

CHAPTER 1

GENERAL PROVISIONS

Section 1. In General.

(a) Authority: ~~This Chapter is The authority for the rules and regulations promulgated pursuant to the in this chapter is the Wyoming Environmental Quality Act, specifically Wyoming Statute (W.S.) §§ 35-11-101 et seq.503. These regulations are effective immediately upon filing with the Secretary of State.~~

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

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

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

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

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

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

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

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

(D) For an individual, the individual;

(E) For a corporation, the corporation; and

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

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

- 47
48 (A) Which has boundaries that may be ascertained or reasonably
49 inferred;
50
51 (B) In which water stands, flows, or percolates;
52
53 (C) Which is capable of yielding to wells or springs significant
54 quantities of groundwater that may be put to beneficial use; and
55
56 (D) Which is capable of yielding to wells or springs which produce
57 a sustainable volume of more than one-half ~~(1/2)~~ gallon of water per minute.
58
59 (vi) "Asbestos-containing solid wastes" or "asbestos" means solid wastes
60 containing greater than one percent ~~(1%)~~ by weight asbestos in any of the asbestiform
61 varieties of:—chrysotile (serpentine), amosite (cummingtonite, grunerite), crocidolite
62 (riebeckite), anthophyllite, actinolite, or tremolite, and which may be considered friable
63 asbestos.
64
65 (vii) "Buffer zone" means that portion of the solid waste management
66 facility which is not used for waste management activities but is reserved for the placement
67 and operation of monitoring equipment or for preventing public access during specific waste
68 disposal events, such as the disposal of friable asbestos. The fire lane may be within the
69 buffer zone.
70
71 (viii) "Cell" means compacted solid wastes that are enclosed by natural soil
72 or other cover material within a trench, unit, or area-fill in a land disposal facility.
73
74 (ix) "Cease Disposal" for the purposes of the Cease and Transfer Program
75 created pursuant to W.S. §§ 35-11-528 through 532, ~~shall mean~~ ceasing disposal of
76 municipal solid waste.
77
78 (x) "Clean fill" means fill consisting solely of uncontaminated natural soil
79 and rock, hardened asphalt rubble, bricks, and concrete rubble.
80
81 (xi) "Clean wood" means untreated wood which has not been painted,
82 stained, or sealed. Clean wood does not include treated railroad ties, treated posts, paper, or
83 construction/demolition wastes containing non-wood materials.
84
85 (xii) "Closed facility" means a regulated facility at which operations have
86 been properly terminated in accord with an approved facility closure plan on file with the
87 Solid and Hazardous Waste Division or the Water Quality Division and complying with all
88 applicable ~~regulations~~ rules and requirements concerning its stabilization.
89
90 (xiii) "Closure" in the context of a facility means the act of securing and
91 stabilizing a regulated facility pursuant to the requirements of these ~~regulations~~ rules.
92 Closure of an individual unit means securing and stabilizing an individual unit of a facility,

93 including the construction of final cover over disposal units that have reached their permitted
94 capacity and may also be referred to as intermediate or phased reclamation.

95
96 (xiv) "Closure period" means the period of time during which a facility is
97 completing closure. ~~—~~The closure period begins when the facility ceases receipt of wastes.
98 The closure period ends when the Administrator approves certification from a registered
99 professional engineer confirming that the provisions of the closure plan have been carried
100 out and that the facility has been closed in compliance with the closure standards specified in
101 these rules and regulations.

102
103 ~~————— (xv) "Collateral" means as related to self-bonding the actual or constructive~~
104 ~~deposit, as appropriate, with the Director of one or more of the following kinds of property to~~
105 ~~support a self-bond:~~

106
107 ~~————— (A) A perfected, first-lien security interest in real property located~~
108 ~~within the State of Wyoming, in favor of the Wyoming Department of Environmental~~
109 ~~Quality (Department) which meets the requirements of Chapter 7,~~

110
111 ~~————— (B) Securities backed by the full faith and credit of the United~~
112 ~~States government or state government securities acceptable to the Director. These securities~~
113 ~~must be endorsed to the order of, and placed in the possession of the Director, or~~

114
115 ~~————— (C) Personal property located within the state, owned by the~~
116 ~~operator, which in market value exceeds \$1 million per property unit.~~

117
118 (xvi) "Commercial solid waste management facility" means any facility
119 receiving a monthly average greater than ~~five hundred (500)~~ short tons per day of
120 unprocessed household refuse or mixed household and industrial refuse for management or
121 disposal excluding lands and facilities subject to W.S. § 35-11-402(a)(xiii);

122
123 ~~————— (xvii) "Comparative balance sheet" means item amounts from a number of~~
124 ~~the operator's successive yearly balance sheets arranged side by side in a single statement;~~

125
126 ~~————— (xviii) "Comparative income statement" means an operator's income~~
127 ~~statement amounts for a number of successive yearly periods arranged side by side in a~~
128 ~~single statement.~~

129
130 (xvii) "Complete application" means a permit application that the
131 Administrator has determined to contain all the information required to be submitted by the
132 regulations~~rules~~, in sufficient detail to allow a technical review of the information to
133 commence.

134
135 (xvii) "Constituent"; when used in the context of groundwater monitoring,
136 generally means inorganic substances and organic compounds that may be found in
137 groundwater and in particular the constituents that must be monitored in groundwater
138 samples collected under the applicable chapter of the Solid Waste Rules and Regulations.

139
140 (xv~~x~~iii) "Construction/demolition landfill" means a solid waste management
141 facility that accepts only inert construction waste, demolition waste, street sweepings, brush,
142 or other material specifically approved by the Administrator. This excludes garbage,
143 liquids, sludges, friable asbestos, and hazardous or toxic wastes.

144
145 (xi~~x~~xii) "Construction/demolition waste" includes but is not limited to stone,
146 clean and treated wood, concrete, asphaltic concrete, cinder blocks, brick, plaster and metal
147 or other material specifically approved by the Administrator.

148
149 (xxiii) "Container" means any portable device in which a material is stored,
150 transported, treated, disposed of or otherwise handled.

151
152 (xxiv) "Corrective action" means all actions necessary to eliminate the public
153 health threat or environmental threat from a release to the environment of pollutants from an
154 operating or closed regulated facility and to restore the environmental conditions as
155 required.

156
157 (xxiv) "Cover material" means soil or other suitable material that is used to
158 cover compacted solid wastes in a land disposal facility.

159
160 ~~————— (xxvi) "Current assets" means cash and assets that are reasonably expected to~~
161 ~~be realized in cash or sold or consumed within one (1) year or within the normal identified~~
162 ~~operating cycle of the business;~~

163
164 ~~————— (xxvii) "Current liabilities" means debts or other obligations that must be paid~~
165 ~~or liquidated within one (1) year or within the normal identified operating cycle of the~~
166 ~~business. This shall also include dividends payable on preferred stock within one (1) quarter~~
167 ~~if declared, or one (1) year if a pattern of declaring dividends each quarter is apparent from~~
168 ~~the business' past practices;~~

169
170 (xxviii) "Decommissioning" means removing all liquids and accumulated
171 sludges, and cleaning a storage tank for its intended reuse or disposal.

172
173 (xxix) "Disposal" means the discharge, deposit, injection, dumping, spilling,
174 leaking, or placing of any waste material into or on any land or water so that such waste
175 material or any constituent thereof may enter the environment or be emitted into the air or
176 discharged into any waters, including groundwaters.

177
178 (xxv) "Existing facility" means any facility that was receiving solid wastes
179 on or before September 13, 1989.

180
181 (xxvi) "Existing unit" means any municipal solid waste landfill unit receiving
182 solid waste as of October 9, 1993.

183
184 (xxvii) "Facility" means the total contiguous area described in the

185 permit application and which is occupied by any solid waste management area, unit, site,
186 process, or system and the operation thereof including, but not limited to, equipment,
187 buildings, solid waste treatment, storage, transfer, processing, and disposal areas, buffer
188 zones, monitor well systems, fire lanes, working area litter and access fences, systems for the
189 remediation of releases to the environment, and perimeter access control fences. The term
190 "facility" does not include contiguous or noncontiguous lands which may be owned or leased
191 by the applicant which are not disturbed by solid waste management operations and which
192 are external to the contiguous area occupied by the solid waste management area, unit, site,
193 process, or system.

194
195 (xxv~~x~~iii) "Farming and ranching operation" means agricultural
196 operations whose principal function is the growing of crops and the raising of livestock, but
197 does not include large concentrated animal feeding operations (CAFOs) as defined by the
198 Water Quality Rules, Chapter 2, Appendix G and Regulations.

199
200 (xxix~~xv~~) "Final cover" means cover material that is used to completely
201 cover the top of a land disposal facility or unit, including, but not limited to, compacted
202 soils, drainage layers, synthetic membranes, soil-cement admixtures, and topsoils.

203
204 (xxx~~xv~~) "Fire lane" means an area which does not contain combustible
205 materials, including vegetation, and which can be utilized to provide access to firefighting
206 equipment.

207
208 ~~—————(xxxvi) "Fixed assets" means plants and equipment.~~

209
210 (xxxv~~ii~~) "Floodplain" means low land and relatively flat areas adjoining inland
211 and coastal waters, including flood-prone areas of offshore islands that are inundated by the
212 100-year flood.

213
214 (xxxv~~iii~~) "Friable asbestos"; means asbestos that, when dry, can be crumbled,
215 pulverized or reduced to powder by hand pressure, and includes previously nonfriable
216 asbestos after such previously nonfriable asbestos becomes damaged to the extent that when
217 dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

218
219 (xxxiii~~x~~) "Garbage" means any putrescible solid or semi-solid animal
220 ~~and~~ or vegetable waste material resulting from the handling, preparation, cooking, serving
221 and consumption of food.

222
223 (xxxiv~~t~~) "Green waste" means organic plant materials, such as yard
224 trimmings, grass clippings, house and garden plants, tree trimmings, and brush. Green waste
225 does not include other putrescible waste including, but not limited to food waste, animal
226 waste, and manure.

227
228 (xxxv~~iii~~) ~~————~~ "Groundwater" means, in relation to all solid waste facilities
229 except municipal solid waste landfills, water below the land surface in a saturated zone of
230 soil or rock. For municipal solid waste landfills, "groundwater" means any water, including

231 hot water and geothermal steam, under the surface of the land or the bed of any stream, lake,
232 reservoir or other body of surface water, including water that has been exposed to the surface
233 by an excavation such as a pit which:

234
235 (A) Stands, flows or percolates; and

236
237 (B) Is capable of being produced to the ground surface in sufficient
238 quantity to be put to beneficial use.

239
240 (xxxviii)——"Incineration" means the controlled process by which
241 combustible solid wastes are burned and altered to noncombustible gases and other residues.
242 A solid waste incineration facility is considered to be a solid waste management facility.

243
244 (xxxvixiii) "Incorporated city or town" shall mean a "first class city" or a
245 "town" as defined in W.S. § 15-1-101(a).

