notice required in~~
17 ~~subsection (b)(i)(A)(III) of this section,~~ and shall end
18 at 5:00 pm on the thirtieth (30th) day following the last
19 date of publication ~~of the notice.~~

20
21 (D) The Administrator may, at his or her
22 discretion, conduct a public hearing on the application
23 submission.

24
25 (ii) For each new, renewal, or closure permit
26 application or any application for a major change, the
27 Administrator shall issue a proposed permit following
28 completion of the Administrator's permit analysis, unless
29 the permit is denied pursuant to Section 4 of this
30 chapter. Upon receipt of a proposed permit, the applicant
31 shall comply with the following requirements:

32
33 (A) Within fifteen (15) days of receiving
34 a proposed permit:

35
36 (I) Provide written notice to
37 landowners with property located within a half mile of the
38 site, the mayor of each city or town within fifty (50)
39 miles of the proposed facility, the local county
40 commission and any solid waste district for the county in
41 which the potential facility is located, using certified,
42 return receipt requested mail for disposal facilities and
43 first class mail for other solid waste management
44 facilities;

45
46 (II) Provide written notice to each
47 member of the interested parties mailing list maintained by
48 the Administrator using first class mail;

1
2 (III) Cause a written notice to be
3 published once a week for two (2) consecutive weeks in a
4 newspaper of general circulation within the county where
5 the applicant plans to locate the facility;

6
7 (IV) Specific text for the written
8 notice shall be provided to the applicant by the
9 Administrator. The notice shall contain information about
10 the permit application including the identity of the
11 applicant, the proposed facility location and size, the
12 wastes types intended for management, the method of waste
13 management, the operating life, and the Administrator's
14 findings. The notice shall identify the period for filing
15 objections to the application;

16
17 (V) Deliver, in person or via
18 certified, return receipt requested mail, a copy of the
19 permit application, the Administrator's review and the
20 Administrator's proposed permit to a local public library
21 and the county clerk of the county of the proposed
22 facility. The permit application and proposed permit shall
23 be maintained for public viewing at a local public library
24 and at the county clerk's office for the duration of the
25 public comment period specified in Section
26 2(b)(ii)(C) of this chapter; and

27
28
29 (B) Provide the Administrator with
30 documentation that the notice and filing requirements of
31 subsection (b)(ii)(A) of this section have been followed.
32 Documentation shall consist of copies of return receipt
33 cards, and publisher's affidavits or affidavits of
34 personal delivery as appropriate.

35
36 (C) The public comment period shall begin
37 on the first date of publication ~~of the notice required in~~
38 ~~subsection (b)(ii)(A)(III) of this section,~~ and shall end
39 at 5:00 pm on the thirtieth (30th) day following the last
40 date of publication ~~of the notice.~~

41
42 (D) If substantial written objections are
43 received by the Director by 5:00 pm on the last day of the
44 public comment period, a public hearing will be held
45 within twenty (20) days after the last day of the public
46 comment period, unless a different schedule is deemed
47 necessary by the Environmental Quality eCouncil (Council).
48 The Council or Director shall publish notice of the time,

1 date and location of the hearing in a newspaper of general
2 circulation in the county where the applicant plans to
3 locate the facility, once a week for two (2) consecutive
4 weeks immediately prior to the hearing. The hearing shall
5 be conducted as a contested case in accordance with the
6 Wyoming Administrative Procedures Act, and right of
7 judicial review shall be afforded as provided in that Act.

8
9 (c) Permit application procedure:

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

21
22 (ii) The Administrator shall conduct a
23 completeness review of each application and notify the
24 applicant of the results within sixty (60) days of receipt
25 of the application. If the Administrator deems the
26 application incomplete, he or she shall so advise and
27 state in writing to the applicant the information
28 required. All items not specified as incomplete at the end
29 of the first sixty (60) day period shall be deemed
30 complete for the purposes of this subsection.

31
32 (iii) If the applicant resubmits an
33 application or further information, the Administrator
34 shall review the application or additional information
35 within sixty (60) days of each submission and advise the
36 applicant in writing if the application or additional
37 information is complete.

