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**CHAPTER 1**

**GENERAL PROVISIONS**

**Section 1. In General.**

(a) This Chapter is promulgated pursuant to the Wyoming Environmental Quality Act, specifically Wyoming Statute (W.S.) § 35-11-503.

(b) Definitions: In addition to the definitions in the Wyoming Environmental Quality Act, for the purpose of these rules 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:

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

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

93 completing closure. The closure period begins when the facility ceases receipt of wastes.  
94 The closure period ends when the Administrator approves certification from a registered  
95 professional engineer confirming that the provisions of the closure plan have been carried  
96 out and that the facility has been closed in compliance with the closure standards specified in  
97 these rules.

98  
99 (xv) "Commercial solid waste management facility" means any facility  
100 receiving a monthly average greater than 500 short tons per day of unprocessed household  
101 refuse or mixed household and industrial refuse for management or disposal excluding lands  
102 and facilities subject to W.S. § 35-11-402(a)(xiii).

103  
104 (xvi) "Complete application" means a permit application that the  
105 Administrator has determined to contain all the information required to be submitted by the  
106 rules, in sufficient detail to allow a technical review of the information to commence.

107  
108 (xvii) "Constituent" when used in the context of groundwater monitoring,  
109 generally means inorganic substances and organic compounds that may be found in  
110 groundwater and in particular the constituents that must be monitored in groundwater  
111 samples collected under the applicable chapter of the Solid Waste Rules and Regulations.

112  
113 (xviii) "Construction/demolition landfill" means a solid waste management  
114 facility that accepts only inert construction waste, demolition waste, street sweepings, brush,  
115 or other material specifically approved by the Administrator. This excludes garbage,  
116 liquids, sludges, friable asbestos, and hazardous or toxic wastes.

117  
118 (xix) "Construction/demolition waste" includes but is not limited to stone,  
119 clean and treated wood, concrete, asphaltic concrete, cinder blocks, brick, plaster and metal  
120 or other material specifically approved by the Administrator.

121  
122 (xx) "Container" means any portable device in which a material is stored,  
123 transported, treated, disposed of or otherwise handled.

124  
125 (xxi) "Corrective action" means all actions necessary to eliminate the public  
126 health threat or environmental threat from a release to the environment of pollutants from an  
127 operating or closed regulated facility and to restore the environmental conditions as required.

128  
129 (xxii) "Cover material" means soil or other suitable material that is used to  
130 cover compacted solid wastes in a land disposal facility.

131  
132 (xxiii) "Decommissioning" means removing all liquids and accumulated  
133 sludges, and cleaning a storage tank for its intended reuse or disposal.

134  
135 (xxiv) "Disposal" means the discharge, deposit, injection, dumping, spilling,  
136 leaking, or placing of any waste material into or on any land or water so that such waste  
137 material or any constituent thereof may enter the environment or be emitted into the air or  
138 discharged into any waters, including groundwaters.

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

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

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

(xxviii)"Farming and ranching operation" means agricultural operations whose principal function is the growing of crops and the raising of livestock, but does not include large concentrated animal feeding operations as defined by the Water Quality Rules, Chapter 2, Appendix G.

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

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

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

(xxxii)"Friable asbestos" means asbestos that, when dry, can be crumbled, pulverized or reduced to powder by hand pressure, and includes previously nonfriable asbestos after such previously nonfriable asbestos becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

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

(xxxiv)"Green waste" means organic plant materials, such as yard trimmings, grass clippings, house and garden plants, tree trimmings, and brush. Green waste does not

185 include other putrescible waste including, but not limited to food waste, animal waste, and  
186 manure.