246
247 (xxxviiiiv) "Industrial landfill" means a solid waste management facility
248 utilizing an engineered method of land disposal primarily for industrial solid waste.

249
250 (xxxliivx) "Industrial solid waste" means solid waste resulting from, or
251 incidental to, any process of industry, manufacturing, mining or development of any
252 agricultural or natural resources.

253
254 (xlvii) "Irrevocable letter of credit" means ~~an engagement, however named or~~
255 ~~described, by a bank made at the request of a customer (the operator and/or financially~~
256 ~~responsible parties for a permit or site), that the issuer will honor drafts or other demands for~~
257 ~~payment from the beneficiary (the State of Wyoming) upon compliance with the conditions~~
258 ~~specified in the letter of credit. The issuing party (a bank) guarantees that it will not~~
259 ~~withdraw the credit or cancel the letter before the expiration date. The customer cannot~~
260 ~~modify, revoke or repeal this letter of credit unless specified by the beneficiary.~~ a negotiated
261 financial instrument that is used to pay a beneficiary issued by a banking institution to
262 guarantee payment.

263
264 (xlvii) "Landfill" means a solid waste management facility for the land burial
265 of solid wastes, utilizing an engineered method of controls to avoid creating a hazard to the
266 public health, the environment, plants, or animals.

267
268 (xlviii) "Lateral expansion" of a facility means the horizontal enlargement of
269 the boundaries of a solid waste management facility. Lateral expansion of a disposal unit
270 means the horizontal enlargement of the permitted waste boundaries of a disposal unit.

271
272 (xliii) "Liabilities" means obligations to transfer assets or provide services to
273 other entities in the future as a result of past transactions including off-balance sheet
274 liabilities.

275
276 (xliiv) "Lower explosive limit (LEL)" means the lowest percent by volume of

277 a mixture of explosive gases in air that will propagate a flame at 25° Celsius and atmospheric
278 pressure.

279

280 (~~xlvi~~) "Low hazard or low volume treatment, processing, storage, and
281 transfer facility" means a solid waste management facility which accepts only solid wastes as
282 described in this subsection. This provision does not apply to facilities whose owner or
283 operator simultaneously owns or operates more than one such solid waste management
284 facility within one-~~(1)~~ mile of each other.

285

286 (A) Mobile transfer, treatment, and storage facilities.

287

288 (B) Clean wood waste storage facilities: Facilities storing clean
289 wood waste in storage piles with a combined base surface area larger than 10,000 square feet
290 or containing greater than 100,000 cubic feet of clean wood waste. So long as ~~C~~clean wood
291 waste at such facilities ~~shall be~~ stored no less than 100 feet from off-site structures, storm
292 water ~~shall be~~ properly managed, and the pile ~~shall~~ does not create a public or private
293 nuisance.

294

295 (C) Solid waste transfer, treatment, storage, and processing
296 facilities: Solid waste transfer, treatment, storage, and processing facilities receiving ~~50~~ fifty
297 cubic yards or less of solid waste per day and occupying no more than ten-~~(10)~~ acres,
298 including a ~~twenty-foot~~ twenty-foot buffer zone within a fenced facility boundary, which
299 individually or in combination manage no more than the specified types and quantities of the
300 following wastes:

301

302 (I) Paper, cardboard, plastic, aluminum cans, glass, and
303 metal, or other nonputrescible municipal solid wastes which may be specifically authorized
304 by the Administrator, for the primary purposes of transfer to a recycling facility or beneficial
305 reuse in a manner approved by the Administrator. This provision applies to the sorting,
306 shredding, grinding, crushing, baling, and storage of these wastes, except CRTs as noted
307 below, prior to transfer to a recycling facility or approved beneficial reuse site; and

308

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

310

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

312

313 (IV) 1,000 scrap tires stored in compliance with standards in
314 Chapter 8 of these rules ~~and regulations~~, if the scrap tires are stored to be recycled,
315 reclaimed, reused, or are destined for disposal at a permitted facility; and

316

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

318

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

321

322 (VII) Household hazardous waste (~~HHW~~) collected no more

323 frequently than quarterly collection days, provided that the ~~HHW~~ household hazardous
324 waste collected is removed from the site and transported to a permitted facility within thirty
325 ~~(30)~~ days of receipt; and

326
327 (VIII) 50 cubic yards of electronic waste, other than CRTs,
328 stored in containers; and

329
330 (IX) 50 cubic yards of CRTs stored intact in containers and
331 kept whole without any shredding, grinding, crushing, or baling. ~~Devices containing CRTs,~~
332 ~~such as televisions and computer monitors, may be disassembled, but the CRTs shall remain~~
333 ~~intact. If inadvertently broken, CRTs must be promptly containerized for proper~~
334 ~~management; and~~

335
336 (X) 500 lead acid batteries, if the batteries are stored in an
337 upright position and are not leaking, for the purpose of transfer to a recycling facility; and

338
339 (XI) 100 cubic yards of construction and demolition waste
340 stored in containers; and

341
342 (XII) 150 cubic yards of mixed solid wastes stored in
343 ~~containers; with and~~ ~~A~~ animal mortality managed at low hazard and low volume solid waste
344 ~~transfer, treatment, storage, and processing facilities shall be managed in mixed municipal~~
345 ~~solid waste or separate containers.~~

346
347 (D) Commercially operated used oil management facilities: Used
348 oil collection centers, aggregation points, transfer facilities, processors, re-refiners, burners,
349 and used oil fuel marketers that store greater than 10,000 gallons of used oil to be recycled or
350 burned for energy recovery, subject to the used oil management requirements contained in
351 the Wyoming Hazardous Waste Rules and Regulations.

352
353 (E) Facilities storing waste, other than construction/demolition
354 waste, for transfer to a recycling facility: Facilities occupying no more than ~~10~~ ten acres and
355 used only for the transfer, treatment, and storage of less than 500 short tons received per day
356 of paper, cardboard, plastic, aluminum cans, glass, metal, clean wood, and other
357 nonputrescible municipal solid wastes which may be specifically authorized by the
358 Administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse
359 in a manner approved by the Administrator. ~~Unless all waste management occurs indoors,~~
360 ~~the facility shall have a twenty foot buffer zone/fire lane within a fenced facility boundary.~~
361 ~~—~~ This provision applies to the sorting, shredding, grinding, crushing, baling, and
362 storage of these wastes prior to transfer to a recycling facility or approved beneficial reuse
363 site. This provision does not apply to facilities that manage scrap tires or CRTs.

364
365 (F) Facilities storing construction/demolition waste for transfer to
366 a recycling facility: ~~—~~ Facilities occupying no more than ~~10~~ ten acres and used only for the
367 transfer, treatment, and storage of less than 500 short tons received per day of
368 construction/demolition waste authorized by the Administrator, for the primary purposes of

369 transfer to a recycling facility or beneficial reuse in a manner approved by the Administrator.
370 ~~Unless all waste management occurs indoors, the facility shall maintain a twenty foot buffer-~~
371 ~~zone/fire lane separating waste from a fenced facility boundary.~~ This provision applies to the
372 sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to
373 a recycling facility or approved beneficial reuse site. This provision applies only if all waste
374 management activities occur either indoors or outdoors in containers. This provision does not
375 apply to scrap tire or electronic waste management facilities.

376
377 (G) Facilities not considered low hazard or low volume: Transfer,
378 treatment, storage, and processing facilities managing wastes or materials having or
379 exhibiting one or more of the following criteria or characteristics are not low hazard and low
380 volume waste management facilities. Exceptions may be granted by the Administrator based
381 on consideration of concentration and volumes of wastes to be managed:

382
383 (I) Toxicity, Carcinogenicity, Ignitability, Flammability,
384 Explosivity, Instability, Corrosivity, Incompatibility;₂

385
386 (II) Special wastes as defined in this subsection;₂

387
388 (III) Medical/infectious wastes, PCB-containing wastes;₂

389
390 (IV) Excluded hazardous wastes as defined in 40 CFR part
391 261, or the Department's Hazardous Waste Rules and Regulations;₂

392
393 (V) Wastes that have the potential to create odor, vector,
394 dust, or other nuisances;₂or

395
396 (VI) Wastes that in the evaluation of the Administrator have
397 a significant potential to impact public health ~~and~~ or the environment, unless the operator of
398 a proposed facility can demonstrate by submittal of a waste analysis and/or characterization
399 plan that the waste treatment, processing, storage, or transfer activity can be considered a
400 low hazard and low volume waste management activity consistent with the Act.

401
402 (xlvii) "Major Change" means a change to any solid waste management
403 facility location, design or construction, or to any operating, monitoring, closure or post-
404 closure activities, involving one or more of the following items:

405
406 (A) The total permitted volumetric capacity of the facility is to be
407 increased by more than five percent ~~(5%)~~;

408
409 (B) The effectiveness of any liner, leachate collection or detection
410 system, gas detection or migration system, or pollution control or treatment system may be
411 reduced; or

412
413 (C) The facility modification will, in the judgment of the
414 Administrator, be likely to alter the fundamental nature of the facility's activities.

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(~~xlvi~~) "Mixed household and industrial refuse" means any mixture of municipal solid wastes, industrial solid wastes, or sludge.

(~~xlvi~~) "Mixed solid waste" means municipal solid waste and industrial solid waste.

(~~xliv~~) "Mobile transfer, treatment and storage facility" means a facility which is mobilized to conduct transfer, treatment or storage of a solid waste at or near the point of generation.

(~~lv~~) "Monitoring" means all procedures and techniques used to systematically collect, analyze and inspect data on operational parameters of the facility or on the quality of the air, groundwater, surface water and soil.

(~~lv~~) "Municipal solid waste" means solid waste resulting from or incidental to residential, community, trade or business activities, including garbage, rubbish, dead animals, abandoned automobiles and all other solid waste other than construction and demolition, industrial or hazardous waste.

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

(~~liii~~) "Municipal solid waste landfill unit" means a discrete area of land or an excavation that receives municipal solid waste and that is not a land application unit, surface impoundment, injection well, or waste pile. A MSWLF unit may also receive other types of Resource Conservation and Recovery Act-~~(RCRA)~~ Subtitle D waste such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Such a landfill unit may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion of an existing MSWLF unit. A construction and demolition landfill that receives residential lead-based paint waste and does not receive any other household waste is not a MSWLF unit.

(~~lv~~) "Net worth" means total assets minus total liabilities including on and off-balance sheet liabilities. ~~and is equivalent to owner's equity.~~

(~~lvxi~~) "New facility" means:

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

(B) Any modification or lateral expansion of an original permit boundary for the purpose of increasing capacity ~~and/or~~ site life by more than five percent-

461 (5%). An incidental facility boundary enlargement for the development of, but not limited to
462 fire lanes, buffer zones, surface water diversion systems, and monitoring systems which are
463 not in conflict with local zoning, land use, and/or land ownership is not considered to be a
464 new facility.

