

# DRAFT PROPOSED RULES

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID AND HAZARDOUS WASTE DIVISION

HAZARDOUS WASTE MANAGEMENT

CHAPTER 6

PERMIT MODIFICATION, REVOCATION  
AND REISSUANCE, OR TERMINATION

2007

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID AND HAZARDOUS WASTE DIVISION

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**Bold = State added language**    ^ = Federal Language deleted

DEPARTMENT OF ENVIRONMENTAL QUALITY  
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PERMIT MODIFICATION, REVOCATION  
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- 124.5/Subpart A Section 1. PERMIT MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION PROCEDURES.
- 124.5 (a) MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS.
- 124.5(a) (i) ^ Permits ^ may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in ^ Section 2(b) or Section 2(d) of this Chapter. All requests shall be in writing and shall contain facts or reasons supporting the request.
- 124.5(b) (ii) If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Director may be informally appealed to the ^ **Environmental Quality Council**. **An appeal may be taken in accordance with Article 10 of the Act and the provisions of the Wyoming Administrative Procedures Act.**
- 124.5(c)(1) (iii) ^ If the Director tentatively decides to modify or revoke and reissue a permit under ^ Section 2(b) or Section 2(c)(iii) of this Chapter, he or she shall:
- 124.5(c)(1) (A) Prepare a draft permit under Chapter 3, Section 1(c) of these rules and regulations incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.
- 124.5(c)(2) (B) In a permit modification under Section 1(a) of this Chapter, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under Section 1(a) of this Chapter, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
- 124.5(c)(3) (C) ^ "Classes 1 and 2 modifications" as defined

in Sections 2(c)(i) and 2(c)(ii) of this Chapter are not subject to the requirements of Section 1(a) of this Chapter.

124.5(d) (iv) ^ If the Director tentatively decides to terminate a permit under ^ Section 2(d) of this Chapter, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under Chapter 3, Section 1(c) of these rules and regulations.^

(v) **All permit termination procedures shall be accomplished in accordance with the requirements of the Wyoming Administrative Procedures Act.**

(vi) **The Department may order facility closure following permit termination. Closure and post-closure activities shall be accomplished in accordance with a plan approved by the department. If a closure/post-closure plan has not been approved, closure and post-closure activities shall be accomplished in accordance with the standards specified in Chapter 5 and either Chapter 10 or Chapter 11 of these rules and regulations.**

124.5(e) (vii) **Reserved.^ ~~{EPA permits}~~**

124.5(f) (viii) **Reserved.^ ~~{404 permits}~~**

124.5(g) (ix) **Reserved.^ ~~{PSD permits}~~**

270/Subpart D Section 2. CHANGES TO PERMITS.

270.40 (a) TRANSFER OF PERMITS.

270.40(a) (i) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under Section 2(a)(ii) or 2(b)(ii)(B) of this Chapter) to identify the new permittee and incorporate such other requirements as may be necessary under ^ **these rules and regulations.**

270.40(b) (ii) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the Director in accordance with Section 2(c) of this Chapter. **The Director shall not approve transfer of ownership or operational control to any person unless the Director determines that such person meets the qualifications for owners and operators in Chapter 10, Sections 2(j) and 2(k) of these rules and regulations.** The new owner or operator must submit a revised permit application no later than ninety (90) days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Director. **The written agreement must also contain signed and notarized documentation from the new operator indicating that the new operator has agreed to accept and be bound by the provisions of the permit and any amendments, agreed to construct and operate the facility in accordance with the approved plan, and agreed to accept responsibility for the facility's compliance with the standards specified in the applicable Chapters of these rules and**

**regulations, including the responsibility to perform corrective actions.** When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of Chapter 5 (Financial Requirements) of these rules and regulations for permitted facilities until the new owner or operator has demonstrated that he or she is complying with the requirements of Chapter 5. The new owner or operator must demonstrate compliance with Chapter 5 requirements within six (6) months of the date of the change in ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with Chapter 5, the Director shall notify the old owner or operator that he or she no longer needs to comply with Chapter 5 as of the date of demonstration.