38
39 (iv) After the application is determined
40 complete, the applicant shall give written notice of the
41 application as required in Section 2(b)(i) of this
42 chapter. ~~A preconstruction inspection will be conducted~~
43 ~~within sixty (60) days of a determination that the~~
44 ~~application is complete.~~

45
46 (v) The Administrator shall review the
47 application and unless the applicant requests a delay,
48 advise the applicant in writing within ninety (90) days

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

10
11 (vi) If the applicant submits additional
12 information in response to any deficiency notice, the
13 Administrator shall review such additional information
14 within thirty (30) days of submission and advise the
15 applicant in writing if a proposed permit is suitable for
16 publication under ~~Chapter 1~~, Section 2(b)(ii), or that the
17 application is still deficient, or that the application is
18 denied.

19
20 (d) Permit issuance:

21
22 (i) If the application is determined to be
23 complete and demonstrates compliance with the applicable
24 standards, the Administrator shall prepare a proposed
25 permit. Public notice as specified in ~~Chapter 1~~, Section
26 2(b)(i) and 2(b)(ii), will occur. No permit,
27 authorization or exemption shall be issued unless the
28 owner of the facility provides written authorization for
29 the Department's authorized representative, upon the
30 presentation of credentials and other documents as may be
31 required by law, to access and enter upon the operator's
32 premises where a regulated facility or activity is located
33 or conducted, or where records must be kept under the
34 conditions of a permit, authorization or exemption; have
35 access to and copy, at reasonable times, any records that
36 must be kept under the conditions of any permit,
37 authorization or exemption; inspect at reasonable times
38 any facilities, equipment (including monitoring and
39 control equipment), practices, or operations regulated or
40 required under the Act; and collect resource data, sample
41 or monitor at reasonable times, for the purposes of
42 ensuring compliance or as otherwise authorized by the
43 appropriate rules and regulations of the Department, any
44 substances or parameters at any location.

45
46 (ii) The Director shall render a decision on the
47 proposed permit within thirty (30) days after completion
48 of the notice period if no hearing is requested. If a

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

11
12 ~~_____ (iii) _____ The operator shall notify the~~
13 ~~administrator as soon as construction has been completed.~~
14 ~~A construction inspection shall be conducted within ninety~~
15 ~~(90) days of the notification.~~

16
17 (e) Permit renewal applications:

18
19 (i) In addition to the following requirements,
20 permit renewal applications are subject to the application
21 procedures set forth in subsection (b), (c), and (d) of
22 this section.

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

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

46
47 (iv) Three (3) complete paper copies and one (1)
48 complete electronic copy of the permit renewal application

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

15
16 ~~———— (v) A renewal inspection shall be conducted~~
17 ~~within sixty (60) days after the application is determined~~
18 ~~complete and technically adequate.~~

19 (f) Renewal permit issuance:

20
21 (i) Renewal permits are issued pursuant to
22 subsection (d) of this section.

23
24 (ii) The term of the renewal permit shall be as
25 specified in the applicable chapter of these rules and
26 regulations.

27
28 (g) Closure permit applications:

29
30 (i) In addition to the following requirements,
31 closure permit applications are subject to the application
32 procedures set forth in subsection (b), (c), and (d) of
33 this section.

34
35 (ii) The operator shall provide the
36 Administrator with a closure permit application if
37 required by the applicable chapter of these rules and
38 regulations in accordance with the time frames specified
39 therein.

40
41 (iii) Anticipated closure: The operator
42 of a facility with a valid permit ~~on the effective date of~~
43 ~~these regulations, or a valid permit or renewal permit~~
44 ~~issued under Section 2(d) or Section 2(f) of this chapter,~~
45 shall submit a closure permit application to the
46 Administrator no less than twelve (12) months prior to the
47 anticipated facility closure.

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

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

25
26 (h) Closure permit issuance:

27
28
29 (i) Closure permit issuance: Closure permits
30 are issued pursuant to subsection (d) of this section.

31
32 ~~—————(ii) Upon completion of closure activities, the~~
33 ~~operator shall provide a certification from a registered~~
34 ~~professional engineer confirming that the provisions of~~
35 ~~the closure plan have been carried out and that the~~
36 ~~facility has been closed in compliance with the closure~~
37 ~~standards specified in these rules and regulations.~~

38
39 (iii) The term of any closure permit shall
40 be set to coincide with the duration of any closure/post-
41 closure maintenance and monitoring period specified in the
42 applicable chapter of these rules and regulations. No
43 renewals of closure permits shall be required.