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466 (lvi~~xii~~) "New municipal solid waste landfill unit" means any municipal solid
467 waste landfill unit that did not receive waste prior to October 9, 1993.

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469 (lvix~~iii~~) "Occupied dwelling house" means a permanent building or
470 fixed mobile home that is currently being used on a permanent or temporary basis for human
471 habitation.

472
473 (lxiv~~iii~~) "100-year floodplain" means an area where a flood has a one~~+~~
474 percent (1%) or greater chance of recurring in any given year or a flood of a magnitude
475 equaled or exceeded once in 100 years on the average over a significantly long period.

476
477 (lix~~v~~) "On-site decommissioning" means decommissioning performed within
478 a facility's property boundary.

479
480 (lxvi~~i~~) "Open burning" means uncontrolled burning of solid waste in the
481 open.

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483 (lxiv~~ii~~) "Open dump" means an uncontrolled solid waste management facility
484 at which solid wastes are placed on the land in such a manner that they present a real or
485 potential hazard to public health and the environment. Open dump includes any solid waste
486 management facility subject to the permitting requirements of these rules ~~and regulations~~
487 which does not have a current, valid permit.

488
489 (lxvii~~ii~~) "Operator" means the applicant who has been granted a permit, who
490 may manage and operate the solid waste management facility or who may hire another
491 person, who shall be known as the solid waste manager, for these responsibilities.

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493 ~~(lxix) "Parent corporation" means a United States corporation which owns or~~
494 ~~controls the applicant.~~

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496 (lxiii~~x~~) "Petroleum-contaminated soils" means solid waste consisting of any
497 natural or manmade soil or rock material into which petroleum product has been added,
498 excluding hardened asphalt rubble.

499
500 (lxxiv~~v~~) "Petroleum product" means any crude oil or any liquid petroleum
501 fraction including but not limited to gasoline, diesel fuels, and used and unused motor oils.

502
503 (lxv~~xii~~) "Pile" means any noncontainerized accumulation of solid, nonflowing
504 waste that is used for treatment or storage.

505
506 (lxvii~~ii~~) "Plans" means maps, specifications, drawings and narrative

507 description, prepared to describe the solid waste management facility and its operation.

508

509 (lxivii) "Population"; when used in the context of statistical evaluations of
510 groundwater data, means the total set of all possible concentration measurements for any
511 given constituent.

512

513 (lxxviii) "Post-closure period" means the period of time during which a
514 closed facility is maintained and monitored. The post-closure period begins when the
515 Administrator approves certification from a registered professional engineer confirming that
516 the provisions of the closure plan have been carried out and that the facility has been closed
517 in compliance with the closure standards specified in these rules and regulations. ~~The post-~~
518 ~~closure period ends when the Administrator determines, upon petition by the operator, that~~
519 ~~the facility has been adequately stabilized and that the environmental monitoring or control~~
520 ~~systems have demonstrated that the facility closure is protective of public health and the~~
521 ~~environment consistent with the purposes of the act.~~

522

523 (lxxix) "Principal officer" means an officer described in the bylaws of a
524 corporation or appointed by the board of directors in accordance with the bylaws who serves
525 at least at the level of vice president.

526

527 (lxxxii) "Private industrial solid waste disposal facility" means any industrial
528 solid waste disposal facility used solely for the disposal of solid waste generated by the
529 owner of the facility; where wastes are not transported over public roadways for delivery to
530 the facility; and access by persons other than employees of the facility owner is restricted.

531

532 (lxxxiii) "Processing plant" means a solid waste management facility used or
533 designed to transfer, shred, grind, bale, compost, salvage, separate, reclaim or provide other
534 treatment of solid wastes.

535

536 (lxxxix) "Recycling facility" means a facility where used or waste materials are
537 processed or broken down into raw materials which are then used to make or produce new
538 items or products.

539

540 (lxxxix) "Release" includes, but is not limited to, any spilling, leaking,
541 pumping, pouring, emptying, emitting, discharging, dumping, addition, escaping, leaching,
542 or unauthorized disposal of any oil or hazardous substance which enters, or threatens to
543 enter, waters of the state.

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545 (lxxxiv) "Routine cover" means cover material that is applied to the top
546 and side slopes of compacted solid wastes at the end of each operating day.

547

548 (lxxxvi) "Salvaging" means the controlled removal by the operator or
549 his or her agent of solid waste from a solid waste management facility for the purpose of
550 reuse.

551

552 (lxxxvii) "Sanitary landfill" means a municipal solid waste landfill.

553
554 (lxxxivii)"Scavenging" means the removal by persons other than the operator
555 or his agent of solid wastes from any solid waste management facility.

556
557 (lxxxviii)"Scrap tire" means a tire that is no longer used for its original
558 purpose. ~~One scrap tire equals twenty pounds of scrap tire or processed scrap tire.~~

559
560 (lxxxixvi)"Seismic impact zone" means an area with a ~~ten~~10 percent ~~(10%)~~ or
561 greater probability that the maximum horizontal acceleration in hard rock, expressed as a
562 percentage of the earth's gravitational pull (g), will exceed 0.10g in 250 years.

563
564 (lxxxvii)"Self-bond" means an indemnity agreement in a sum certain made
565 payable to the State, executed by the permittee and/or the parent company or federal agency
566 guarantor and made payable to the state, with or without separate surety. The indemnity
567 agreement is signed by the operator and, if applicable, the operator's ultimate parent
568 guarantor.

569
570 (lxxxviii)"Silviculture waste" means any wood wastes generated during the
571 management and development of forests. This includes but is not limited to all wood wastes
572 that are generated during the operation of a sawmill.

573
574 (lxxxixi)"Sludge" means the accumulated semisolid mixture of solid wastes
575 and water, oils, or other liquids.

576
577 (lxxxiiiæ) "Solid waste manager" means any person designated by the
578 applicant who has primary responsibility for the daily management and operation of the solid
579 waste management facility.

580
581 (lxxxivei)——"Solid waste management unit" means a contiguous area of
582 land on or in which solid waste is placed, or the largest area in which there is significant
583 likelihood of mixing solid waste constituents in the same area of a solid waste management
584 facility. Examples of solid waste management units include a surface impoundment at a solid
585 waste management facility, a waste pile, a land treatment area, a municipal,
586 construction/demolition, or industrial landfill unit, an incinerator, a tank and its associated
587 piping and underlying containment systems at a solid waste management facility and a
588 container storage area. A container alone does not constitute a unit; the unit includes
589 containers and the land or pad upon which they are placed.

590
591 (lxxxevii)——"Solid waste petroleum storage tank" means any underground
592 or aboveground storage tank that has been taken out of service and which contained any -
593 petroleum substance, including but not limited to motor fuels, jet fuels, distillate fuel oils,
594 residual fuel oils, lubricants, petroleum solvents, and used oils.

595
596 (lxxxeviii)——"Special wastes" are those wastes which require special
597 handling as described in Chapter 8 of these rules ~~and regulations.~~

598

599 ~~(lxxxvii)~~—"Storage" means the holding of solid waste for a temporary
600 period, at the end of which time the solid waste is treated, disposed of, or stored elsewhere.
601

602 ~~(lxxxviii)~~ "Storage facility" means any facility that stores solid waste for
603 a temporary period, at the end of which time the solid waste is treated, disposed, or stored
604 elsewhere.
605

606 ~~(lxxxvix)~~ "Surface impoundment" means a facility or part of a facility
607 which is a natural topographic depression, man-made excavation, or diked area formed
608 primarily of earthen materials (although it may be lined with man-made materials), which is
609 designed to hold an accumulation of liquid wastes or wastes containing free liquids, and
610 which is not an injection well. Examples of surface impoundments include, but are not
611 limited to holding, storage, settling, and aeration pits, ponds and lagoons.
612

613 ~~(xcvii)~~ "Tangible net worth" means net worth minus intangibles such as
614 goodwill, patents or royalties.
615

616 ~~(xcviii)~~ "Tank" means a stationary device designed to contain an accumulation
617 of waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel,
618 plastic) that provide structural support and integrity.
619

620 ~~(xcix)~~ "Topsoil" means all surface soil usually including the organic layer in
621 which plants have most of their roots, or in the case where no topsoil is present, the top six
622 ~~(6)~~ inches of in-place native material.
623

624 ~~(xciii)~~ "Transfer of waste" means the temporary holding of solid waste
625 pending transportation of the solid waste for treatment, storage, ~~and~~ or disposal.
626

627 ~~(xciv)~~ "Transfer facility" means any solid waste transportation related
628 facility including loading docks, parking areas, storage areas and ancillary features.
629

630 ~~(xcv)~~ "Treatment" means any method, technique, or process designed
631 to change the physical, chemical, or biological character or composition of any solid waste
632 so as to recover energy or material resources from the waste or so as to render it safer to
633 transport, store, or dispose of, or to make it amenable for recovery, use, or storage, or for
634 reduction in volume. Treatment includes but is not limited to baling, chipping, composting,
635 distilling, incinerating, processing, reconditioning, recovering, recycling, re-refining,
636 reclaiming, and shredding.
637

638 ~~(xcvi)~~ "Treatment facility" means any facility that treats solid waste.
639 Types of treatment facilities include but are not limited to solid waste incinerators, tire
640 shredding/chipping facilities, tire pyrolysis plants, solid waste shredding or baling facilities,
641 drum and barrel reconditioning/recycling facilities, composting facilities, and facilities used
642 to distill, re-refine, recover, recycle, or incinerate used antifreeze, oils or solvents.
643

644 ~~(xcvii)~~ "Ultimate parent guarantor" means an entity not controlled by any

645 other entity and is the topmost responsible entity which owns or controls the operator and is
646 the guarantor for a self-bond.

647
648 (xciviii) "Unprocessed household refuse" means municipal solid wastes
649 which have not been treated, processed, or recycled at a facility subject to the requirements
650 of these rules ~~and regulations~~.

651
652 (xcixv) "Unstable area" means a location that is susceptible to natural or
653 human-induced events or forces capable of impairing the integrity of some or all of the
654 landfill structural components responsible for preventing releases from a landfill. Unstable
655 areas can include poor foundation conditions, areas susceptible to mass movements, and
656 karst terrains.

657
658 (cvi) "Uppermost aquifer" means the geologic formation nearest the natural
659 ground surface that is an aquifer, as well as lower aquifers that are hydraulically connected
660 with this aquifer within the facility's property boundary.

661
662 (cvii) "Used antifreeze" means any antifreeze that has been used and ~~as a~~
663 ~~result of such use is contaminated by physical or chemical impurities. Used antifreeze also~~
664 ~~includes~~ new antifreeze which has not been used for its intended purpose but is being
665 discarded.

666
667 (cviii) "Used oil" means any oil that has been refined from crude oil, or any
668 synthetic oil, that has been used and new oil which has not been used for its intended purpose
669 but is being discarded ~~and as a result of such use is contaminated by physical or chemical~~
670 ~~impurities~~. Used oil does not include animal or vegetable oil.