270.41 (b) Modification or revocation and reissuance of permits. When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, (see Chapter 4, Section 1(a) of these rules and regulations, receives a request for revocation and reissuance under Section 1(a) of this Chapter or conducts a review of the permit file) he or she may determine whether one or more of the causes listed in Sections 2(b)(i) and 2(b)(ii) of this Chapter for modification, or revocation and reissuance or both exists. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of Section 2(b)(iii) of this Chapter, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See Section 1(a)(iii)(B) of this Chapter.) If cause does not exist under Section 2(b) of this Chapter, the Director shall not modify or revoke and reissue the permit, except on request of the permittee. If a permit modification is requested by the permittee, the Director shall approve or deny the request according to the procedures of Section 2(c) of this Chapter. Otherwise, a draft permit must be prepared and other procedures in Chapter 3, Section 1 and Chapter 6, Section 1 followed.

270.41(a) (i) Causes for modification. The following are causes for modification but not revocation and reissuance of permits; the following may be causes for revocation and reissuance, as well as modification, when the permittee requests or agrees.

270.41(a)(1) (A) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

270.41(a)(2) (B) Information. The Director has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

270.41(a)(3) (C) New statutory requirements or regulations. The standards or regulations on which the permit was based have been

changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.

270.41(a)(4) (D) Compliance schedules. The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

270.41(a)(5) (E) Notwithstanding any other provision in Section 2(b) of this Chapter, when a permit for a land disposal facility is reviewed by the Director under Chapter 4, Section 2(a)(iv) of these rules and regulations, the Director shall modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in Chapter 1, Sections 1(a) through (g) and Section 3; Chapters 2 through 11; and Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations.

270.41(b) (ii) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

270.41(b)(1) (A) Cause exists for termination under Section 2(d) of this Chapter, and the Director determines that modification or revocation and reissuance is appropriate.

270.41(b)(2) (B) The Director has received notification (as required in the permit, see Chapter 4, Section 1(a)(xii)(C) of these rules and regulations) of a proposed transfer of the permit.

270.41(c) (iii) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

270.42 (c) PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE.

270.42(a) (i) Class 1 modifications.

270.42(a)(1) (A) Except as provided in Section 2(c)(i)(B) of this Chapter, the permittee may put into effect Class 1 modifications listed in Appendix A of this Chapter under the following conditions:

...(i) (I) The permittee must notify the Director concerning the modification by certified mail or other means that establish proof of delivery within seven (7) calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by Chapter 3, Sections 2(d) through (l); Chapter 7, Sections 1(c) and (d) of these rules and regulations.

...(ii) (II) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the Director in accordance with Chapter 3, Section

1(g)(iii)(A)(IX) of these rules and regulations, and the appropriate units of State and local government, as specified in Chapter 3, Section 1(g)(iii)(A)(X). This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior Director approval, the notification must be made within 90 calendar days after the Director approves the request.

...(iii) (III) Any person may request the Director to review, and the Director may for cause reject, any Class 1 modification. The Director must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

270.42(a)(2) (B) Class 1 permit modifications identified in Appendix A of this Chapter by an asterisk may be made only with the prior written approval of the Director.

270.42(a)(3) (C) For a Class 1 permit modification, the permittee may elect to follow the procedures in Section 2(c)(ii) of this Chapter for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the Director of this decision in the notice required in Section 2(c)(ii)(A) of this Chapter.

270.42(b) (ii) Class 2 modifications.

270.42(b)(1) (A) For Class 2 modifications, listed in Appendix A of this Chapter, the permittee must submit a modification request to the Director that:

...(i) (I) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

...(ii) (II) Identifies that the modification is a Class 2 modification;

...(iii) (III) Explains why the modification is needed; and

...(iv) (IV) Provides the applicable information required by Chapter 3, Sections 2(d) through (l); Chapter 7, Sections 1(c) and (d) of these rules and regulations.

270.42(b)(2) (B) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in Chapter 3, Section 1(g)(iii)(A)(X) of these rules and regulations and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven (7) days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication. The notice must include:

...(i) (I) Announcement of a sixty (60) day

comment period, in accordance with Section 2(c)(ii)(E) of this Chapter, and the name and address of a Department contact to whom comments must be sent:

- ...(ii) (II) Announcement of the date, time, and place for a public meeting held in accordance with Section 2(c)(ii)(D) of this Chapter;
  - ...(iii) (III) Name and telephone number of the permittee's contact person;
  - ...(iv) (IV) Name and telephone number of a Department contact person;
  - ...(v) (V) Location where copies of the modification request and any supporting documents can be viewed and copied; and
  - ...(vi) (VI) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Department contact person."
- 270.42(b)(3) (C) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- 270.42(b)(4) (D) The permittee must hold a public meeting no earlier than fifteen (15) days after the publication of the notice required in Section 2(c)(ii)(B) of this Chapter and no later than fifteen (15) days before the close of the sixty (60) day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- 270.42(b)(5) (E) The public shall be provided sixty (60) days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Department contact identified in the public notice.
- (F) Permit decisions
- 270.42(b)(6)(i) (I) No later than ninety (90) days after receipt of the notification request, the Director must:
- ...(i)(A) (1.) Approve the modification request, with or without changes, and modify the permit accordingly;
  - ...(i)(B) (2.) Deny the request;
  - ...(i)(c) (3.) Determine that the modification request must follow the procedures in Section 2(c)(iii) of this Chapter for Class 3 modifications for the following reasons:
    - ...(i)(C)(1) a. There is significant public concern about the proposed modification; or
    - ...(i)(C)(2) b. The complex nature of the change requires the more extensive procedures of Class 3.



- ... (i)(D) (4.) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty (180) days, or
- ... (i)(E) (5.) Notify the permittee that he or she will decide on the request within the next thirty (30) days.
- ... (ii) (II) If the Director notifies the permittee of a thirty (30) day extension for a decision, the Director must, no later than one hundred twenty (120) days after receipt of the modification request:
- ... (ii)(A) (1.) Approve the modification request, with or without changes, and modify the permit accordingly;
- ... (ii)(B) (2.) Deny the request; or
- ... (ii)(C) (3.) Determine that the modification request must follow the procedures in Section 2(c)(iii) of this Chapter for Class 3 modifications for the following reasons:
- ... (ii)(C)(1) a. There is significant public concern about the proposed modification; or
- ... (ii)(C)(2) b. The complex nature of the change requires the more extensive procedures of Class 3.
- ... (ii)(D) (4.) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty (180) days.
- ... (iii) (III) If the Director fails to make one of the decisions specified in Section 2(c)(ii)(F)(II) of this Chapter by the one hundred twentieth (120th) day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to one hundred eighty (180) days, without formal department action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of Chapter 5 and Chapter 11, Section 1 and Sections 4 through 31 of these rules and regulations. If the Director approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in Sections 2(c)(ii)(F)(I), (II), or (III) of this Chapter, such action cancels the temporary or automatic authorization.
- ... (iv)(A) (IV) In the case of an automatic authorization under Section 2(c)(ii)(F)(III) of this Chapter, or a temporary authorization under Section 2(c)(ii)(F)(I)(4.) or 2(c)(ii)(F)(II)(4.) of this Chapter, if the Director has not made a final approval or denial of the modification request by the date fifty (50) days prior to the end of the temporary or automatic authorization:
- ... (iv)(A) (1.) The permittee must within seven (7) days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons

who submitted written comments on the modification request, that:

- ... (iv)(A)(1) a. The permittee has been authorized temporarily to conduct the activities described in the permit modification request, and
- ... (iv)(A)(2) b. Unless the Director acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.
- ... (iv)(B) (2.) If the owner/operator fails to notify the public by the date specified in Section 2(c)(ii)(F)(IV)(1.) of this Chapter, the effective date of the permanent authorization will be deferred until fifty (50) days after the owner/operator notifies the public.
- ... (v) (V) Except as provided in Section 2(c)(ii)(F)(VII) of this Chapter, if the Director does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 2(b) or 2(c) of this Chapter. The activities authorized under Section 2(c)(ii) of this Chapter must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of Chapter 5 and Chapter 11, Section 1 and Sections 4 through 31 of these rules and regulations.
- ... (vi) (VI) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Director must consider all written comments submitted to the Department during the public comment period and must respond in writing to all significant comments in his or her decision.
- ... (vii) (VII) With the written consent of the permittee, the Director may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.
- 270.42(b)(7) (G) The Director may deny or change the terms of a Class 2 permit modification request under Sections 2(c)(ii)(F)(I) through (III) of this Chapter for the following reasons:
  - ... (i) (I) The modification request is incomplete;
  - ... (ii) (II) The requested modification does not comply with the appropriate requirements of Chapter 5 and Chapter 10 of these rules and regulations or other applicable requirements; or
  - ... (iii) (III) The conditions of the modification fail to protect human health and the environment.
- 270.42(b)(8) (H) The permittee may perform any construction associated with a Class 2 permit modification request beginning sixty

(60) days after the submission of the request unless the Director establishes a later date for commencing construction and informs the permittee in writing before day sixty (60).