44
45 (i) Variance application procedure for location
46 standards specified in W.S. 35-11-502(c):

47
48 (i) For solid waste disposal facilities which

1 do not meet the location standards specified in paragraphs
2 (i) through (iv) of W.S. 35-11-502(c), the applicant may
3 apply to the Director for a variance from the standards by
4 submitting a written variance application. The variance
5 application shall contain the following information:

6
7 (A) For proposed facilities which do not
8 meet the location standards for proximity to towns,
9 schools or any occupied dwelling house in W.S. 35-11-
10 502(c)(i) or (ii), the applicant shall:

11
12
13 (I) Present an analysis of additional
14 traffic which would result from the proposed facility, and
15 demonstrate that additional traffic caused by operation of
16 a disposal facility will not pose a safety threat to the
17 public;

18
19 (II) Demonstrate that the operation of
20 the proposed facility will not present odor, dust, litter,
21 insect, noise, health (human and animal) or aesthetic
22 problems, and will not present a public nuisance by its
23 proximity to the town, schools and/or dwellings. This
24 demonstration may be made through analysis of the facility
25 design and operation practices; and

26
27 (III) Provide design features and
28 monitoring specifications used to preclude methane
29 migration from affecting any buildings within one (1) mile
30 of the proposed facility, if the facility is used for the
31 disposal of wastes which may form methane as a
32 decomposition product.

33
34 (B) For proposed facilities which do not
35 meet the location standard for proximity to, and visual
36 screening from, state or federal highways in W.S. 35-11-
37 502(c) (iii), the applicant shall provide information
38 describing how the design and operation of the facility
39 will minimize visual impacts to the highway(s).

40
41 (C) For proposed facilities, excluding
42 incinerators, which do not meet the location standard for
43 proximity to water wells in W.S. 35-11-502(c)(iv), the
44 applicant shall provide:

45
46 (I) A detailed description of the
47 site's geologic and hydrologic characteristics, supported
48 by data from on-site soil borings and groundwater

1 monitoring wells;

2

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

6

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

12

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

19

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

24

25 (I) The proposed size of the facility;

26

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

29

30 (III) The legal description of the
31 property;

32

33 (IV) A detailed description of the
34 facility which includes information on the amount, rate
35 (tons per day), type (including chemical analyses if other
36 than household refuse) and source of incoming wastes, a
37 narrative describing the facility operating procedures,
38 and the estimated site capacity and site life;

39

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

43

44 (VI) A USGS topographic map (scale of
45 1:24,000 or 1: 62,500) which shows the boundaries of the
46 proposed landfill site; and

47

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

4
5 (ii) In granting any variance as provided by
6 this paragraph, the Director shall issue written findings
7 that the variance will not injure or threaten to injure
8 the public health, safety, or welfare. The Director shall
9 only make such a finding if the evidence presented in the
10 application and obtained at a public hearing demonstrates
11 that:

12
13 (A) There are no available alternative
14 locations which meet the location standards ~~for a solid-~~
15 ~~waste management disposal facility~~ to meet the disposal
16 needs of the applicant, within a reasonable distance of
17 the boundary of the service area of the facility;

18
19 (B) It is not possible ~~for the applicant~~
20 to use existing, ~~permitted solid waste management disposal~~
21 facilities owned by another person within a reasonable
22 distance of the boundary of the service area of the
23 facility; and

24
25 (C) Special or unique conditions or
26 circumstances apply to the applicant and justify granting
27 the variance.

28
29 (iii) In granting any variance ~~as provided-~~
30 ~~by this paragraph,~~ the Director shall condition the
31 variance such that it applies only to the facility
32 described in the application. Changes to the facility
33 size, type or source of waste, rate at which waste is
34 received, or any other aspect of the facility ~~as described-~~
35 ~~in paragraph (i)(i)(D)(IV) of this section shall~~ may render
36 the variance invalid as determined by the Director.

37
38 (iv) The Administrator shall review the
39 variance application within ninety (90) days of the
40 receipt of the application. If the application is
41 incomplete and/or technically inadequate, the
42 Administrator shall so advise and state in writing to the
43 applicant the information required. Additional
44 information submitted in response to any deficiency
45 notification shall be reviewed by the Administrator within
46 ninety (90) days.