187

188 (xxxv) "Groundwater" means, in relation to all solid waste facilities except  
189 municipal solid waste landfills, water below the land surface in a saturated zone of soil or  
190 rock. For municipal solid waste landfills, "groundwater" means any water, including hot  
191 water and geothermal steam, under the surface of the land or the bed of any stream, lake,  
192 reservoir or other body of surface water, including water that has been exposed to the surface  
193 by an excavation such as a pit which:

194

195 (A) Stands, flows or percolates; and

196

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

199

200 (xxxvi) "Incineration" means the controlled process by which combustible  
201 solid wastes are burned and altered to noncombustible gases and other residues. A solid  
202 waste incineration facility is considered to be a solid waste management facility.

203

204 (xxxvii) "Incorporated city or town" shall mean a "first class city" or a  
205 "town" as defined in W.S. § 15-1-101(a).

206

207 (xxxviii) "Industrial landfill" means a solid waste management facility  
208 utilizing an engineered method of land disposal primarily for industrial solid waste.

209

210 (xxxix) "Industrial solid waste" means solid waste resulting from, or incidental  
211 to, any process of industry, manufacturing, mining or development of any agricultural or  
212 natural resources.

213

214 (xl) "Irrevocable letter of credit" means a negotiated financial instrument  
215 that is used to pay a beneficiary issued by a banking institution to guarantee payment.

216

217 (xli) "Landfill" means a solid waste management facility for the land burial  
218 of solid wastes, utilizing an engineered method of controls to avoid creating a hazard to the  
219 public health, the environment, plants, or animals.

220

221 (xlii) "Lateral expansion" of a facility means the horizontal enlargement of  
222 the boundaries of a solid waste management facility. Lateral expansion of a disposal unit  
223 means the horizontal enlargement of the permitted waste boundaries of a disposal unit.

224

225 (xlili) "Liabilities" means obligations to transfer assets or provide services to  
226 other entities in the future as a result of past transactions including off-balance sheet  
227 liabilities.

228

229 (xliv) "Lower explosive limit" means the lowest percent by volume of a  
230 mixture of explosive gases in air that will propagate a flame at 25° Celsius and atmospheric

231 pressure.

232

233 (xiv) "Low hazard or low volume treatment, processing, storage, and  
234 transfer facility" means a solid waste management facility which accepts only solid wastes as  
235 described in this subsection. This provision does not apply to facilities whose owner or  
236 operator simultaneously owns or operates more than one such solid waste management  
237 facility within one mile of each other.

238

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

240

241 (B) Clean wood waste storage facilities: Facilities storing clean  
242 wood waste in storage piles with a combined base surface area larger than 10,000 square feet  
243 or containing greater than 100,000 cubic feet of clean wood waste. So long as clean wood  
244 waste at such facilities is stored no less than 100 feet from off-site structures, storm water is  
245 properly managed, and the pile does not create a public or private nuisance.

246

247 (C) Solid waste transfer, treatment, storage, and processing  
248 facilities: Solid waste transfer, treatment, storage, and processing facilities receiving fifty  
249 cubic yards or less of solid waste per day and occupying no more than ten acres, including a  
250 twenty-foot buffer zone within a fenced facility boundary, which individually or in  
251 combination manage no more than the specified types and quantities of the following wastes:

252

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

259

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

261

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

263

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

267

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

269

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

272

273 (VII) Household hazardous waste collected no more  
274 frequently than quarterly collection days, provided that the household hazardous waste  
275 collected is removed from the site and transported to a permitted facility within thirty days of  
276 receipt; and