270.42(c) (iii) Class 3 modifications.

270.42(c)(1) (A) For Class 3 modifications listed in Appendix A of this Chapter, the permittee must submit a modification request to the Director that:

...(i) (I) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

...(ii) (II) Identifies that the modification is a Class 3 modification;

...(iii) (III) Explains why the modification is needed; and

...(iv) (IV) Provides the applicable information required by Chapter 3, Sections 2(d) through (m); and Chapter 7, Sections 1(c), (d), and (g) of these rules and regulations.

270.42(c)(2) (B) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Director and to the appropriate units of State and local government as specified in Chapter 3, Section 1(g)(iii)(A)(X) of these rules and regulations and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven (7) days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication. The notice must include:

...(i) (I) Announcement of a 60 day comment period, and a name and address of a Department contact to whom comments must be sent;

...(ii) (II) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with Section 2(c)(iii)(D) of this Chapter;

...(iii) (III) Name and telephone number of the permittee's contact person;

...(iv) (IV) Name and telephone number of a Department contact person;

...(v) (V) Location where copies of the modification request and any supporting documents can be viewed and copied; and

...(vi) (VI) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Department contact person."

270.42(c)(3) (C) The permittee must place a copy of the permit

modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

270.42(c)(4) (D) The permittee must hold a public meeting no earlier than fifteen (15) days after the publication of the notice required in Section 2(c)(iii)(B) of this Chapter and no later than fifteen (15) days before the close of the sixty (60) day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

270.42(c)(5) (E) The public shall be provided at least sixty (60) days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the Department contact identified in the notice.

270.42(c)(6) (F) After the conclusion of the sixty (60) day comment period, the Director must grant or deny the permit modification request according to the permit modification procedures of Chapter 3, Section 1 and Chapter 6, Section 1 of these rules and regulations. In addition, the Director must consider and respond to all significant written comments received during the sixty (60) day comment period.

270.42(d) (iv) Other modifications.

270.42(d)(1) (A) In the case of modifications not explicitly listed in Appendix A of this Chapter, the permittee may submit a Class 3 modification request to the Department, or he or she may request a determination by the Director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the Department with the necessary information to support the requested classification.

270.42(d)(2) (B) The Director shall make the determination described in Section 2(c)(iv)(A) of this Chapter as promptly as practicable. In determining the appropriate class for a specific modification, the Director shall consider the similarity of the modification to other modifications codified in Appendix A of this Chapter and the following criteria:

...(i) (I) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Director may require prior approval.

...(ii) (II) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to,

...(ii)(A) (1.) Common variations in the types and quantities of the wastes managed under the facility permit,

...(ii)(B) (2.) Technological advancements, and



likely to be taken on a modification request:

- ...(ii)(A) (1.) To facilitate timely implementation of closure or corrective action activities;
  - ...(ii)(B) (2.) To allow treatment or storage in tanks or containers, or in containment buildings in accordance with Chapter 13 of these rules and regulations;
  - ...(ii)(C) (3.) To prevent disruption of ongoing waste management activities;
  - ...(ii)(D) (4.) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
  - ...(ii)(E) (5.) To facilitate other changes to protect human health and the environment.
- 270.42(e)(4) (F) A temporary authorization may be reissued for one additional term of up to one hundred eighty (180) days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:
- ...(i) (I) The reissued temporary authorization constitutes the Director's decision on a Class 2 permit modification in accordance with Section 2(c)(ii)(F)(I)(4.) or 2(c)(ii)(F)(II)(4.) of this Chapter, or
  - ...(ii) (II) The Director determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of Section 2(c)(iii) of this Chapter are conducted.
- 270.42(f) (vi) Public notice and appeals of permit modification decisions.
- 270.42(f)(1) (A) The Director shall notify persons on the facility mailing list and appropriate units of State and local government within ten (10) days of any decision under Section 2(c) of this Chapter to grant or deny a Class 2 or 3 permit modification request. The Director shall also notify such persons within ten (10) days after an automatic authorization for a Class 2 modification goes into effect under Sections 2(c)(ii)(F)(III) or (V) of this Chapter.
- 270.42(f)(2) (B) The Director's decision to grant or deny a Class 2 or 3 permit modification request under Section 2(c) of this Chapter may be appealed under the permit appeal procedures of Chapter 3, Section 1(p) of these rules and regulations.
- 270.42(f)(3) (C) An automatic authorization that goes into effect under Section 2(c)(ii)(F)(III) or (V) of this Chapter may be appealed under the permit appeal procedures of Chapter 3, Section 1(p) of these rules and regulations; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the appeal has been granted pursuant to Chapter 3, Section 1(p) of these rules and regulations, notwithstanding the

provisions of Chapter 3, Section 1(1)(ii) of these rules and regulations.