671
672 (cix) "Used tire" means a tire that cannot be described as new, but which is
673 structurally intact and, for passenger tires, has a tread depth greater than two thirty-seconds
674 (2/32) of an inch. A used tire can be mounted on a vehicle's rim without repair.

675
676 (civx) "Vadose zone" means the unsaturated zone between the land surface
677 and the water table.

678
679 (cxvi) "Vector" means a carrier capable of transmitting a pathogen from one
680 organism to another, including flies, mosquitoes, skunks, or rodents.

681
682 (cxvii) "Waste management unit boundary" ~~F~~for the purpose of establishing a
683 relevant point of compliance for municipal solid waste landfills, "waste management unit
684 boundary" means a vertical surface located at the hydraulically downgradient limit of the
685 municipal solid waste landfill unit. This vertical surface extends down to the uppermost
686 aquifer.

687
688 (cyxiii) "Waste pile" means any noncontainerized accumulation of solid waste
689 used for treatment or storage of solid waste.

690

691 (cxiviii) "Water table" means the seasonally high surface of
692 groundwater which is subject to atmospheric pressure in an unconfined aquifer. Water table
693 does not mean the piezometric surface of a confined aquifer.

694
695 (cixv) "Wetlands" means those areas that are inundated or saturated by
696 surface or groundwater at a frequency and duration sufficient to support, and that under
697 normal conditions do support, a prevalence of vegetation typically adapted for life in
698 saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs
699 and similar areas.

700
701 (cxvi) "Working face" means that portion of the land disposal site where
702 solid wastes are being deposited and are being spread and compacted prior to the placement
703 of cover materials.

704 (c) Permit required for new and existing facilities:

705
706 (i) A permit or a one-time or emergency disposal authorization is
707 required for the location, construction, operation or closure of any new or existing solid
708 waste management facility. All facilities shall be located, designed, constructed, operated
709 and closed in accordance with the permit or disposal authorization issued by the Director or
710 Administrator.

711
712 (ii) A permit or disposal authorization may not be required for the
713 facilities or activities specified in subsection (fg) of this section.

714
715 (iii) Any facility that is regulated under more than one ~~of the permitting~~
716 ~~e~~Chapters of these rules ~~and regulations~~ can apply for and receive a single solid waste
717 management permit if the operator demonstrates compliance with each ~~of the applicable~~
718 ~~e~~Chapters ~~of these rules and regulations~~.

719
720 (d) Recordkeeping, monitoring and reporting requirements:

721
722 (i) Operators of any solid waste management facility, ~~including those~~
723 ~~operators of open dumps,~~ will be required to establish and maintain monitoring equipment
724 or methods, sample effluent discharges or emissions, or provide such other information as
725 may be reasonably required and specified by the Administrator.

726
727 (ii) All records required by these rules ~~and regulations~~ shall be maintained
728 by the operator of the facility for a minimum of three ~~(3)~~ years from the date of recording,
729 except for those records required to be kept through the life and post-closure period of the
730 facility as specified in these rules ~~and regulations~~. All records shall be available for
731 inspection and copying by Department personnel during reasonable business hours. Copies
732 of these records shall be submitted to the Administrator when requested.

733
734 (e) ~~Prohibited acts:~~ The following acts are prohibited:

735
736

- 737 (i) Open dumping;
738
739 (ii) Scavenging and animal feeding at active solid waste management
740 facilities;
741
742 (iii) Dumping bulk liquid wastes at solid waste management facilities
743 unless specifically authorized by the Administrator;
744
745 (iv) Dumping hazardous wastes (other than hazardous wastes generated by
746 residential households and conditionally exempt small quantity waste generators) in any
747 facility other than a facility authorized as a hazardous waste disposal facility by these rules
748 ~~and regulations~~ unless specifically authorized by the Administrator;
749
750 (v) Open burning of any wastes not exempted in subsection ~~(fg)~~ of this
751 section; and
752
753 (vi) ~~No solid wastes shall be s~~Speculatively accumulated of solid
754 wastes at a facility intended for use as a solid waste management facility without a permit.
755
756 ~~(f) Inspections:~~
757 ~~(i) Inspections shall be conducted at the discretion of the Administrator~~
758 ~~and may consist of:~~
759
760 ~~(A) Pre-application inspections;~~
761
762 ~~(B) Preconstruction inspections;~~
763
764 ~~(C) Construction inspections;~~
765
766 ~~(D) Closure, post-closure, and annual operational compliance~~
767 ~~inspections; and~~
768
769 ~~(E) Routine or complaint-related inspections, at the~~
770 ~~Administrator's discretion.~~
771
772 ~~(ii) Neither advance notice nor a waiver of liability shall be required to be~~
773 ~~provided by Department personnel as a condition of entry to any facility for the purpose of~~
774 ~~conducting any solid waste management facility compliance inspection. The operator shall~~
775 ~~allow Department personnel entry to the facility for the purpose of inspection.~~
776
777 ~~(iii) The Administrator shall provide copies of all inspection reports to the~~
778 ~~operator following completion of the inspection.~~
779
780 ~~(iv) The inspection requirements for municipal solid waste landfills with~~
781 ~~lifetime permits are in Chapter 2.~~
782

783 ~~_____ (v) Following any inspection by Department personnel, the operator will~~
784 ~~be notified in writing of any deficiencies within forty five (45) days from the date of the~~
785 ~~inspection unless the Department is waiting to receive additional information from the~~
786 ~~operator.~~

787
788 (f) Exemptions: The Administrator may exempt the following from a permit or
789 any requirement to obtain a waste management authorization under these ~~regulations~~rules,
790 provided that persons engaged in such activities ~~which are otherwise exempted~~ may be
791 required to supply information to the Administrator which demonstrates that the act, practice,
792 or facility is exempt, and shall allow entry of Department inspectors for purposes of
793 verification of such information:

794
795 (i) Auto salvage yards and scrap metal dealers: Baling of used motor
796 vehicles or scrap metals, and operation of metal smelters regulated by the Air Quality
797 Division and storage for sale or reuse of used motor vehicles, motor vehicle parts, or scrap
798 metals at auto salvage yards or scrap metal dealers as authorized under W.S. § 31-13-114,
799 provided that for used oil, used antifreeze, tires, and lead acid batteries the following storage
800 accumulation limits are not exceeded:

801
802 (A) 1,000 scrap tires, excluding any scrap tires remaining on
803 wheels attached to vehicles;

804
805 (B) 1,000 gallons of used motor oil;

806
807 (C) 1,200 used lead acid batteries, excluding any used lead acid
808 batteries remaining in vehicles, if the batteries are being stored in an upright position and are
809 not leaking, for the purpose of being transferred to a recycling facility; and

810
811 (D) 500 gallons of used antifreeze, if the antifreeze is being stored
812 to be recycled, and the owner or operator only stores used antifreeze they generate or receive
813 from do-it-yourself antifreeze changers or other similar sources.

814
815 (ii) Single family units or households: ~~—~~The collection, storage and
816 disposal of household wastes generated by a single family unit or household on their own
817 property in such a manner that does not create a health hazard, public or private nuisance, or
818 detriment to the environment.

819
820 (iii) Clean fill: The disposal or beneficial use of clean fill in such a manner
821 that does not create a health hazard, public or private nuisance or detriment to the
822 environment.

823
824 (iv) Clean wood waste storage facilities: Facilities storing clean wood
825 waste in storage piles with a base surface area no larger than 10,000 square feet containing
826 no greater than 100,000 cubic feet of clean wood waste. Clean wood waste at such facilities
827 shall be stored no less than 100 feet from off-site structures, ~~storm water shall be properly~~
828 ~~managed~~, and the pile shall not create a public or private nuisance.

829
830 (v) De minimis waste management activities: The management of solid
831 wastes, which in the judgement of the Administrator, constitute de minimis quantities which
832 are managed in a manner that does not create a health hazard, public or private nuisance, or
833 detriment to the environment.

834
835 (vi) Retail business facilities: Retail business facilities which have fewer
836 than 1,000 scrap tires on the premises at any one time.

837
838 (vii) Facilities that store lead acid batteries: A retail business facility or a
839 solid waste storage or transfer facility used only for the storage or transfer of no more than
840 1,200 used lead acid batteries for the purpose of transfer to a recycling facility, if the
841 batteries are stored in an upright position and are not leaking.

842
843 (viii) Commercially operated used oil management facilities: Used oil
844 collection centers, aggregation points, transfer facilities, processors, re-refiners, burners, and
845 used oil fuel marketers that store no more than 10,000 gallons of used oil to be recycled or
846 burned for energy recovery, provided the storage tanks are properly labeled, and subject to
847 the used oil management requirements contained in the Wyoming Hazardous Waste Rules-
848 ~~and Regulations.~~

849
850 (ix) Used oil generators: Used oil generators ~~are~~ subject to the used oil
851 management requirements contained in the Wyoming Hazardous Waste Rules-~~and~~
852 ~~Regulations.~~

853
854 (x) Facilities storing waste-, other than construction/demolition waste, for
855 transfer to a recycling facility: A solid waste storage, treatment, or transfer facility occupying
856 no more than five ~~(5)~~ acres and used only for the storage, treatment, or transfer of paper,
857 cardboard, plastic, aluminum cans, glass, metal, clean wood, construction/demolition waste,
858 and other nonputrescible municipal solid wastes ~~which may be specifically authorized by the~~
859 ~~Administrator,~~ for the primary purposes of transfer to a recycling facility or beneficial reuse
860 in a manner approved by the Administrator. Unless all waste management occurs indoors,
861 the facility shall maintain a ~~twenty foot~~twenty-foot buffer zone/fire lane separating waste
862 from a fenced facility boundary. This exemption applies to the sorting, shredding, grinding,
863 crushing, baling and storage of these wastes prior to transfer to a recycling facility or
864 approved beneficial reuse site. This exemption does not apply to facilities that manage
865 scrap tires, CRTs, or that decommission petroleum storage tanks.

866
867 (xi) Facilities storing construction/demolition waste for transfer to a
868 recycling facility: A solid waste storage, treatment, or transfer facility occupying no more
869 than one ~~(1)~~-acre and used only for the storage, treatment, or transfer of
870 construction/demolition waste ~~as authorized by the Administrator~~ for the primary purposes of
871 transfer to a recycling facility or beneficial reuse in a manner approved by the Administrator.
872 Unless all waste management occurs indoors, the facility shall maintain a ~~twenty foot~~twenty-
873 foot buffer zone/fire lane separating waste from a fenced facility boundary. This exemption
874 applies to the sorting, shredding, grinding, crushing, baling, and storage of these wastes prior

875 to transfer to a recycling facility or approved beneficial reuse site. This exemption does not
876 apply to facilities that manage scrap tires, electronic waste, or that decommission petroleum
877 storage tanks.