47
48 (v) If the application is complete and

1 technically adequate the Administrator shall ~~and~~ provide
2 ~~his or her~~ draft findings and recommendations to the
3 Director and the applicant. ~~Director and the applicant~~
4 ~~within ninety (90) days of the date when the variance~~
5 ~~application is received, unless a delay is requested by~~
6 ~~the applicant.~~ The draft findings shall state whether or
7 not the Administrator has found that the variance will not
8 injure or threaten to injure the public health, safety or
9 welfare and the basis for the draft findings.

10
11 (vi) Unless a delay is requested by the
12 applicant, the Director shall schedule a public hearing on
13 the draft findings within forty-five (45) days. Notice of
14 the hearing shall be published at least thirty (30) days
15 prior to the date of the hearing. Notice shall be
16 published once a week for two (2) consecutive weeks in a
17 paper of general circulation within the county where the
18 facility is located. The notice shall contain the
19 identity of the applicant, summary information on the
20 variance application, the location where the public can
21 view copies of the application and the Administrator's
22 review, the Administrator's draft decision regarding
23 granting or denying the variance application, and the
24 date, time and location of the hearing.

25
26 (vii) A public comment period shall begin on
27 the first date of publication and shall end at the
28 conclusion of the hearing. The Director shall make a
29 final decision regarding the variance within sixty (60)
30 days from the date of the hearing.

31
32 ~~———— (v) Upon issuance of the Administrator's draft~~
33 ~~findings and recommendations, the Administrator shall~~
34 ~~schedule and conduct a hearing on the variance in~~
35 ~~accordance with the procedures specified in W.S. 35-11-~~
36 ~~601. The Director shall make a final decision regarding~~
37 ~~the variance application within sixty (60) days from the~~
38 ~~date of the hearing.~~

39
40 (j) Permit application procedures for low hazard
41 ~~and~~ or low volume treatment, processing, storage, and
42 transfer facilities:

43
44 (i) The applicant shall ~~provide the~~
45 ~~Administrator with~~ submit three (3) complete paper copies
46 and one (1) complete electronic copy of the permit
47 application unless an alternative is approved by the
48 Administrator. The application shall be organized in

1 three- ring binders and the information presented in an
2 order that conforms to the order set forth in the
3 applicable sections of these rules and regulations, unless
4 the Administrator approves an alternate format for the
5 organization of the application;

6
7 (ii) The Administrator shall conduct a
8 completeness and technical review of each application
9 submittal within thirty (30) days of receipt of the
10 application. If the Administrator deems the application
11 incomplete and/or technically inadequate, the
12 Administrator shall so advise and state in writing to the
13 applicant the information required;

14
15 (iii) Public notice for low hazard or low
16 volume facilities: For each new low hazard ~~and~~ low
17 volume treatment, processing, storage, and transfer
18 facility permit application or application for a major
19 amendment to an existing facility permit, ~~excluding mobile~~
20 ~~transfer, treatment or storage facilities~~, the
21 Administrator shall issue a proposed permit following
22 completion of the Administrator's permit analysis, unless
23 the permit is denied pursuant to Section 4 of this
24 chapter. Upon receipt of a proposed permit the applicant
25 shall within fifteen (15) days:

26
27 (A) Cause a written notice to be published
28 once a week for two (2) consecutive weeks. If the
29 facility is mobile, notice shall be published in a
30 newspaper of general circulation within the state. If the
31 facility is not mobile, notice shall be published in a
32 newspaper of general circulation within the county where
33 the applicant plans to locate the facility. Specific text
34 of the notice shall be provided to the applicant by the
35 Administrator. The notice shall contain information about
36 the permit application including the identity of the
37 applicant, the proposed facility service area, ~~the~~
38 ~~proposed facility~~ location, if not mobile, ~~and~~ size, the
39 waste types intended for management, the method of waste
40 management, the operating life, and the Administrator's
41 findings. The notice shall identify the period for filing
42 objections to the application;

43
44 (B) If a fixed facility, ~~N~~otify adjacent
45 landowners by first class mail;

46
47 (C) Provide the Administrator
48 documentation that the notice requirements ~~of paragraphs~~

1 ~~(iii)(A) and (B)~~ of this subsection have been followed,
2 including. ~~Documentation shall consist~~ copies of the
3 publisher's affidavits and sworn statement;