270.42(g) (vii) Newly regulated wastes and units.

270.42(g)(1) (A) The permittee is authorized to continue to manage wastes listed or identified as hazardous under Chapter 2 of these rules and regulations, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

...(i) (I) The unit was in existence **and has a state permit issued under Articles 2, 3, 4 or 5 of the Act** as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

...(ii) (II) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

...(iii) (III) The permittee is in compliance with the applicable standards of Chapter 5; Chapter 11, Section 1 and Sections 4 through 31; and Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations;

...(iv) (IV) The permittee also submits a complete Class 2 or 3 modification request within one hundred eighty (180) days of the effective date of the rule listing or identifying the waste, or subjecting the unit to **state hazardous waste management standards**;

...(v) (V) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of Chapter 5 and Chapter 11, Section 1 and Sections 4 through 31 of these rules and regulations for groundwater monitoring and financial responsibility on the date twelve (12) months after the effective date of the rule identifying or listing the waste as hazardous or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, he or she will lose authority to operate under Section 2(c) of this Chapter.

270.42(g)(2) (B) New wastes or units added to a facility's permit under Section 2(c)(vii) of this Chapter do not constitute expansions for the purpose of the twenty-five percent (25%) capacity expansion limit for Class 2 modifications.

270.42(h) (viii) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:

(A) The facility was in existence as a hazardous waste facility, and the facility was already permitted to handle the waste military munitions, on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

(B) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

(C) The permittee submits a complete Class 2 modification request within 180 days of the date when the waste military munitions became subject to hazardous waste regulatory requirements.

270.42(i) ~~(viii)~~ (ix) Permit modification list. The Director must maintain a list of all approved permit modifications and must publish a notice once a year in a Statewide newspaper that an updated list is available for review.

270.42(j) (x) Combustion facility changes to meet Chapter 5, Section 3 of the Air Quality Standards and Regulations. The following procedures apply to hazardous waste combustion facility permit modifications requested under Appendix A of this Chapter, Section L(9).

270.42(j)(1) (A) Facility owners or operators must comply with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1211 which are incorporated into Chapter 5, Section 3 of the Air Quality Standards and Regulations before a permit modification can be requested under this Section.

270.42(j)(2) (B) The Director shall respond to the request within 90 days of receiving it. ^ The Director may, at his or her discretion, extend this 90 day deadline one time for up to 30 days by notifying the facility owner or operator.

[NOTE: Section 2(c)(x) is proposed for adoption to incorporate rules which were added to the federal rules by 63 FR 33782 (June 19, 1998 - Hazardous waste combustors). Hazardous Waste Combustors subject to RCRA and the Clean Air Act permitting requirements must make changes to permits to comply with new Clean Air Act, Maximum Achievable Control Technology (MACT) within the three year period required by federal regulation. There are currently no hazardous waste combustors in the State of Wyoming.

The federal rule states that any RCRA permit modification to comply with the MACT standards is presumed approved if the EPA Regional Administrator does not respond to the request for a permit modification within ninety (90) days. However, during the September 8, 2003 Water and Waste Advisory Board meeting, the WDEQ and Board members discussed this default approval provision and the Board voted to revise this proposed rule by indicating that the WDEQ Director shall be required to *respond* within ninety (90) days.

This rule provision is presumed to be more stringent than the counterpart federal rule. However, the authority to adopt this rule is provided by W.S. 35-11-503(a)(v)(A).]

270.43 (d) PERMIT TERMINATION.

270.43(a) (i) The following are causes for terminating a permit



during its term, or for denying a permit renewal application:

- 270.43(a)(1) (A) Noncompliance by the permittee with any condition of the permit;
- 270.43(a)(2) (B) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
- 270.43(a)(3) (C) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
- (D) **If the continued operation is inconsistent with the policy and purposes of the Act.**
- 270.43(b) (ii) Procedures. The Director will follow the applicable procedures in Chapter 3, Section 1, and Chapter 6, Section 1 of these rules and regulations in terminating any permit under Section 2(d) of this Chapter.