878
879 (xii) Solid waste transfer, treatment, storage, and processing facilities:
880 Solid waste transfer, treatment, storage, and processing facilities receiving ~~twenty~~20 cubic
881 yards or less of solid waste per day and occupying no more than five ~~(5)~~ acres, including a
882 ~~twenty-foot~~twenty-foot buffer zone within a fenced facility boundary, which individually or
883 in combination manage no more than the quantities of wastes specified in this subsection.
884 This exemption does not apply to facilities whose owner or operator simultaneously owns or
885 operates more than one transfer facility within one ~~(1)~~ mile of each other.

886
887 (A) 50 cubic yards of mixed solid wastes stored in containers; ~~and~~

888
889 (B) 50 cubic yards of construction and demolition waste stored in
890 containers; ~~and~~

891
892 (C) Green waste and clean wood waste storage ~~and~~/or compost
893 piles; ~~and~~

894
895 (D) Compost piles for green waste and manure operated in a
896 manner that does not create odors, constitute a nuisance, or attract vectors; ~~and~~

897
898 (E) 500 scrap tires stored in a manner that prevents fires and vector
899 habitat; ~~and~~

900
901 (F) 20 cubic yards of electronic waste, except CRTs, stored in
902 containers for shipment to a recycling facility; ~~and~~

903
904 (G) 20 cubic yards of CRTs stored intact in containers and kept
905 whole without any shredding, grinding, crushing, or baling. Devices containing CRTs, such
906 as televisions and computer monitors, may be disassembled, but the CRTs shall remain
907 intact. If inadvertently broken, CRTs must be promptly containerized for proper
908 management; ~~and~~

909
910 (H) 1,000 gallons of used oil; ~~and~~

911
912 (I) 1,000 gallons of used antifreeze, if the used antifreeze is stored
913 to be recycled, reclaimed, or reused; ~~and~~

914
915 (J) 250 used lead acid batteries, if the batteries are stored in an
916 upright position and are not leaking, for the purpose of transfer to a recycling facility; ~~and~~

917
918 (K) 150 cubic yards of paper, cardboard, plastic, aluminum cans,
919 glass, and metal, or other nonputrescible municipal solid wastes which may be specifically
920 authorized by the Administrator, for the primary purposes of transfer to a recycling facility

921 or beneficial reuse in a manner approved by the Administrator. This provision applies to the
922 sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to
923 a recycling facility or approved beneficial reuse site; and

924

925 (L) Household hazardous waste (~~HHW~~) collected no more
926 frequently than semiannual collection days, provided that the ~~HHW~~ household hazardous
927 waste collected is removed from the site and transported to a permitted facility within thirty
928 (~~30~~) days.

929

930 (xiii) Vehicle service and maintenance facilities: In addition to used oil
931 stored pursuant to this subsection, used antifreeze storage tanks located at vehicle service
932 facilities, provided the storage tanks are properly labeled, have a used antifreeze storage
933 capacity of no more than 500 gallons, and are used only to contain used antifreeze that the
934 owner or operator generates or receives from do-it-yourself antifreeze changes.

935

936 (xiv) Medical waste management facilities: Medical waste storage units,
937 incinerators, autoclaves, or other treatment devices, used to store or treat only medical wastes
938 which are generated by the owner or operator of the medical facility or by doctor's offices,
939 medical clinics, dental offices and other medical waste generators within the county or local
940 area where the medical waste storage units, incinerators, autoclaves, or other treatment
941 devices are located.

942

943 (xv) Beneficial use: -The reuse of wastes in a manner which is both
944 beneficial and protective of human health and the environment, ~~as~~ and conducted in a manner
945 approved by the Administrator.

946

947 (xvi) Household hazardous waste collection events: -The collection of
948 household hazardous waste (~~HHW~~) on no more than a quarterly basis by the operator of a
949 permitted solid waste facility or by a person at a site where landowner consent has been
950 obtained. Collected ~~HHW~~ household hazardous waste must be removed from the collection
951 site within thirty (~~30~~) days and transported to a permitted facility for proper management.

952

953 (xvii) An exemption or solid waste management permit are not required for
954 facilities which are not solid waste facilities as defined by W.S. § 35-11-103(d)(ii).

955

956 (g) Inspections:

957

958 (i) No permit, authorization or exemption shall be issued unless the owner
959 of the facility provides written authorization for the Department's authorized representative,
960 upon the presentation of credentials and other documents as may be required by law, to
961 access and enter upon the operator's premises where a regulated facility or activity is located
962 or conducted, or where records must be kept under the conditions of a permit, authorization
963 or exemption; have access to and copy, at reasonable times, any records that must be kept
964 under the conditions of any permit, authorization or exemption; inspect at reasonable times
965 any facilities, equipment (including monitoring and control equipment), practices, or
966 operations regulated or required under the Act; and collect resource data, sample or monitor

967 at reasonable times, for the purposes of ensuring compliance or as otherwise authorized by
968 the appropriate rules of the Department, any substances or parameters at any location.

969
970 (ii) Inspections shall be conducted at the discretion of the Administrator
971 and may consist of:

972
973 (A) Pre-application inspections;

974
975 (B) Preconstruction inspections;

976
977 (C) Construction inspections;

978
979 (D) Closure, post-closure, and annual operational compliance
980 inspections; and

981
982 (E) Routine or complaint-related inspections.

983
984 (iii) The operator shall allow Department personnel entry to the facility for
985 the purpose of inspection. Department personnel shall not be required to provide advance
986 notice or a waiver of liability as a condition of entry to any facility for the purpose of
987 conducting any solid waste management facility compliance inspection.

988
989 (iv) The Administrator shall provide copies of all inspection reports to the
990 operator following completion of the inspection.

991
992 (v) The inspection requirements for municipal solid waste landfills with
993 lifetime permits are in Chapter 2 of these rules.

994
995 (vi) Following any inspection by Department personnel, the operator will
996 be notified in writing of any deficiencies within forty-five days from the date of the
997 inspection unless the Department is waiting to receive additional information from the
998 operator.

999
1000 (h) Financial assurance: No permit or permit amendment shall be issued for any
1001 regulated facility unless the operator provides financial assurance, in accordance with
1002 Chapter 7 of these rules, that ensures there are adequate sources of funds to provide for
1003 closure, post-closure, and corrective action.

1004
1005 **Section 2. Permit Application Procedure.**

1006
1007 (a) Application requirements: Each application for a solid waste management
1008 facility permit ~~described in this section~~ shall contain information adequate to demonstrate
1009 compliance with the minimum standards for location, design and construction, operating,
1010 monitoring, closure and post-closure as specified in the applicable chapter of these rules ~~and~~
1011 ~~regulations~~. Permit application procedures are set out in W.S. § 35-11-502, except general
1012 permit procedures for closure of municipal solid waste landfills with less than thirty (30)-

1013 acres of municipal solid waste disposal area, which are set forth in Section 2(~~h~~k) of this
1014 ~~e~~Chapter.

1015
1016 (b) Permit application format: For all permit applications, amendments, transfers,
1017 and one-time or emergency waste management authorizations, shall be submitted in a format
1018 the applicant shall provide the Administrator with one complete paper copy and one
1019 complete electronic copy of the permit application unless an alternative is approved by the
1020 Administrator. The information in the application shall be presented in an order that
1021 conforms to the order set forth in the applicable sections of these rules, unless the
1022 Administrator approves an alternate format for the organization of the application.

1023
1024 (i) For permit amendments, the application shall include a description of
1025 the amendment sought, including additional plates or drawings as necessary to completely
1026 describe the proposed amendment.

1027
1028 (ii) For resubmittal of permit applications or submittal of supplemental
1029 information, the applicant shall have the option to submit copies of only the updated and
1030 revised portion of the application, if the revised and updated pages and drawings are
1031 appropriately numbered and dated to facilitate incorporation into the previous permit
1032 document and the revisions are clearly identified using strikethrough and underline
1033 presentation of words unless the Administrator approves an alternate format.

1034
1035 ~~(c)~~ Public notice and comment: ~~Prior to the issuance of a permit by the Director,~~
1036 ~~e~~Each application for a new, renewal, or closure permit shall be submitted for public notice
1037 and comment as follows:

1038
1039 (i) Upon receipt of notification that the application has been determined
1040 to be complete, the applicant shall comply with the following requirements:

1041
1042 (A) Within fifteen (~~15~~) days of being notified that the application is
1043 complete:

1044
1045 (I) Provide written notice to landowners with property
1046 located within a half mile of the site, using certified, return receipt requested mail for
1047 disposal facilities and first-class mail for other solid waste management facilities;

1048
1049 (II) Provide written notice to each member of the interested
1050 parties mailing list maintained by the Administrator, the mayor of each city or town within
1051 fifty miles of the proposed facility and to the county commission and any solid waste district
1052 for the county in which the potential facility is located, using first-class mail;

1053
1054 (III) Cause a written notice to be published once a week for
1055 two (~~2~~) consecutive weeks in a newspaper of general circulation within the county where the
1056 applicant plans to locate the facility; and

1057
1058 (IV) Specific text for the written notice shall be provided to

1059 the applicant by the Administrator. The notice shall contain information about the permit
1060 application including the identity of the applicant, the proposed facility location and size, the
1061 wastes types intended for management, the method of waste management, and the operating
1062 life. The notice shall identify the last date for filing comments on the application;

1063
1064 (B) Provide the Administrator with documentation that the notice
1065 requirements of subsection ~~(b)(i)(A)~~ of this section have been followed. Documentation
1066 shall consist of copies of return receipt cards, publisher's affidavits and other documentation,
1067 as appropriate; and

1068
1069 (C) The public comment period shall begin on the first date of
1070 publication and shall end at 5:00 pm on the thirtieth-~~(30th)~~ day following the last date of
1071 publication.

1072
1073 (D) The Administrator may, at his or her discretion, conduct a
1074 public hearing on the application submission.

1075
1076 (ii) For each new, renewal, or closure permit application or any
1077 application for a major change, the Administrator shall issue a proposed permit following
1078 completion of the Administrator's permit analysis, unless the permit is denied pursuant to
1079 Section 4 of this Chapter. Upon receipt of a proposed permit, the applicant shall comply
1080 with the following requirements:

1081
1082 (A) Within fifteen ~~(15)~~ days of receiving a proposed permit:

1083
1084 (I) Provide written notice to landowners with property
1085 located within a half mile of the site, the mayor of each city or town within fifty ~~(50)~~ miles of
1086 the proposed facility, the local county commission and any solid waste district for the county
1087 in which the potential facility is located, using certified, return receipt requested mail for
1088 disposal facilities and ~~first-class~~first-class mail for other solid waste management facilities;

1089
1090 (II) Provide written notice to each member of the interested
1091 parties mailing list maintained by the Administrator using first-class mail;

1092
1093 (III) Cause a written notice to be published once a week for
1094 two ~~(2)~~ consecutive weeks in a newspaper of general circulation within the county where the
1095 applicant plans to locate the facility; and

1096
1097 (IV) Specific text for the written notice shall be provided to
1098 the applicant by the Administrator. The notice shall contain information about the permit
1099 application including the identity of the applicant, the proposed facility location and size, the
1100 wastes types intended for management, the method of waste management, the operating life,
1101 and the Administrator's findings. The notice shall identify the period for filing objections to
1102 the application;

1103
1104 ~~(V) Deliver, in person or via certified, return receipt~~

1105 requested mail, a copy of the permit application, the Administrator's review and the
1106 Administrator's proposed permit to a local public library and the county clerk of the county
1107 of the proposed facility. The permit application and proposed permit shall be maintained for
1108 public viewing at a local public library and at the county clerk's office for the duration of the
1109 public comment period specified in Section 2(b)(ii)(C) of this chapter; and

1110
1111 (B) Provide the Administrator with documentation that the notice
1112 and filing requirements of subsection (b)(ii)(A) of this section have been followed.
1113 Documentation shall consist of copies of return receipt cards, and publisher's affidavits or
1114 affidavits of personal delivery as appropriate.