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

14
15 ~~————— (A) Cause a written notice to be published~~
16 ~~once a week for two (2) consecutive weeks in a newspaper~~
17 ~~of general circulation within the state. ——— Specific text of~~
18 ~~the notice shall be provided to the applicant by the~~
19 ~~Administrator. The notice shall contain information about~~
20 ~~the permit application including the identity of the~~
21 ~~applicant, the proposed facility service area, the waste~~
22 ~~types intended for management, the method of waste~~
23 ~~management, the operating life, and the Administrator's~~
24 ~~findings. The notice shall identify the period for filing~~
25 ~~objections to the application;~~

26
27 ~~————— (B) Provide the Administrator with~~
28 ~~documentation that the notice requirements of paragraphs~~
29 ~~(iv)(A) of this subsection have been followed. —~~
30 ~~Documentation shall consist of the publisher's affidavits~~
31 ~~and sworn statement;~~

32
33 (iv) The public comment period shall begin on
34 the first day of publication of the notice ~~required in~~
35 ~~paragraphs (iii)(A) or (iv)(A) of this section and shall~~
36 end at 5:00 pm on the thirtieth (30th) day following the
37 last day of publication of the notice;

38
39 (vi) If substantial written objections are
40 received by the Director ~~by 5:00 pm on the thirtieth~~
41 ~~(30th) day following the last date of publication of the~~
42 notice, within the public comment period a public hearing
43 will be held within twenty (20) days after the last day of
44 the public comment period, unless a different schedule is
45 deemed necessary by the Council. The Council or Director
46 shall publish notice of the time, date, and location of
47 the hearing in a newspaper of general circulation in the
48 county where the applicant plans to locate the facility,

1 once a week for two (2) consecutive weeks immediately
2 prior to the hearing. The hearing shall be conducted as a
3 contested case in accordance with the Wyoming
4 Administrative Procedures Act, and right of judicial
5 review shall be afforded as provided in that act.

6
7 (vi) Low hazard or low volume permit or renewal
8 permit issuance: If documentation has been received that
9 the public notice requirements of this section have been
10 met and no substantial objections are received, the
11 Director shall issue a permit or renewal permit within
12 thirty (30) days.

13
14 (vii) The operator of a facility with a
15 valid permit or renewal permit issued under Section 2(j)
16 of this chapter ~~or a valid renewal permit issued under~~
17 ~~Section 2(f) of this chapter~~, shall submit a permit
18 renewal application ~~between 270 and~~ no later than 180 days
19 prior to the expiration of said permit unless a closure
20 permit application has been submitted. The renewal
21 application shall contain the information specified in the
22 applicable chapter of these rules and regulations.

23
24 (viii) Three (3) complete paper copies and
25 one (1) complete electronic copy of the permit renewal
26 application shall be submitted ~~to~~ unless and alternative is
27 approved by the Administrator. The application shall
28 be organized in three ring binders, and the information
29 presented in an order that conforms to the order set forth
30 in the applicable application requirements sections of
31 these rules and regulations, unless the Administrator
32 approves an alternate format for the organization of the
33 application. The applicant shall have the option to
34 submit copies of only the updated and
35 revised portion of the previous application, if the
36 revised and updated pages and drawings are appropriately
37 numbered and dated to facilitate incorporation into the
38 previous permit document and the revisions are clearly
39 identified.

40
41 (k) General Closure Permit for Municipal Solid Waste
42 Landfills

43
44 (i) A general closure permit shall apply to the
45 closure and post closure activities for municipal solid
46 waste landfills with less than thirty (30) acres of
47 municipal solid waste disposal area.

1 (ii) Notice of intent for coverage under a
2 general permit must be accompanied by ~~two~~three (3)
3 complete paper copies and one (1) complete electronic copy
4 of the form, plans, specifications, design data or other
5 pertinent information concerning the project unless an
6 alternative is approved by the Administrator.
7

8 (A) Notice of intent for coverage under a
9 general permit shall be made on forms provided by the
10 Department which require a signature of agreement by the
11 applicant to abide by all conditions of the permit.
12

13 (B) All activities shall meet the
14 standards of Chapter 2 of these regulations.
15