- 277  
278 (VIII) 50 cubic yards of electronic waste, other than CRTs,  
279 stored in containers; and  
280  
281 (IX) 50 cubic yards of CRTs stored intact in containers and  
282 kept whole without any shredding, grinding, crushing, or baling; and  
283  
284 (X) 500 lead acid batteries, if the batteries are stored in an  
285 upright position and are not leaking, for the purpose of transfer to a recycling facility; and  
286  
287 (XI) 100 cubic yards of construction and demolition waste  
288 stored in containers; and  
289  
290 (XII) 150 cubic yards of mixed solid wastes stored in  
291 containers and animal mortality managed in mixed municipal solid waste or separate  
292 containers.  
293  
294 (D) Commercially operated used oil management facilities: Used  
295 oil collection centers, aggregation points, transfer facilities, processors, re-refiners, burners,  
296 and used oil fuel marketers that store greater than 10,000 gallons of used oil to be recycled or  
297 burned for energy recovery, subject to the used oil management requirements contained in  
298 the Wyoming Hazardous Waste Rules and Regulations.  
299  
300 (E) Facilities storing waste, other than construction/demolition  
301 waste, for transfer to a recycling facility: Facilities occupying no more than ten acres and  
302 used only for the transfer, treatment, and storage of less than 500 short tons received per day  
303 of paper, cardboard, plastic, aluminum cans, glass, metal, clean wood, and other  
304 nonputrescible municipal solid wastes which may be specifically authorized by the  
305 Administrator, for the primary purposes of transfer to a recycling facility or beneficial reuse  
306 in a manner approved by the Administrator. This provision applies to the sorting, shredding,  
307 grinding, crushing, baling, and storage of these wastes prior to transfer to a recycling facility  
308 or approved beneficial reuse site. This provision does not apply to facilities that manage  
309 scrap tires or CRTs.  
310  
311 (F) Facilities storing construction/demolition waste for transfer to  
312 a recycling facility: Facilities occupying no more than ten acres and used only for the  
313 transfer, treatment, and storage of less than 500 short tons received per day of  
314 construction/demolition waste authorized by the Administrator, for the primary purposes of  
315 transfer to a recycling facility or beneficial reuse in a manner approved by the Administrator.  
316 This provision applies to the sorting, shredding, grinding, crushing, baling, and storage of  
317 these wastes prior to transfer to a recycling facility or approved beneficial reuse site. This  
318 provision applies only if all waste management activities occur either indoors or outdoors in  
319 containers. This provision does not apply to scrap tire or electronic waste management  
320 facilities.  
321  
322 (G) Facilities not considered low hazard or low volume: Transfer,

323 treatment, storage, and processing facilities managing wastes or materials having or  
324 exhibiting one or more of the following criteria or characteristics are not low hazard and low  
325 volume waste management facilities. Exceptions may be granted by the Administrator based  
326 on consideration of concentration and volumes of wastes to be managed:

- 327
- 328 (I) Toxicity, Carcinogenicity, Ignitability, Flammability,  
329 Explosivity, Instability, Corrosivity, Incompatibility;
- 330
- 331 (II) Special wastes as defined in this subsection;
- 332
- 333 (III) Medical/infectious wastes, PCB-containing wastes;
- 334
- 335 (IV) Excluded hazardous wastes as defined in 40 CFR part  
336 261, or the Department's Hazardous Waste Rules;
- 337
- 338 (V) Wastes that have the potential to create odor, vector,  
339 dust, or other nuisances;or
- 340
- 341 (VI) Wastes that in the evaluation of the Administrator have  
342 a significant potential to impact public health or the environment, unless the operator of a  
343 proposed facility can demonstrate by submittal of a waste analysis and characterization plan  
344 that the waste treatment, processing, storage, or transfer activity can be considered a low  
345 hazard and low volume waste management activity consistent with the Act.

346

347 (xlvi) "Major Change" means a change to any solid waste management  
348 facility location, design or construction, or to any operating, monitoring, closure or post-  
349 closure activities, involving one or more of the following items:

- 350
- 351 (A) The total permitted volumetric capacity of the facility is to be  
352 increased by more than five percent;
- 353
- 354 (B) The effectiveness of any liner, leachate collection or detection  
355 system, gas detection or migration system, or pollution control or treatment system may be  
356 reduced; or
- 357
- 358 (C) The facility modification will, in the judgment of the  
359 Administrator, be likely to alter the fundamental nature of the facility's activities.

360

361 (xlvii) "Mixed household and industrial refuse" means any mixture of  
362 municipal solid wastes, industrial solid wastes, or sludge.

363

364 (xlviii) "Mixed solid waste" means municipal solid waste and industrial solid  
365 waste.