1115
1116 (C) The public comment period shall begin on the first date of
1117 publication and shall end at 5:00 pm on the thirtieth (30th) day following the last date of
1118 publication.

1119
1120 (D) Any interested person may submit written objections no later
1121 than 5:00 pm Mountain Time on the last day of the public comment period. If substantial
1122 written objections are received by the Director by 5:00 pm on the last day of the public
1123 comment period, a public hearing will be held in accordance with W.S. § 35-11-
1124 502(k), within twenty (20) days after the last day of the public comment period, unless a
1125 different schedule is deemed necessary by the Environmental Quality Council (Council).
1126 The Council or Director shall publish notice of the time, date and location of the hearing in a
1127 newspaper of general circulation in the county where the applicant plans to locate the
1128 facility, once a week for two (2) consecutive weeks immediately prior to the hearing. The
1129 hearing shall be conducted as a contested case in accordance with the Wyoming
1130 Administrative Procedures Act, and right of judicial review shall be afforded as provided in
1131 that Act.

1132
1133 (e) — Permit application procedure:

1134
1135 ————— (i) — The applicant shall provide the Administrator with three (3) complete
1136 paper copies and one (1) complete electronic copy of the permit application unless an
1137 alternative is approved by the Administrator. The application shall be organized in three
1138 ring binders, and the information presented in an order that conforms to the order set forth in
1139 the applicable sections of these rules and regulations, unless the Administrator approves an
1140 alternate format for the organization of the application.

1141
1142 ————— (ii) — The Administrator shall conduct a completeness review of each
1143 application and notify the applicant of the results within sixty (60) days of receipt of the
1144 application. If the Administrator deems the application incomplete, he or she shall so advise
1145 and state in writing to the applicant the information required. All items not specified as
1146 incomplete at the end of the first sixty (60) day period shall be deemed complete for the
1147 purposes of this subsection.

1148
1149 ————— (iii) — If the applicant resubmits an application or further information, the
1150 Administrator shall review the application or additional information within sixty (60) days of

1151 each submission and advise the applicant in writing if the application or additional
1152 information is complete.

1153
1154 ~~————— (iv) — After the application is determined complete, the applicant shall give~~
1155 ~~written notice of the application as required in Section 2(b)(i) of this chapter.~~

1156
1157 ~~————— (v) — The Administrator shall review the application and unless the~~
1158 ~~applicant requests a delay, advise the applicant in writing within ninety (90) days from the~~
1159 ~~date of determining that the application is complete, that a proposed permit is suitable for~~
1160 ~~publication under Section 2(b)(ii), or that the application is deficient, or that the application~~
1161 ~~is denied. All reasons for deficiency or denial shall be stated in writing to the applicant. All~~
1162 ~~items not specified as being deficient at the end of the first ninety (90) day period shall be~~
1163 ~~deemed sufficient for the purposes of this subsection.~~

1164
1165 ~~————— (vi) — If the applicant submits additional information in response to any~~
1166 ~~deficiency notice, the Administrator shall review such additional information within thirty~~
1167 ~~(30) days of submission and advise the applicant in writing if a proposed permit is suitable~~
1168 ~~for publication under Section 2(b)(ii), or that the application is still deficient, or that the~~
1169 ~~application is denied.~~

1170
1171 ~~———— (d) — Permit issuance:~~

1172
1173 ~~————— (i) — If the application is determined to be complete and demonstrates~~
1174 ~~compliance with the applicable standards, the Administrator shall prepare a proposed permit.~~
1175 ~~Public notice as specified in Section 2(b)(i) and 2(b)(ii), will occur. No permit, authorization~~
1176 ~~or exemption shall be issued unless the owner of the facility provides written authorization~~
1177 ~~for the Department's authorized representative, upon the presentation of credentials and other~~
1178 ~~documents as may be required by law, to access and enter upon the operator's premises~~
1179 ~~where a regulated facility or activity is located or conducted, or where records must be kept~~
1180 ~~under the conditions of a permit, authorization or exemption; have access to and copy, at~~
1181 ~~reasonable times, any records that must be kept under the conditions of any permit,~~
1182 ~~authorization or exemption; inspect at reasonable times any facilities, equipment (including~~
1183 ~~monitoring and control equipment), practices, or operations regulated or required under the~~
1184 ~~Act; and collect resource data, sample or monitor at reasonable times, for the purposes of~~
1185 ~~ensuring compliance or as otherwise authorized by the appropriate rules and regulations of~~
1186 ~~the Department, any substances or parameters at any location.~~

1187
1188 ~~————— (ii) — The Director shall render a decision on the proposed permit within~~
1189 ~~thirty (30) days after completion of the notice period if no hearing is requested. If a hearing~~
1190 ~~is held, the Council shall issue findings of fact and a decision on the proposed permit within~~
1191 ~~thirty (30) days after the final hearing. The Director shall issue or deny the permit no later~~
1192 ~~than fifteen (15) days from receipt of any findings of fact and decision of the Council. In~~
1193 ~~granting permits, the Director may impose such conditions as may be necessary to~~
1194 ~~accomplish the purpose of the act and which are not inconsistent with the existing rules,~~
1195 ~~regulations, and standards.~~

1196

1197 (de) Permit renewal applications:
1198

1199 (i) In addition to the following requirements, permit renewal applications
1200 are subject to the application procedures set forth in W.S. § 35-11-502 and subsections (a),
1201 (b), and (c), and (d) of this section.
1202

1203 (ii) The operator subject to solid waste management facility permit
1204 requirements shall provide the Administrator with a renewal application. The ~~renewal~~ permit
1205 ~~renewal~~ application shall contain the information specified in the relevant chapter(s) of these
1206 rules ~~and regulations~~ and be submitted in accordance with the time frames specified.
1207

1208 (iii) Except for municipal solid waste landfills with lifetime permits, ~~the~~
1209 ~~operator of a facility with a valid permit issued under Section 2(d) of this Chapter 2 of these~~
1210 ~~rules or a valid renewal permit issued under Section 2(f) of this chapter,~~ shall submit a
1211 permit renewal application no less than ~~twelve~~ 12 months prior to the expiration of said
1212 permit unless a closure permit application has been submitted. Municipal solid waste
1213 landfills with lifetime permits shall submit a renewal application no later than three ~~(3)~~ years
1214 prior to the expiration of the lifetime municipal solid waste landfill permit. The renewal
1215 application shall contain the information specified in the applicable chapter of these rules ~~and~~
1216 ~~regulations~~.
1217

1218 ~~————— (iv) ——— Three (3) complete paper copies and one (1) complete electronic copy~~
1219 ~~of the permit renewal application shall be submitted unless an alternative is approved by the~~
1220 ~~Administrator. The application shall be organized in three ring binders, and the information~~
1221 ~~presented in an order that conforms to the order set forth in the applicable application~~
1222 ~~requirements sections of these rules and regulations, unless the Administrator approves an~~
1223 ~~alternate format for the organization of the application. The applicant shall have the option~~
1224 ~~to submit copies of only the updated and revised portion of the previous application, if the~~
1225 ~~revised and updated pages and drawings are appropriately numbered and dated to facilitate~~
1226 ~~incorporation into the previous permit document and the revisions are clearly identified.~~
1227

1228 ~~————— (f) ——— Renewal permit issuance:~~
1229

1230 ~~————— (i) ——— Renewal permits are issued pursuant to subsection (d) of this section.~~
1231

1232 ~~————— (ii) ——— The term of the renewal permit shall be as specified in the applicable~~
1233 ~~chapter of these rules and regulations.~~
1234

1235 (eg) Closure permit applications:
1236

1237 (i) In addition to the following requirements, closure permit applications
1238 are subject to the application procedures set forth in W.S. § 35-11-502 and subsections (a),
1239 (b), and (c), and (d) of this section.
1240

1241 (ii) The operator shall provide the Administrator with a closure permit
1242 application if required by the applicable chapter of these rules ~~and regulations~~ in accordance

1243 with the time frames specified therein.

1244

1245 (iii) Anticipated closure: The operator of a facility with a valid permit shall
1246 submit a closure permit application to the Administrator no less than twelve (12)-months
1247 prior to the anticipated facility closure.

1248

1249 (iv) Unanticipated closure: In the event any solid waste management
1250 facility ceases operation, as determined by nonreceipt of solid wastes for any continuous nine
1251 (9)-month period or any continuous one (1)-year period for landfarm facilities or petroleum-
1252 contaminated soils land treatment facilities, the facility operator shall provide written
1253 notification to the Administrator no later than thirty (30)-days after the end of such nine (9)-
1254 month (or one (1)-year) period. This notification shall be accompanied by a closure permit
1255 application unless the Administrator approves interim measures with delayed final closure
1256 for good cause upon application by the operator.

1257

1258 ~~————— (v) — Three (3) complete paper copies and one (1) complete electronic copy~~
1259 ~~of the closure permit application shall be submitted unless an alternative is approved by the~~
1260 ~~Administrator. The application shall be organized in three ring binders, and the information~~
1261 ~~presented in an order that conforms to the order set forth in the applicable application~~
1262 ~~requirements sections of these rules and regulations, unless the Administrator approves an~~
1263 ~~alternate format for the organization of the application.~~

1264

1265 ~~————— (h) — Closure permit issuance:~~

1266

1267 ~~————— (i) — Closure permit issuance: Closure permits are issued pursuant to~~
1268 ~~subsection (d) of this section.~~

1269

1270 ~~————— (ii) — The term of any closure permit shall be set to coincide with the~~
1271 ~~duration of any closure/post-closure maintenance and monitoring period specified in the~~
1272 ~~applicable chapter of these rules and regulations. No renewals of closure permits shall be~~
1273 ~~required.~~

1274

1275 (f) Variance application procedure for location standards specified in W.S. § 35-
1276 11-502(c):

1277

1278 (i) For solid waste disposal facilities which do not meet the location
1279 standards specified in paragraphs (i) through (iv) of W.S. § 35-11-502(c), the applicant may
1280 apply to the Director for a variance from the standards by submitting a written variance
1281 application. The variance application shall contain the following information:

1282

1283 (A) For proposed facilities which do not meet the location
1284 standards for proximity to towns, schools or any occupied dwelling house in W.S. § 35-11-
1285 502(c)(i) or (ii), the applicant shall:

1286

1287 (I) Present an analysis of additional traffic which would
1288 result from the proposed facility, and demonstrate that additional traffic caused by operation

1289 of a disposal facility will not pose a safety threat to the public;

1290

1291 (II) Demonstrate that the operation of the proposed facility
1292 will not present odor, dust, litter, insect, noise, health (human and animal) or aesthetic
1293 problems, and will not present a public nuisance by its proximity to the town, schools and/or
1294 dwellings. This demonstration may be made through analysis of the facility design and
1295 operation practices; and

1296

1297 (III) Provide design features and monitoring specifications
1298 used to preclude methane migration from affecting any buildings within one (1) mile of the
1299 proposed facility, if the facility is used for the disposal of wastes which may form methane
1300 as a decomposition product.