16 (C) All notice of intent for coverage
17 forms shall be prepared under the supervision of a
18 professional engineer licensed in the State of Wyoming.
19 All notice of intent for coverage forms shall be stamped,
20 signed and dated by a professional engineer. In addition,
21 all portions of the notice of intent for coverage which
22 require geological services or work shall be stamped,
23 signed and dated by a professional geologist licensed in
24 the State of Wyoming.
25

26 (iii) All notices of intent for coverage
27 under a general permit shall be processed as follows:
28

29 (A) The Administrator shall review each
30 notice of intent or resubmittal within sixty (60) days
31 from the date the notice of intent or resubmittal is
32 received.
33

34 (B) The Administrator may request
35 additional information if it is determined that the
36 information is inadequate to satisfy the requirements of
37 these regulations.
38

39 (C) The Department shall issue an
40 Authorization of Coverage within thirty (30) days of
41 finding that the notice of intent or resubmittal is
42 complete.
43

44 (D) No closure or post closure activities
45 shall commence until a written Authorization of Coverage
46 under the general closure permit has been received from
47 the Department.
48

1 (iv) Authorizations of Coverage for municipal
2 solid waste landfills shall be issued through the end of
3 the post-closure period specified in Chapter 2, ~~Section~~
4 ~~7(q)~~ of ~~the~~ these regulations and shall be extended until
5 such time when the Administrator determines, upon petition
6 by the operator accompanied by submission of relevant
7 information, that the facility has been adequately
8 stabilized in a manner protective of human health and the
9 environment. Petitions to terminate the post-closure
10 period shall include certification from a Wyoming licensed
11 professional engineer that post-closure care has been
12 completed in compliance with the approved post-closure
13 plan and in a manner protective of human health and the
14 environment. No renewals of Authorizations of Coverage
15 shall be required.

16
17 (v) The general permit shall be developed
18 pursuant to the permit issuance procedures of W.S. 35-11-
19 502(j), (k) and (m).

20
21 Section 3. Permit Amendments and Transfers: This
22 section applies to all permits, renewal permits and
23 closure permits previously described in Chapter 1, Section
24 2, as follows:

25
26 (a) Permit amendments constituting a major change
27 for municipal solid waste landfills shall comply with the
28 requirements of Chapter 2, ~~Section 2(g)~~ of these rules and
29 regulations.

30
31 (b) Permit amendments:

32
33 (i) This subsection applies to minor changes of
34 municipal solid waste landfill permits and to all permit
35 amendments for other solid waste facilities.

36
37 (ii) Unless an alternative is approved by the
38 administrator, the operator shall submit ~~a~~three (3)
39 complete paper copies and one (1) complete electronic copy
40 of the ~~written~~ application, describing the amendments
41 sought, including additional plates and/or drawings as
42 necessary to completely describe the proposed amendment.

43
44 (iii) Within sixty (60) days of receipt of
45 any application for a permit amendment, the Administrator
46 shall conduct a review of the application and provide a
47 written response to the operator. If the amendment is
48 deemed to be complete and demonstrates compliance with

1 applicable standards and constitutes a major change, the
2 public notice and comment period in Chapter 1, Section
3 2(b)(ii) shall commence. If the proposed amendment is
4 determined to be inadequate, the operator shall be
5 required to submit any additional information required by
6 the Administrator, unless there is a basis for denial ~~as~~
7 ~~specified in Chapter 1, Section 4(a).~~

8
9 (iv) All amendments shall comply with the
10 location, design and construction, operating, monitoring,
11 financial assurance and closure standards of the
12 applicable chapter of these rules and regulations.

13
14 (c) Permit transfers:

15
16 (i) An operator shall receive written approval
17 from the Director prior to transfer of any permit
18 authorized by these regulations.

19
20 (ii) Applications for the approval of the
21 transfer of any permit shall be made in writing by the
22 operator. The operator shall submit three (3) complete
23 paper copies and one (1) complete electronic copy of the
24 application unless an alternative is approved by the
25 administrator. The application ~~and~~ shall contain:

26
27 (A) The name, address and telephone number
28 of the legal operator of the facility to whom the permit
29 will be transferred, and, at a minimum, a summary, listing
30 of any administrative order, civil or administrative
31 penalty assessment, bond forfeiture, civil, misdemeanor,
32 or felony conviction, or court proceeding for any
33 violations of any local, state or federal law occurring
34 within a minimum of five (5) years of application
35 submittal relating to environmental quality or criminal
36 racketeering, of the solid waste manager, the applicant,
37 or if the applicant is a partnership or corporation, any
38 partners in the partnership or executive officers or
39 corporate directors in the corporation;