366

367 (xlix) "Mobile transfer, treatment and storage facility" means a facility  
368 which is mobilized to conduct transfer, treatment or storage of a solid waste at or near the



369 point of generation.

370

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

374

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

379

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

384

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

394

395 (liv) "Net worth" means total assets minus total liabilities including on and  
396 off-balance sheet liabilities.

397

398 (lv) "New facility" means:

399

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

402

403 (B) Any modification or lateral expansion of an original permit  
404 boundary for the purpose of increasing capacity or site life by more than five percent. An  
405 incidental facility boundary enlargement for the development of, but not limited to fire lanes,  
406 buffer zones, surface water diversion systems, and monitoring systems which are not in  
407 conflict with local zoning, land use, or land ownership is not considered to be a new facility.

408

409 (lvi) "New municipal solid waste landfill unit" means any municipal solid  
410 waste landfill unit that did not receive waste prior to October 9, 1993.

411

412 (lvii) "Occupied dwelling house" means a permanent building or fixed  
413 mobile home that is currently being used on a permanent or temporary basis for human  
414 habitation.

415  
416 (lviii) "100-year floodplain" means an area where a flood has a one-percent  
417 or greater chance of recurring in any given year or a flood of a magnitude equaled or  
418 exceeded once in 100 years on the average over a significantly long period.

419  
420 (lix) "On-site decommissioning" means decommissioning performed within  
421 a facility's property boundary.

422  
423 (lx) "Open burning" means uncontrolled burning of solid waste in the  
424 open.

425  
426 (lxi) "Open dump" means an uncontrolled solid waste management facility  
427 at which solid wastes are placed on the land in such a manner that they present a real or  
428 potential hazard to public health and the environment. Open dump includes any solid waste  
429 management facility subject to the permitting requirements of these rules which does not  
430 have a current, valid permit.

431  
432 (lxii) "Operator" means the applicant who has been granted a permit, who  
433 may manage and operate the solid waste management facility or who may hire another  
434 person, who shall be known as the solid waste manager, for these responsibilities.

435  
436 (lxiii) "Petroleum-contaminated soils" means solid waste consisting of any  
437 natural or manmade soil or rock material into which petroleum product has been added,  
438 excluding hardened asphalt rubble.

439  
440 (lxiv) "Petroleum product" means any crude oil or any liquid petroleum  
441 fraction including but not limited to gasoline, diesel fuels, and used and unused motor oils.

442  
443 (lxv) "Pile" means any noncontainerized accumulation of solid, nonflowing  
444 waste that is used for treatment or storage.

445  
446 (lxvi) "Plans" means maps, specifications, drawings and narrative  
447 description, prepared to describe the solid waste management facility and its operation.

448  
449 (lxvii) "Population" when used in the context of statistical evaluations of  
450 groundwater data, means the total set of all possible concentration measurements for any  
451 given constituent.

452  
453 (lxviii) "Post-closure period" means the period of time during which a closed  
454 facility is maintained and monitored. The post-closure period begins when the Administrator  
455 approves certification from a registered professional engineer confirming that the provisions  
456 of the closure plan have been carried out and that the facility has been closed in compliance  
457 with the closure standards specified in these rules

458  
459 (lxix) "Principal officer" means an officer described in the bylaws of a  
460 corporation or appointed by the board of directors in accordance with the bylaws who serves

461 at least at the level of vice president.

462

463 (lxx) "Private industrial solid waste disposal facility" means any industrial  
464 solid waste disposal facility used solely for the disposal of solid waste generated by the  
465 owner of the facility where wastes are not transported over public roadways for delivery to  
466 the facility and access by persons other than employees of the facility owner is restricted.

467

468 (lxxi) "Processing plant" means a solid waste management facility used or  
469 designed to transfer, shred, grind, bale, compost, salvage, separate, reclaim or provide other  
470 treatment of solid wastes.