1301

1302 (B) For proposed facilities which do not meet the location standard
1303 for proximity to, and visual screening from, state or federal highways in W.S. § 35-11-
1304 502(c)-(iii), the applicant shall provide information describing how the design and operation
1305 of the facility will minimize visual impacts to the highway(s).

1306

1307 (C) For proposed facilities, excluding incinerators, which do not
1308 meet the location standard for proximity to water wells in W.S. § 35-11-502(c)(iv), the
1309 applicant shall provide:

1310

1311 (I) A detailed description of the site's geologic and
1312 hydrologic characteristics, supported by data from on-site soil borings and groundwater
1313 monitoring wells;

1314

1315 (II) A detailed description of the proposed facility's
1316 containment system (cap and liner systems) and surface water diversion structures;

1317

1318 (III) A detailed description of the groundwater monitoring
1319 program (including location of wells, sampling frequency and sampling parameters) which
1320 would be instituted when the facility begins operations; and

1321

1322 (IV) An analysis of the potential for contaminants which
1323 may leak from the disposal facility to adversely affect the nearby water well(s). This analysis
1324 may be in the form of contaminant transport modeling results, an evaluation of hydrologic
1325 conditions or aquifer properties, or other applicable information.

1326

1327 (D) In addition to the other information requested in this
1328 subsection, all variance applications made under this subsection shall be accompanied by the
1329 following information:

1330

1331 (I) The proposed size of the facility;

1332

1333 (II) The name, address and telephone number of the
1334 applicant;

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(III) The legal description of the property;

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

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

(VI) A USGS topographic map (scale of 1:24,000 or 1: 62,500) which shows the boundaries of the proposed landfill site or other suitable topographic map may be submitted if a 1:24,000 map is unavailable; and

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

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

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

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

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

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

(iv) The Administrator shall review the variance application within ninety ~~(90)~~ days of the receipt of the application. If the application is incomplete ~~and~~ or technically inadequate, the Administrator shall so advise and state in writing to the applicant the information required. Additional information submitted in response to any deficiency notification shall be reviewed by the Administrator within ninety ~~(90)~~ days.

(v) If the application is complete and technically adequate the Administrator shall provide draft findings and recommendations to the Director and the

1381 applicant. The draft findings shall state whether or not the Administrator has found that the
1382 variance will not injure or threaten to injure the public health, safety or welfare and the basis
1383 for the draft findings.

1384
1385 (vi) Unless a delay is requested by the applicant, the Director shall
1386 schedule a public hearing on the draft findings within forty-five ~~(45)~~ days. Notice of the
1387 hearing shall be published at least thirty ~~(30)~~ days prior to the date of the hearing. Notice
1388 shall be published once a week for two ~~(2)~~ consecutive weeks in a paper of general
1389 circulation within the county where the facility is located. The notice shall contain the
1390 identity of the applicant, summary information on the variance application, the location
1391 where the public can view copies of the application and the Administrator's review, the
1392 Administrator's draft decision regarding granting or denying the variance application, and the
1393 date, time and location of the hearing.

1394
1395 (vii) A public comment period shall begin on the first date of publication
1396 and shall end at the conclusion of the hearing. The Director shall make a final decision
1397 regarding the variance within sixty ~~(60)~~ days from the date of the hearing.

1398
1399 (g) Permit application procedures for low hazard or low volume treatment,
1400 processing, storage, and transfer facilities:

1401
1402 (i) ~~The applicant shall submit three (3) complete paper copies and one~~
1403 ~~(1) complete electronic copy of the permit application unless an alternative is approved by~~
1404 ~~the Administrator. The application shall be organized in three ring binders and the~~
1405 ~~information presented in an order that conforms to the order set forth in the applicable~~
1406 ~~sections of these rules and regulations, unless the Administrator approves an alternate format~~
1407 ~~for the organization of the application;~~

1408
1409 (ii) The Administrator shall conduct a completeness and technical review
1410 of each application submittal within thirty ~~(30)~~ days of receipt of the application. If the
1411 Administrator deems the application incomplete and/or technically inadequate, the
1412 Administrator shall so advise and state in writing to the applicant the information required.;

1413
1414 (iii) Public notice for low hazard or low volume facilities: For each new
1415 low hazard or low volume treatment, processing, storage, and transfer facility permit
1416 application or application for a major amendment to an existing facility permit, the
1417 Administrator shall issue a proposed permit following completion of the Administrator's
1418 permit analysis, unless the permit is denied pursuant to Section 4 of this eChapter. Upon
1419 receipt of a proposed permit the applicant shall within fifteen ~~(15)~~ days:

1420
1421 (A) Cause a written notice to be published once a week for two ~~(2)~~
1422 consecutive weeks. If the facility is mobile, notice shall be published in a newspaper of
1423 general circulation within the state. If the facility is not mobile, notice shall be published in a
1424 newspaper of general circulation within the county where the applicant plans to locate the
1425 facility. Specific text of the notice shall be provided to the applicant by the Administrator.
1426 The notice shall contain information about the permit application including the identity of

1427 the applicant, the proposed facility service area, location, if not mobile, size, the waste types
1428 intended for management, the method of waste management, the operating life, and the
1429 Administrator’s findings. The notice shall identify the period for filing objections to the
1430 application;

1431
1432 (B) If a fixed facility, notify adjacent landowners by first-class
1433 mail; and

1434
1435 (C) Provide the Administrator documentation that the notice
1436 requirements of this subsection have been followed, including copies of the publisher’s
1437 affidavits and sworn statement.;

1438
1439 (iii) ~~v~~ The public comment period shall begin on the first date of
1440 publication ~~of the notice and shall end~~ at 5:00 pm on the thirtieth ~~(30th)~~ day following the
1441 last day of publication of the notice.;

1442
1443 (iv) Any interested person may submit written objections no later than 5:00
1444 pm on the last day of the public comment period. If substantial written objections are
1445 received by the Director within the public comment period a public hearing will be held in
1446 accordance with W.S. § 35-11-502(k). ~~within twenty (20) days after the last day of the public~~
1447 ~~comment period, unless a different schedule is deemed necessary by the Council. The~~
1448 ~~Council or Director shall publish notice of the time, date, and location of the hearing in a~~
1449 ~~newspaper of general circulation in the county where the applicant plans to locate the~~
1450 ~~facility, once a week for two (2) consecutive weeks immediately prior to the hearing. The~~
1451 ~~hearing shall be conducted as a contested case in accordance with the Wyoming~~
1452 ~~Administrative Procedures Act, and right of judicial review shall be afforded as provided in~~
1453 ~~that act.~~

1454
1455 (vi) Low hazard or low volume permit ~~or renewal permit~~ issuance: If
1456 documentation has been received that the public notice requirements of this section have been
1457 met and no substantial objections are received, the Director shall issue an operating permit or
1458 ~~renewal permit~~ within thirty ~~(30)~~ days.

1459
1460 (vii) The operator of a facility with a valid operating permit ~~or renewal~~
1461 ~~permit~~ issued under ~~Section 2(j) of this chapter~~ this subsection, shall submit a permit renewal
1462 application no later than 180 days prior to the expiration of said permit unless a closure
1463 permit application has been submitted. The renewal application shall contain the information
1464 specified in the applicable chapter of these rules ~~and regulations~~.

1465
1466 ~~(viii) Three (3) complete paper copies and one (1) complete electronic copy~~
1467 ~~of the permit renewal application shall be submitted unless and alternative is approved by the~~
1468 ~~Administrator. The application shall be organized in three ring binders, and the information~~
1469 ~~presented in an order that conforms to the order set forth in the applicable application~~
1470 ~~requirements sections of these rules and regulations, unless the Administrator approves an~~
1471 ~~alternate format for the organization of the application. The applicant shall have the option~~
1472 ~~to submit copies of only the updated and revised portion of the previous application, if the~~

1473 ~~revised and updated pages and drawings are appropriately numbered and dated to facilitate~~
1474 ~~incorporation into the previous permit document and the revisions are clearly identified.~~

1475
1476 (hk) General Closure Permit for Municipal Solid Waste Landfills;

1477
1478 (i) A general closure permit shall apply to the closure and post-closure
1479 activities for municipal solid waste landfills with less than thirty (30) acres of municipal solid
1480 waste disposal area.

1481
1482 ~~—————(ii)——~~ Notice of intent for coverage under a general permit must be
1483 ~~accompanied by three (3) complete paper copies and one (1) complete electronic copy of the~~
1484 ~~form, plans, specifications, design data or other pertinent information concerning the project~~
1485 ~~unless an alternative is approved by the Administrator.~~

1486
1487 (ii)——(A) Notice of intent for coverage under a general permit shall be
1488 made on forms provided by the Department which require a signature of agreement by the
1489 applicant to abide by all conditions of the permit.

1490
1491 (iii)——(B) All activities shall meet the standards of Chapter 2 of these
1492 rules regulations.

1493
1494 (iv)——(C) All notice of intent for coverage forms shall be prepared under
1495 the supervision of a professional engineer licensed in the State of Wyoming. All notice of
1496 intent for coverage forms shall be stamped, signed and dated by a professional engineer. In
1497 addition, all portions of the notice of intent for coverage which require geological services or
1498 work shall be stamped, signed and dated by a professional geologist licensed in the State of
1499 Wyoming.

1500
1501 (viii) All notices of intent for coverage under a general permit shall be
1502 processed as follows:

1503
1504 (A) The Administrator shall review each notice of intent or
1505 resubmittal within sixty (60) days from the date the notice of intent or resubmittal is received.

1506
1507 (B) The Administrator may request additional information if it is
1508 determined that the information is inadequate to satisfy the requirements of these
1509 regulations rules.

1510
1511 (C) The Department shall issue an Authorization of Coverage
1512 within thirty (30) days of finding that the notice of intent or resubmittal is complete.