40
41 (B) The name, address and telephone number
42 of the solid waste manager;

43
44 (C) Proposed date of the transfer of the
45 permit;

46
47 (D) Signed and notarized documentation
48 from the new operator indicating that the new operator has

1 agreed to accept and be bound by the provisions of the
2 permit and any amendments, agreed to construct and operate
3 the facility in accordance with the approved plan, and
4 agreed to accept responsibility for the facility's
5 compliance with the standards specified in the applicable
6 chapter of these rules and regulations, including the
7 responsibility to perform corrective actions.

8
9 (iii) The original operator shall retain
10 responsibility for the facility according to the terms of
11 the original permit until the application for permit
12 transfer has been approved by the Director. The new
13 operator may not operate the facility until the permit
14 transfer has been approved.

15
16 Section 4. Permit Denial, Revocation, ~~or~~
17 Modification, or Termination. ~~This section applies to all~~
18 ~~permits, renewal permits and closure permits previously~~
19 ~~described in Chapter 1, Section 2, as follows:~~

20
21 (a) Permit denials: The Director may deny a permit
22 if:

23
24 (i) Permit issuance would conflict with the
25 policy and purpose of the act; or

26
27 (ii) The applicant fails to submit the required
28 information; or

29
30 (iii) The facility history indicates
31 continual noncompliance with these rules and regulations;
32 or

33
34 (iv) The application indicates that the facility
35 would not comply with the location, design and
36 construction, operating, monitoring, closure or post-
37 closure standards as specified in the applicable sections
38 of these regulations; or

39
40 (v) The application misrepresents actual site
41 conditions; or

42
43 (vi) The applicant fails to employ a solid waste
44 manager who meets the qualifications of the applicable
45 chapter of these rules and regulations; or

46
47 (vii) The applicant, or any partners,

1 executive officers, or corporate directors, has been found
2 civilly or criminally liable for violations of
3 environmental quality or criminal racketeering laws or
4 regulations which in the judgment of the Director
5 constitutes evidence that the applicant cannot be relied
6 upon to conduct the operations described in the
7 application in compliance with the act and these rules and
8 regulations.

9
10 (b) Permit revocation:

11
12 (i) The Director may revoke a permit in
13 instances of continual noncompliance, or if it is
14 determined that the permit application misrepresented
15 actual site conditions, or if the continued operation is
16 inconsistent with the policy and purpose of the act.

17
18 (ii) The Director shall notify the operator of
19 his or her intent to revoke the permit. The written
20 notification shall contain the basis for revoking the
21 permit. All permit revocation procedures shall be
22 accomplished in accordance with the requirements of the
23 Wyoming Administrative Procedures Act.

24
25 (iii) The Director may order facility
26 closure following permit revocation. Closure and post-
27 closure activities shall be accomplished in accordance
28 with a plan approved by the Administrator. If a
29 closure/post-closure plan has not been approved, closure
30 and post-closure activities shall be accomplished in
31 accordance with the standards specified in the applicable
32 chapter of these rules and regulations.

33
34 (c) Permit modification: The Director may modify
35 an existing permit by notifying the facility operator in
36 writing. The written notification shall contain the basis
37 for modifying the permit.

38
39 (d) Permit termination:

40
41 (i) Operating, renewal, and closure permit
42 termination:

43
44 (A) Upon completion of closure activities,
45 the operator shall provide a certification, with
46 supporting documentation, from a Wyoming registered
47 professional engineer confirming that the provisions of
48 the closure plan have been carried out and that the

1 facility has been closed in compliance with the closure
2 standards specified in these rules and regulations. The
3 operator shall be notified in writing whether the closure
4 certification is deficient or a written termination of the
5 operating permit shall be issued. Operating permits shall
6 not terminate until written authorization has been
7 provided by the Administrator.