471

472 (lxxii) "Recycling facility" means a facility where used or waste materials are  
473 processed or broken down into raw materials which are then used to make or produce new  
474 items or products.

475

476 (lxxiii) "Release" includes, but is not limited to, any spilling, leaking,  
477 pumping, pouring, emptying, emitting, discharging, dumping, addition, escaping, leaching,  
478 or unauthorized disposal of any oil or hazardous substance which enters, or threatens to  
479 enter, waters of the state.

480

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

483

484 (lxxv) "Salvaging" means the controlled removal by the operator or his or her  
485 agent of solid waste from a solid waste management facility for the purpose of reuse.

486

487 (lxxvi) "Sanitary landfill" means a municipal solid waste landfill.

488

489 (lxxvii) "Scavenging" means the removal by persons other than the operator or  
490 his agent of solid wastes from any solid waste management facility.

491

492 (lxxviii) "Scrap tire" means a tire that is no longer used for its original  
493 purpose.

494

495 (lxxix) "Seismic impact zone" means an area with a ten percent or greater  
496 probability that the maximum horizontal acceleration in hard rock, expressed as a percentage  
497 of the earth's gravitational pull (g), will exceed 0.10g in 250 years.

498

499 (lxxx) "Self-bond" means an indemnity agreement in a sum certain made  
500 payable to the State, with or without separate surety. The indemnity agreement is signed by  
501 the operator and, if applicable, the operator's ultimate parent guarantor.

502

503 (lxxxii) "Silviculture waste" means any wood wastes generated during the  
504 management and development of forests. This includes but is not limited to all wood wastes  
505 that are generated during the operation of a sawmill.

506

507 (lxxxii)"Sludge" means the accumulated semisolid mixture of solid wastes  
508 and water, oils, or other liquids.

509  
510 (lxxxiii)"Solid waste manager" means any person designated by the applicant  
511 who has primary responsibility for the daily management and operation of the solid waste  
512 management facility.

513  
514 (lxxxiv)"Solid waste management unit" means a contiguous area of land on or  
515 in which solid waste is placed, or the largest area in which there is significant likelihood of  
516 mixing solid waste constituents in the same area of a solid waste management facility.  
517 Examples of solid waste management units include a surface impoundment at a solid waste  
518 management facility, a waste pile, a land treatment area, a municipal,  
519 construction/demolition, or industrial landfill unit, an incinerator, a tank and its associated  
520 piping and underlying containment systems at a solid waste management facility and a  
521 container storage area. A container alone does not constitute a unit; the unit includes  
522 containers and the land or pad upon which they are placed.

523  
524 (lxxxv)"Solid waste petroleum storage tank" means any underground or  
525 aboveground storage tank that has been taken out of service and which contained any  
526 petroleum substance, including but not limited to motor fuels, jet fuels, distillate fuel oils,  
527 residual fuel oils, lubricants, petroleum solvents, and used oils.

528  
529 (lxxxvi)"Special wastes" are those wastes which require special handling as  
530 described in Chapter 8 of these rules.

531  
532 (lxxxvii)"Storage" means the holding of solid waste for a temporary period, at  
533 the end of which time the solid waste is treated, disposed of, or stored elsewhere.

534  
535 (lxxxviii)"Storage facility" means any facility that stores solid waste for a  
536 temporary period, at the end of which time the solid waste is treated, disposed, or stored  
537 elsewhere.

538  
539 (lxxxix)"Surface impoundment" means a facility or part of a facility which is  
540 a natural topographic depression, man-made excavation, or diked area formed primarily of  
541 earthen materials (although it may be lined with man-made materials), which is designed to  
542 hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an  
543 injection well. Examples of surface impoundments include, but are not limited to holding,  
544 storage, settling, and aeration pits, ponds and lagoons.

545  
546 (xc) "Tangible net worth" means net worth minus intangibles such as  
547 goodwill, patents or royalties.

548  
549 (xci) "Tank" means a stationary device designed to contain an accumulation  
550 of waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel,  
551 plastic) that provide structural support and integrity.