Appendix A - Classification of Permit Modification

Modifications	Class
A. General Permit Provisions	
1. Administrative and informational changes.....	1
2. Correction of typographical errors.....	1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)....	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance.....	1
b. Other changes.....	2
5. Schedule of compliance:	
a. Changes in interim compliance dates, with prior approval of the Director.....	1 <sup>(1)</sup>
b. Extension of final compliance date.....	3
6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Director.....	1 <sup>(1)</sup>
7. Changes in ownership or operational control of a facility, provided the procedures of Section 2(a)(ii) of this Chapter are followed.....	1 <sup>(1)</sup>
B. General Facility Standards	
1. Changes to waste sampling or analysis methods:	
a. To conform with agency guidance or regulations.....	1
b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.....	1
c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.....	1 <sup>(1)</sup>

Modifications	Class
2. Changes to analytical quality assurance/control plan:	
a. To conform with department [agency] guidance or regulations.....	1
b. Other changes.....	2
3. Changes in procedures for maintaining the operating record.....	1
4. Changes in frequency or content of inspection schedules.....	2
5. Changes in the training plan:	
a. That affect the type or decrease the amount of training given to employees.....	2
b. Other changes.....	1
6. Contingency plan:	
a. Changes in emergency procedures (i.e., spill or release response procedures)...	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.....	1
c. Removal of equipment from emergency equipment list.....	2
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.....	1
7. Construction quality assurance plan:	
a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.....	1
b. Other changes.....	2

[Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification.]

Modifications

Class

C. Groundwater Protection

- 1. Changes to wells:
  - a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system..... 2
  - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well..... 1
- 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Director..... 1<sup>(1)</sup>
- 3. Changes in statistical procedure for determining whether a statistically significant change in ground-water quality between upgradient and downgradient wells has occurred, with prior approval of the Director. 1<sup>(1)</sup>
- 4. Changes in point of compliance..... 2<sup>(1)</sup>
- 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):
  - a. As specified in the groundwater protection standard..... 3
  - b. As specified in the detection monitoring program..... 2
- 6. Changes to a detection monitoring program as required by Chapter 10, Section 6(i)(viii) of these rules and regulations, unless otherwise specified in this appendix..... 2
- 7. Compliance monitoring program:
  - a. Addition of compliance monitoring program as required by Chapter 10, Sections 6(i)(vii)(D) and 6(j) of these rules and regulations..... 3
  - b. Changes to a compliance monitoring program as required by Chapter 10, Section 6(j)(x) of these rules and regulations, unless otherwise specified in this appendix..... 2

8. Corrective action program:

Modifications	Class
b. Changes to a corrective action program as required by Chapter 10, Section 6(k)(viii) of these rules and regulations, unless otherwise specified in this appendix.....	2
D. Closure	
1. Changes to the closure plan:	
a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Director.....	1 <sup>(1)</sup>
b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the Director.....	1 <sup>(1)</sup>
c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Director.....	1 <sup>(1)</sup>
d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Director.....	1 <sup>(1)</sup>
e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix.....	2
f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under Chapter 10, Section 7(d)(iv) and (v) of these rules and regulations.....	2
2. Creation of a new landfill unit as part of closure.....	3
3. Addition of the following new units to be used temporarily for closure activities:	

	a.	Surface impoundments.....	3
	b.	Incinerators.....	3
Modifications			Class
	d.	Waste piles that comply with Chapter 10 Section 11(a)(iii) of these rules and regulations.....	2
	e.	Tanks or containers (other than specified below).....	2
	f.	Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Director.....	1 <sup>(1)</sup>
	<u>g.</u>	<u>Staging Piles</u> .....	<u>2</u>
E.		Post-Closure	
	1.	Changes in name, address, or phone number of contact in post-closure plan.....	1
	2.	Extension of post-closure care period.....	2
	3.	Reduction in the post-closure care period.....	3
	4.	Changes to the expected year of final closure, where other permit conditions are not changed.	1
	5.	Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.	2
F.		Containers	
	1.	Modification or addition of container units:	
	a.	Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below.....	3
	b.	Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below.....	2