8
9 (ii) Closure permit termination:

10
11 (A) Following the initial minimum post-
12 closure period specified in the applicable chapter of
13 these rules and regulations, the owner or operator may
14 submit a petition to the Administrator requesting
15 termination of the facility's closure permit and post-
16 closure period. Petitions shall include supporting
17 documentation and certification from a Wyoming registered
18 engineer that post-closure care has been completed in
19 compliance with the post-closure plan and in a manner
20 protective of human health and the environment. The
21 operator shall be notified in writing whether the post-
22 closure certification is deficient or a written
23 termination of the closure permit shall be issued.
24 Closure permits shall not terminate until written
25 authorization has been provided by the Administrator.

26
27 (iii) Return of financial assurance: Following
28 permit termination, financial assurance shall be released
29 as prescribed in Chapter 7 of these rules and regulations.

30
31 Section 5. One-Time or Emergency Waste Management
32 Authorizations ~~Permit~~.

33
34 (a) Authorization application procedure:

35
36 (i) This section applies to emergency
37 situations, spilled solid wastes and residues from
38 uncontrolled releases. This section does not apply to
39 the land disposal of municipal solid wastes, mixed wastes,
40 hazardous wastes or actions completed under either a
41 hazardous waste permit or a hazardous waste corrective
42 action order.

43
44 (ii) The Administrator may choose to issue a
45 one-time or emergency waste management authorization in
46 lieu of the permits specified in Chapter 1, Section 2.
47 This type of waste management authorization shall only be
48 considered under the following conditions:

1
2 (A) The proposed waste management activity
3 shall be a single occurrence of limited duration.

4
5 (B) The applicant documents that other
6 waste management and/or reuse options were thoroughly
7 investigated and that no other reasonable alternatives had
8 been identified.

9
10 (C) The proposed waste disposal site would
11 meet the applicable location standards specified in ~~the~~
12 ~~applicable section of~~ Chapter 2, 3, or 4 of these rules
13 and regulations or the proposed waste management site
14 would meet the applicable location standards specified in
15 ~~the applicable section of~~ Chapter 8 of these rules and
16 regulations.

17
18 (D) The proposed waste management activity
19 would not present a significant threat to public health or
20 the environment.

21
22 (E) The waste management activity would
23 result in de minimis impacts which would not warrant the
24 initiation of public participation procedures.

25
26 (F) The total waste disposal area would be
27 no more than one (1) acre.

28
29 (G) The applicant can document that
30 permission has been obtained from the landowner to manage
31 the materials at the proposed waste management location,
32 if that location is not owned by the applicant.

33
34 (H) The applicant commits to promptly
35 record a notarized notice with the county clerk, in the
36 county where the facility is located, which adequately
37 describes the location, nature and extent of any waste
38 disposal activity.

39
40 (iii) Three (3) complete paper copies and
41 one complete electronic copy of the waste management
42 authorization request shall be submitted ~~to~~ unless an
43 alternative is approved by the Administrator. The
44 request shall be organized in a three ring binder and the
45 information presented in an order that conforms to the
46 relevant application requirements section of these rules
47 and regulations, unless the Administrator approves an
48 alternate format for the organization of the request.

1
2 (iv) The waste management authorization request
3 shall document compliance with the conditions specified in
4 subsection (a)(ii) of this section allowing for the
5 Administrator's consideration of a one-time or emergency
6 waste management authorization. The request shall
7 contain information adequate to demonstrate compliance
8 with the standards specified in the applicable chapter of
9 these rules and regulations.

10
11 (v) The waste management authorization request
12 shall be reviewed by the Administrator within ~~twenty~~
13 forty-five (45) days after submission.

14
15 (b) Authorization issuance:

16
17 (i) The Administrator may deny a one-time or
18 emergency waste management authorization for any of the
19 reasons specified in Section 4(a) of this Chapter. The
20 Administrator may also deny a one-time or emergency waste
21 management authorization if it is determined that the
22 proposed waste management activity would not be subject to
23 the provisions described in subsections (a)(i) and (a)(ii)
24 of this section.

25
26 (ii) If the waste management authorization
27 request is determined to be complete and the request
28 demonstrates compliance with the standards in the relevant
29 application requirements section, a waste management
30 authorization will be granted by the Administrator.

31
32 (iii) The operator shall notify the
33 Administrator following completion of authorized waste
34 management activities. This notification shall be
35 accompanied by site photographs adequate to demonstrate
36 the site conditions following closure.

37
38 (iv) The term of the waste management
39 authorization shall be no longer than one (1) year unless,
40 for good cause, the Administrator approves additional
41 time.