552

553 (xcii) "Topsoil" means all surface soil usually including the organic layer in  
554 which plants have most of their roots, or in the case where no topsoil is present, the top six  
555 inches of in-place native material.

556

557 (xciii) "Transfer of waste" means the temporary holding of solid waste  
558 pending transportation of the solid waste for treatment, storage, or disposal.

559

560 (xciv) "Transfer facility" means any solid waste transportation related facility  
561 including loading docks, parking areas, storage areas and ancillary features.

562

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

570

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

576

577 (xcvii) "Ultimate parent guarantor" means an entity not controlled by any  
578 other entity and is the topmost responsible entity which owns or controls the operator and is  
579 the guarantor for a self-bond.

580

581 (xcviii) "Unprocessed household refuse" means municipal solid wastes which  
582 have not been treated, processed, or recycled at a facility subject to the requirements of these  
583 rules.

584

585 (xcix) "Unstable area" means a location that is susceptible to natural or  
586 human-induced events or forces capable of impairing the integrity of some or all of the  
587 landfill structural components responsible for preventing releases from a landfill. Unstable  
588 areas can include poor foundation conditions, areas susceptible to mass movements, and  
589 karst terrains.

590

591 (c) "Uppermost aquifer" means the geologic formation nearest the natural  
592 ground surface that is an aquifer, as well as lower aquifers that are hydraulically connected  
593 with this aquifer within the facility's property boundary.

594

595 (ci) "Used antifreeze" means any antifreeze that has been used and new  
596 antifreeze which has not been used for its intended purpose but is being discarded.

597

598 (cii) "Used oil" means any oil that has been refined from crude oil, or any

599 synthetic oil, that has been used and new oil which has not been used for its intended purpose  
600 but is being discarded. Used oil does not include animal or vegetable oil.

601

602 (ciii) "Used tire" means a tire that cannot be described as new, but which is  
603 structurally intact and, for passenger tires, has a tread depth greater than two thirty-seconds  
604 (2/32) of an inch. A used tire can be mounted on a vehicle's rim without repair.

605

606 (civ) "Vadose zone" means the unsaturated zone between the land surface  
607 and the water table.

608

609 (cv) "Vector" means a carrier capable of transmitting a pathogen from one  
610 organism to another, including flies, mosquitoes, skunks, or rodents.

611

612 (cvi) "Waste management unit boundary" for the purpose of establishing a  
613 relevant point of compliance for municipal solid waste landfills, "waste management unit  
614 boundary" means a vertical surface located at the hydraulically downgradient limit of the  
615 municipal solid waste landfill unit. This vertical surface extends down to the uppermost  
616 aquifer.

617

618 (cvii) "Waste pile" means any noncontainerized accumulation of solid waste  
619 used for treatment or storage of solid waste.

620

621 (cviii) "Water table" means the seasonally high surface of groundwater which  
622 is subject to atmospheric pressure in an unconfined aquifer. Water table does not mean the  
623 piezometric surface of a confined aquifer.

624

625 (cix) "Wetlands" means those areas that are inundated or saturated by  
626 surface or groundwater at a frequency and duration sufficient to support, and that under  
627 normal conditions do support, a prevalence of vegetation typically adapted for life in  
628 saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs  
629 and similar areas.

630

631 (cx) "Working face" means that portion of the land disposal site where  
632 solid wastes are being deposited and are being spread and compacted prior to the placement  
633 of cover materials.

634

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

636

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

642

643 (ii) A permit or disposal authorization may not be required for the  
644 facilities or activities specified in subsection (f) of this section.

645  
646 (iii) Any facility that is regulated under more than one Chapter of these  
647 rules can apply for and receive a single solid waste management permit if the operator  
648 demonstrates compliance with each applicable Chapter.

649  
650 (d) Recordkeeping, monitoring and reporting requirements:

651  
652 (i) Operators of any solid waste management facility will be required to  
653 establish and maintain monitoring equipment or methods, sample effluent discharges or  
654 emissions, or provide such other information as may be reasonably required and specified by  
655 the Administrator.