Modifications

Class

- c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in Chapter 13, Section 1(h)(i)(C) of these rules and regulations, with prior approval of the Director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1<sup>(1)</sup>
- 2:
  - a. Modification of a container unit without increasing the capacity of the unit..... 2
  - b. Addition of a roof to a container unit without alteration of the containment system. 1
- 3. Storage of different wastes in containers, except as provided in (F)(4) below:
  - a. That require additional or different management practices from those authorized in the permit..... 3
  - b. That do not require additional or different management practices from those authorized in the permit..... 2

[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]

- 4. Storage of treatment of different wastes in containers:

Modifications	Class
<ul style="list-style-type: none"> <li>a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in Chapter 13, Section 1(h)(i)(C) of these rules and regulations. This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)</li> </ul>	1
<ul style="list-style-type: none"> <li>b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).....</li> </ul>	1 <sup>(1)</sup>
G. Tanks	
<ul style="list-style-type: none"> <li>1. <ul style="list-style-type: none"> <li>a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G(1)(c), G(1)(d), and G(1)(e) below.....</li> </ul> </li> </ul>	3
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G(1)(d) and G(1)(e) below...</li> </ul> </li> </ul>	2
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.....</li> </ul> </li> </ul>	2
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>d. After prior approval of the Director, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.....</li> </ul> </li> </ul>	1 <sup>(1)</sup>



Modifications

Class

- e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in Chapter 13, Section 1(h)(i)(C) of these rules and regulations, with prior approval of the Director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1<sup>(1)</sup>
- 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit..... 2
- 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided.. 1
  - The capacity difference is no more than 1500 gallons,
  - The facility's permitted tank capacity is not increased, and
  - The replacement tank meets the same conditions in the permit.
- 4. Modification of a tank management practice.... 2
- 5. Management of different wastes in tanks:
  - a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in (G)(5)(c) below..... 3
  - b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in (G)(5)(d)..... 2

Modifications

Class

- c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of AUSE of practically available technology that yields the greatest environmental benefit@ contained in Chapter 13, Section 1(h)(i)(C) of these rules and regulations. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028)..... 1<sup>(1)</sup>
- d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]

H. Surface Impoundments

- 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity..... 3
- 2. Replacement of a surface impoundment unit..... 3
- 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system..... 2
- 4. Modification of a surface impoundment management practice..... 2
- 5. Treatment, storage, or disposal of different wastes in surface impoundments:

Modifications	Class
b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.....	2
c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in Chapter 13, Section 1(h)(i)(C) of these rules and regulations, and provided that the unit meets the minimum technological requirements stated in Chapter 13, Section 1(e)(viii)(B) of these rules and regulations. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).....	1
d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in Chapter 13, Section 1(e)(viii)(B) of these rules and regulations, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).....	1
6. Modifications of unconstructed units to comply with Chapter 10, Sections 10(b)(iii), 10(c), 10(d), and 10(g)(iv) of these rules and regulations.....	*1
7. Changes in response action plan:	
a. Increase in action leakage rate.....	3
b. Change in a specific response reducing its frequency or effectiveness.....	3
c. Other changes.....	2

[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]

Modifications

Class

- 1. Modification or addition of waste pile units:
  - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity..... 3
  - b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity..... 2
- 2. Modification of waste pile unit without increasing the capacity of the unit..... 2
- 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit..... 1
- 4. Modification of a waste pile management practice..... 2
- 5. Storage or treatment of different wastes in waste piles:
  - a. That require additional or different management practices or different design of the unit..... 3
  - b. That do not require additional or different management practices or different design of the unit..... 2
- 6. Conversion of an enclosed waste pile to a containment building unit..... 2

[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]

J. Landfills and Unenclosed Waste Piles

- 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity..... 3
- 2. Replacement of a landfill..... 3
- 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system..... 3
- 4. Modification of a landfill unit without changing a liner, leachate collection system,

	leachate detection system, run-off control, or final cover system.....	2
Modifications		Class
5.	Modification of a landfill management practice	2
6.	Landfill different wastes:	
	a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system....	3
	b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.....	2
	c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in Chapter 13, Section 1(h)(i)(C) of these rules and regulations, and provided that the landfill unit meets the minimum technological requirements stated in Chapter 13, Section 1(e)(viii)(B) of these rules and regulations. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and 028).....	1
	d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in Chapter 13, Section 1(e)(viii)(B) of these rules and regulations, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).....	1
7.	Modifications of unconstructed units to comply with Chapter 10, Sections 11(b)(iii), 11(c), 11(d), 11(e)(iii), 13(b)(iii), 13(c), 13(d)(iii) and 13(e) of these rules and regulations.....	*1
8.	Changes in response action plan:	
	a. Increase in action leakage rate.....	3
	b. Change in a specific response reducing	

