

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

Chapter 6 – Permit Modification, Revocation and Reissuance or Termination

2007 Rule Revision Explanation

Introduction:

The proposed revisions within Chapter 6 are being initiated by changes to federal rules that have been promulgated by the Environmental Protection Agency (EPA) through the Federal Register Notices listed below. Revisions being proposed in this package are comparable to the federal Resource Conservation and Recovery Act (RCRA) regulations. Other revisions are proposed to correct editorial errors.

The authority to revise the rules contained within Chapter 6 is provided by W.S. 35-11-503(d)(i).

Applicable Federal Register Notices:

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

- 1) February 12, 1997, in 62 FR 6622, *Military Munitions Rule: Hazardous Waste Identification and Management, Explosives Emergencies, Manifest Exemption for Transport of Hazardous Waste on Right-of-ways on Contiguous Properties* (hereafter referred to as Military munitions rule);
- 2) June 19, 1998, in 63 FR 33782, *Hazardous Waste Combustors, Revised Standards* (hereafter referred to as Hazardous waste combustors);
- 3) November 30, 1998, in 63 FR 65874, *Hazardous Remediation Waste Management Requirements* (hereafter referred to as HWIR-Media);
- 4) May 16, 2001, in 66 FR 27218, *Storage, Treatment, Transportation and Disposal of Mixed Wastes* (hereafter referred to as Storage, treatment, transportation and disposal of mixed wastes); and
- 5) January 22, 2002, in 67 FR 2961, *Amendments to the Corrective Action Management Rule*.

EXPLANATION FOR PROPOSED REVISIONS

Universal editing guides pertaining to the attached rules:

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

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

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

Editing guides pertaining to proposed changes:

Underline means language proposed to be added.

~~Strikethrough~~ means language proposed for removal.

The numbers in the left margin coincide with the page numbers on the attached pages from Chapter 6.

Changes proposed to Section 1. PERMIT MODIFICATION, REVOCATION AND RE-ISSUANCE OR TERMINATION PROCEDURES.

6-2 Section 1(a)(vii), (viii), and (ix) are proposed for revision to remove text shown in brackets next to the word “Reserved.” The text in the brackets was intended to explain that these rule provisions were related to a specific federal program such as the permits issued by the Army Corps of Engineers under section 404 of the Clean Water Act. However the inclusion of this text has led to confusion. Therefore, the text in the brackets is proposed for deletion.

Changes proposed to Section 2. CHANGES TO PERMITS.

6-4 Section 2(b)(i)(E) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule); and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

6-13 Section 2(c)(vii)(A)(III) is proposed for revision to add a cross-reference to Chapter 12, Sections 19 and 20. These are two new sections (Military Munitions and Conditional Exemptions for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal Terms, respectively) being proposed for inclusion within Chapter 12 in accordance with new federal rules adopted as part of 62 FR 6622, (February 12, 1997 - Military munitions rule);

and 66 FR 27218 (May 16, 2001- Storage, treatment, transportation and disposal of mixed wastes).

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Section 2(c)(viii) is proposed for adoption to incorporate rules which were added to the federal rules by 62 FR 6622, (February 12, 1997 - the Military munitions rule). Original subparagraph (viii) has been renumbered to (ix) to accommodate the insertion of new (viii).

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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).

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Appendix A, at Sections D.3, and N.3, is proposed for revision to incorporate changes which were made to the counterpart Appendix to 40 CFR 270.42 as adopted by 63 FR 33782, (June 19, 1998 - Hazardous waste combustors). Sections N.1. and N.2. are proposed for revision to correct the cross-references to Chapter 10, Section 18. The subsections within Chapter 10, Section 18 were renumbered to accommodate the insertion of new rules added to the federal rules through 67 FR 2962, (January 22, 2002 - *Amendments to the Corrective Action Management Rule*).

6-A-17

Appendix A, at Section L.9 is proposed for revision to incorporate the change made to the counterpart Appendix to 40 CFR 270.42 as adopted by 63 FR 65874, (November 30, 1998 - HWIR-media).