656  
657 (ii) All records required by these rules shall be maintained by the operator  
658 of the facility for a minimum of three years from the date of recording, except for those  
659 records required to be kept through the life and post-closure period of the facility as specified  
660 in these rules. All records shall be available for inspection and copying by Department  
661 personnel during reasonable business hours. Copies of these records shall be submitted to the  
662 Administrator when requested.

663  
664 (e) The following acts are prohibited:

665  
666 (i) Open dumping;

667  
668 (ii) Scavenging and animal feeding at active solid waste management  
669 facilities;

670  
671 (iii) Dumping bulk liquid wastes at solid waste management facilities  
672 unless specifically authorized by the Administrator;

673  
674 (iv) Dumping hazardous wastes (other than hazardous wastes generated by  
675 residential households and conditionally exempt small quantity waste generators) in any  
676 facility other than a facility authorized as a hazardous waste disposal facility by these rules  
677 unless specifically authorized by the Administrator;

678  
679 (v) Open burning of any wastes not exempted in subsection (f) of this  
680 section; and

681  
682 (vi) Speculative accumulation of solid wastes at a facility intended for use  
683 as a solid waste management facility without a permit.

684  
685 (f) Exemptions: The Administrator may exempt the following from a permit or  
686 any requirement to obtain a waste management authorization under these rules, provided that  
687 persons engaged in such activities may be required to supply information to the  
688 Administrator which demonstrates that the act, practice, or facility is exempt, and shall allow  
689 entry of Department inspectors for purposes of verification of such information:  
690

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

697  
698 (A) 1,000 scrap tires, excluding any scrap tires remaining on  
699 wheels attached to vehicles;

700  
701 (B) 1,000 gallons of used motor oil;

702  
703 (C) 1,200 used lead acid batteries, excluding any used lead acid  
704 batteries remaining in vehicles, if the batteries are being stored in an upright position and are  
705 not leaking, for the purpose of being transferred to a recycling facility; and

706  
707 (D) 500 gallons of used antifreeze, if the antifreeze is being stored  
708 to be recycled, and the owner or operator only stores used antifreeze they generate or receive  
709 from do-it-yourself antifreeze changers or other similar sources.

710  
711 (ii) Single family units or households: The collection, storage and disposal  
712 of household wastes generated by a single family unit or household on their own property in  
713 such a manner that does not create a health hazard, public or private nuisance, or detriment to  
714 the environment.

715  
716 (iii) Clean fill: The disposal or beneficial use of clean fill in such a manner  
717 that does not create a health hazard, public or private nuisance or detriment to the  
718 environment.

719  
720 (iv) Clean wood waste storage facilities: Facilities storing clean wood  
721 waste in storage piles with a base surface area no larger than 10,000 square feet containing  
722 no greater than 100,000 cubic feet of clean wood waste. Clean wood waste at such facilities  
723 shall be stored no less than 100 feet from off-site structures, and the pile shall not create a  
724 public or private nuisance.

725  
726 (v) De minimis waste management activities: The management of solid  
727 wastes, which in the judgement of the Administrator, constitute de minimis quantities which  
728 are managed in a manner that does not create a health hazard, public or private nuisance, or  
729 detriment to the environment.

730  
731 (vi) Retail business facilities: Retail business facilities which have fewer  
732 than 1,000 scrap tires on the premises at any one time.

733  
734 (vii) Facilities that store lead acid batteries: A retail business facility or a  
735 solid waste storage or transfer facility used only for the storage or transfer of no more than  
736 1,200 used lead acid batteries for the purpose of transfer to a recycling facility, if the



737 batteries are stored in an upright position and are not leaking.

738

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

744

745 (ix) Used oil generators: Used oil generators subject to the used oil  
746 management requirements contained in the Wyoming Hazardous Waste Rules.