1513
1514 (D) No closure or post-closure activities shall commence until a
1515 written Authorization of Coverage under the general closure permit has been received from
1516 the Department.

1517
1518 (viiiv) Authorizations of Coverage for municipal solid waste landfills shall be

1519 issued through the end of the post-closure period specified in Chapter 2 of these ~~regulations-~~
1520 ~~rules~~ and shall be extended until ~~such time when~~ the Administrator determines, upon petition
1521 by the operator accompanied by submission of relevant information, that the facility has been
1522 adequately stabilized in a manner protective of human health and the environment. Petitions
1523 to terminate the post-closure period shall include certification from a Wyoming licensed
1524 professional engineer that post-closure care has been completed in compliance with the
1525 approved post-closure plan and in a manner protective of human health and the environment.
1526 No renewals of Authorizations of Coverage shall be required.

1527
1528 (vii) The general permit shall be developed pursuant to the permit issuance
1529 procedures of W.S. § 35-11-502(j), (k), and (m).

1530
1531 **Section 3. Permit Amendments and Transfers.:**

1532 ~~This section applies to all permits, renewal permits and closure permits previously~~
1533 ~~described in Chapter 1, Section 2, as follows:~~

1534
1535 (a) Permit amendments constituting a major change for municipal solid waste
1536 landfills shall comply with the requirements of Chapter 2 of these rules ~~and regulations.~~

1537
1538 (b) Permit amendments constituting a major change for all non-municipal solid
1539 waste facilities and minor changes at all solid waste facilities shall comply with the
1540 following:

1541
1542 ~~_____ (i) This subsection applies to minor changes of municipal solid waste~~
1543 ~~landfill permits and to all permit amendments for other solid waste facilities.~~

1544
1545 ~~_____ (ii) Unless an alternative is approved by the administrator, the operator~~
1546 ~~shall submit three (3) complete paper copies and one (1) complete electronic copy of the~~
1547 ~~application, describing the amendments sought, including additional plates and/or drawings~~
1548 ~~as necessary to completely describe the proposed amendment.~~

1549
1550 ~~(i)(iii)~~ Within sixty ~~(60)~~ days of receipt of any application for a permit
1551 amendment, the Administrator shall conduct a review of the application and provide a
1552 written response to the operator.

1553
1554 (A) If the amendment is deemed ~~to be~~ complete and demonstrates
1555 compliance with applicable standards and constitutes a major change, the public notice and
1556 comment period in ~~Chapter 1, Section 2(b)(ii)~~ of this Chapter shall commence.

1557
1558 (B) If the amendment is deemed complete and demonstrates
1559 compliance with applicable standards and constitutes a minor change, the Administrator shall
1560 render a decision.

1561
1562 (ii) If the proposed amendment is determined to be inadequate, the
1563 operator shall be required to submit any additional information required by the
1564 Administrator, unless there is a basis for denial.

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~~(c)~~—(iv) All amendments shall comply with the location, design and construction, operating, monitoring, financial assurance, and closure standards of the applicable chapter of these rules ~~and regulations~~.

(de) Permit transfers:

(i) An operator shall receive written approval from the Director prior to transfer of any permit authorized by these ~~regulations~~rules.

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

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

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

(C) Proposed date of the transfer of the permit; and

(D) 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 chapter of these rules ~~and regulations~~, including the responsibility to perform corrective actions.

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

(iv) No permit may be transferred from one operator to another unless the new operator demonstrates compliance with the financial assurance requirements of Chapter 7 of these rules.

1611 **Section 4. Permit Denial, Revocation, Modification, or Termination.**

1612
1613 (a) ~~Permit denials:~~The Director may deny a permit if:

1614
1615 (i) Permit issuance would conflict with any provision of the Act or these
1616 rules; the policy and purpose of the act; or

1617
1618 (ii) The applicant fails to submit the required information; ~~or~~

1619
1620 (iii) The facility history indicates continual noncompliance with these rules-
1621 ~~and regulations; or~~

1622
1623 (iv) The application indicates that the facility would not comply with the
1624 location, design and construction, operating, monitoring, closure or post- closure standards
1625 as specified in the applicable sections of these ~~regulations~~rules; or

1626
1627 (v) The application misrepresents actual site conditions; ~~or~~

1628
1629 (vi) The applicant fails to employ a solid waste manager who meets the
1630 qualifications of the applicable chapter of these rules ~~and regulations; or~~

1631
1632 (vii) The applicant, or any partners, executive officers, or corporate
1633 directors, has been found civilly or criminally liable for violations of environmental quality
1634 or criminal racketeering laws or regulations which in the judgment of the Director
1635 constitutes evidence that the applicant cannot be relied upon to conduct the operations
1636 described in the application in compliance with the Act and these rules ~~and regulations.~~

1637
1638 (b) Permit revocation:

1639
1640 (i) The Director may revoke a permit in instances of continual
1641 noncompliance, or if it is determined that the permit application misrepresented actual site
1642 conditions, or if the continued operation is inconsistent with any provision of the Act or these
1643 rules. the policy and purpose of the act.

1644
1645 (ii) The Director shall notify the operator of his or her intent to revoke the
1646 permit. The written notification shall contain the basis for revoking the permit. All permit
1647 revocation procedures shall be accomplished in accordance with the requirements of the
1648 Wyoming Administrative Procedures Act.

1649
1650 (iii) The Director may order facility closure following permit revocation.
1651 Closure and post-closure activities shall be accomplished in accordance with a plan approved
1652 by the Administrator. If a closure/post-closure plan has not been approved, closure and post-
1653 closure activities shall be accomplished in accordance with the standards specified in the
1654 applicable chapter of these rules ~~and regulations.~~

1655
1656 (c) Permit modification: The Director may modify an existing permit by

1657 notifying the facility operator in writing. The written notification shall contain the basis for
1658 modifying the permit.

1659
1660 (d) Permit termination:

1661
1662 (i) Operating, ~~renewal, and closure~~ permit termination:

1663
1664 (A) Upon completion of closure activities, the operator shall
1665 provide a certification, with supporting documentation, from a Wyoming registered
1666 professional engineer confirming that the provisions of the closure plan have been carried out
1667 and that the facility has been closed in compliance with the closure standards specified in
1668 these rules ~~and regulations~~. The operator shall be notified in writing whether the closure
1669 certification is deficient or a written termination of the operating permit shall be issued.
1670 Operating permits shall not terminate until written authorization has been provided by the
1671 Administrator.

1672
1673 (ii) Closure permit termination:

1674
1675 (A) Following the initial minimum post-closure period specified in
1676 the applicable chapter of these rules ~~and regulations~~, the owner or operator may submit a
1677 petition to the Administrator requesting termination of the facility's closure permit and post-
1678 closure period. Petitions shall include supporting documentation and certification from a
1679 Wyoming registered engineer that post-closure care has been completed in compliance with
1680 the post-closure plan and in a manner protective of human health and the environment. The
1681 operator shall be notified in writing whether the post-closure certification is deficient or a
1682 written termination of the closure permit shall be issued. Closure permits shall not terminate
1683 until written authorization has been provided by the Administrator.

1684
1685 (iii) ~~Return~~ Release of financial assurance: Following permit termination,
1686 financial assurance shall be released as prescribed in Chapter 7 of these rules ~~and regulations~~.

1687
1688 **Section 5. One-Time or Emergency Waste Management Authorizations.**

1689
1690 (a) Authorization application procedure:

1691
1692 (i) This section applies to emergency situations, spilled solid wastes and
1693 residues from uncontrolled releases. This section does not apply to the land disposal of
1694 municipal solid wastes, mixed wastes, hazardous wastes or actions completed under either a
1695 hazardous waste permit or a hazardous waste corrective action order.

1696
1697 (ii) The Administrator may choose to issue a one-time or emergency waste
1698 management authorization in lieu of the permits specified in ~~Chapter 4, Section 2 of this~~
1699 Chapter. This type of waste management authorization shall only be considered under the
1700 following conditions:

1701
1702 (A) The proposed waste management activity shall be a single

1703 occurrence of limited duration;

1704

1705 (B) The applicant documents that other waste management and/or
1706 reuse options were thoroughly investigated and that no other reasonable alternatives had
1707 been identified;

1708

1709 (C) The proposed waste disposal site would meet the applicable
1710 location standards specified in Chapter 3, or 4 of these rules ~~and regulations~~ or the proposed
1711 waste management site would meet the applicable location standards specified in Chapter 8
1712 of these rules ~~and regulations~~;

1713

1714 (D) The proposed waste management activity would not present a
1715 significant threat to public health or the environment;

1716

1717 (E) The waste management activity would result in de minimis
1718 impacts which would not warrant the initiation of public participation procedures;

1719

1720 (F) The total waste disposal area would be no more than one-~~(1)~~
1721 acre;

1722

1723 (G) The applicant can document that permission has been obtained
1724 from the landowner to manage the materials at the proposed waste management location, if
1725 that location is not owned by the applicant; and.

1726

1727 (H) The applicant commits to promptly record a notarized notice
1728 with the county clerk, in the county where the facility is located, which adequately describes
1729 the location, nature and extent of any waste disposal activity.

1730

1731 ~~_____ (iii) Three (3) complete paper copies and one complete electronic copy of~~
1732 ~~the waste management authorization request shall be submitted unless an alternative is~~
1733 ~~approved by the Administrator. The request shall be organized in a three ring binder and the~~
1734 ~~information presented in an order that conforms to the relevant application requirements~~
1735 ~~section of these rules and regulations, unless the Administrator approves an alternate format~~
1736 ~~for the organization of the request.~~

1737

1738 (iv) The waste management authorization request shall document
1739 compliance with the conditions specified in subsection (a)(ii) of this section allowing for the
1740 Administrator's consideration of a one-time or emergency waste management authorization.
1741 The request shall contain information adequate to demonstrate compliance with the standards
1742 specified in the applicable chapter of these rules ~~and regulations~~.

1742

1743 (v) The waste management authorization request shall be reviewed by the
1744 Administrator within forty-five ~~(45)~~ days after submission.

1745

1746 (b) Authorization issuance:

1747

1748 (i) The Administrator may deny a one-time or emergency waste

1749 management authorization for any of the reasons specified in Section 4(a) of this Chapter.
1750 The Administrator may also deny a one-time or emergency waste management authorization
1751 if it is determined that the proposed waste management activity would not be subject to the
1752 provisions described in subsections (a)(i) and (a)(ii) of this section.

1753

1754 (ii) If the waste management authorization request is determined to be
1755 complete and the request demonstrates compliance with the standards in the relevant
1756 application requirements section, a waste management authorization will be granted by the
1757 Administrator.

1758

1759 (iii) The operator shall notify the Administrator following completion of
1760 authorized waste management activities. This notification shall be accompanied by site
1761 photographs adequate to demonstrate the site conditions following closure.

1762

1763 (iv) The term of the waste management authorization shall be no longer
1764 than one-~~(1)~~ year unless, for good cause, the Administrator approves additional time.