	its frequency or effectiveness.....	3
	c. Other changes.....	2
Modifications		Class
	[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]	
K. Land Treatment		
1.	Lateral expansion of or other modification of a land treatment unit to increase areal extent	3
2.	Modification of run-on control system.....	2
3.	Modify run-off control system.....	3
4.	Other modifications of land treatment unit component specifications or standards required in permit.....	2
5.	Management of different wastes in land treatment units:	
	a. That require a change in permit operating conditions or unit design specifications.....	3
	b. That do not require a change in permit operating conditions or unit design specifications.....	2
	[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]	
6.	Modification of a land treatment unit management practice to:	
	a. Increase rate or change method of waste application.....	3
	b. Decrease rate of waste application.....	1
7.	Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions.....	2
8.	Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from such crops.....	3

<p>9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to Chapter 10, Section 12(i)(vii)(B) of these rules and regulations..</p> <p>Modifications</p>	<p>3</p> <p>Class</p>
<p>10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.....</p>	<p>3</p>
<p>11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.....</p>	<p>2</p>
<p>12. Changes in background values for hazardous constituents in soil and soil-pore liquid.....</p>	<p>2</p>
<p>13. Changes in sampling, analysis, or statistical procedure.....</p>	<p>2</p>
<p>14. Changes in land treatment demonstration program prior to or during the demonstration..</p>	<p>2</p>
<p>15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Director's prior approval has been received.....</p>	<p>1<sup>(1)</sup></p>
<p>16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Director.....</p>	<p>1<sup>(1)</sup></p>
<p>17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.....</p>	<p>3</p>
<p>18. Changes in vegetative <b>or other supplemental</b> cover requirements for closure.....</p>	<p>2</p>

Modifications

Class

L. Incinerators, Boilers, and Industrial Furnaces:

1. Changes to increase by more than 25% any of the following limits authorized in the permit:  
A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 3
2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 2
3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl<sub>2</sub>, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3
4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The Director may require a new trial burn to demonstrate compliance with the regulatory performance standards..... 2
5. Operating requirements:



Modifications	Class
a. Modification of the limits specified in concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.....	3
b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.....	3
c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.....	2
6. Burning different wastes:	
a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The Director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.....	3
b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit..	2
[Note: See Section 2(c)(vii) of this Chapter for modification procedures to be used for the management of newly listed or identified wastes.]	
7. Shakedown and trial burn:	
a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn.....	2

Modifications	Class
b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Director.....	1 <sup>(1)</sup>
c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Director.....	1 <sup>(1)</sup>
d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Director.....	1 <sup>(1)</sup>
8. Substitution of an alternative type of nonhazardous waste fuel that is not specified in the permit.....	1
<u>9. Technology Changes Needed to meet Standards under Chapter 5, Section 3 of the Air Quality Standards and Regulations (Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), provided the procedures of Section 2(c)(ix) of this Chapter are followed.....</u>	<u>1<sup>(1)</sup></u>
 M. Containment Buildings	
1. Modification or addition of containment building units:	
a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity.....	3
b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity.....	2
2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.....	2
3. Replacement of a containment building with a containment building that meets the same design standards provided:	
a. The unit capacity is not increased. . . .	1

b.	The replacement containment building meets the same conditions in the permit.....	1
Modifications		Class
4.	Modification of a containment building management practice.....	2
5.	Storage or treatment of different wastes in containment buildings:	
a.	That require additional or different management practices.....	3
b.	That do not require additional or different management practices.....	2
N.	Corrective Action:	
1.	Approval of a corrective action management unit pursuant to Chapter 10, Section 18( <del>ac</del> ) of these rules and regulations.....	3
2.	Approval of a temporary unit or time extension for a temporary unit pursuant to Chapter 10, Section 18( <del>bd</del> ) of these rules and regulations.	2
<u>3.</u>	<u>Approval of a staging pile or staging pile operating term extension pursuant to Chapter 10, Section 18(e) of these rules and regulations.....</u>	<u>2</u>

FOOTNOTE: <sup>(1)</sup>Class 1 modifications requiring prior Department approval.