747

748 (x) Facilities storing waste, other than construction/demolition waste, for  
749 transfer to a recycling facility: A solid waste storage, treatment, or transfer facility occupying  
750 no more than five acres and used only for the storage, treatment, or transfer of paper,  
751 cardboard, plastic, aluminum cans, glass, metal, clean wood, construction/demolition waste,  
752 and other nonputrescible municipal solid wastes, for the primary purposes of transfer to a  
753 recycling facility or beneficial reuse in a manner approved by the Administrator. Unless all  
754 waste management occurs indoors, the facility shall maintain a twenty-foot buffer zone/fire  
755 lane separating waste from a fenced facility boundary. This exemption applies to the sorting,  
756 shredding, grinding, crushing, baling and storage of these wastes prior to transfer to a  
757 recycling facility or approved beneficial reuse site. This exemption does not apply to  
758 facilities that manage scrap tires, CRTs, or that decommission petroleum storage tanks.

759

760 (xi) Facilities storing construction/demolition waste for transfer to a  
761 recycling facility: A solid waste storage, treatment, or transfer facility occupying no more  
762 than one acre and used only for the storage, treatment, or transfer of construction/demolition  
763 waste for the primary purposes of transfer to a recycling facility or beneficial reuse in a  
764 manner approved by the Administrator. Unless all waste management occurs indoors, the  
765 facility shall maintain a twenty-foot buffer zone/fire lane separating waste from a fenced  
766 facility boundary. This exemption applies to the sorting, shredding, grinding, crushing,  
767 baling, and storage of these wastes prior to transfer to a recycling facility or approved  
768 beneficial reuse site. This exemption does not apply to facilities that manage scrap tires,  
769 electronic waste, or that decommission petroleum storage tanks.

770

771 (xii) Solid waste transfer, treatment, storage, and processing facilities:  
772 Solid waste transfer, treatment, storage, and processing facilities receiving twenty cubic  
773 yards or less of solid waste per day and occupying no more than five acres, including a  
774 twenty-foot buffer zone within a fenced facility boundary, which individually or in  
775 combination manage no more than the quantities of wastes specified in this subsection. This  
776 exemption does not apply to facilities whose owner or operator simultaneously owns or  
777 operates more than one transfer facility within one mile of each other.

778

779 (A) 50 cubic yards of mixed solid wastes stored in containers;

780

781 (B) 50 cubic yards of construction and demolition waste stored in

782 containers;

- 783  
784 (C) Green waste and clean wood waste storage or compost piles;  
785  
786 (D) Compost piles for green waste and manure operated in a  
787 manner that does not create odors, constitute a nuisance, or attract vectors;  
788  
789 (E) 500 scrap tires stored in a manner that prevents fires and vector  
790 habitat;  
791  
792 (F) 20 cubic yards of electronic waste, except CRTs, stored in  
793 containers for shipment to a recycling facility;  
794  
795 (G) 20 cubic yards of CRTs stored intact in containers and kept  
796 whole without any shredding, grinding, crushing, or baling. Devices containing CRTs, such  
797 as televisions and computer monitors, may be disassembled, but the CRTs shall remain  
798 intact. If inadvertently broken, CRTs must be promptly containerized for proper  
799 management;  
800  
801 (H) 1,000 gallons of used oil;  
802  
803 (I) 1,000 gallons of used antifreeze, if the used antifreeze is stored  
804 to be recycled, reclaimed, or reused;  
805  
806 (J) 250 used lead acid batteries, if the batteries are stored in an  
807 upright position and are not leaking, for the purpose of transfer to a recycling facility;  
808  
809 (K) 150 cubic yards of paper, cardboard, plastic, aluminum cans,  
810 glass, and metal, or other nonputrescible municipal solid wastes which may be specifically  
811 authorized by the Administrator, for the primary purposes of transfer to a recycling facility  
812 or beneficial reuse in a manner approved by the Administrator. This provision applies to the  
813 sorting, shredding, grinding, crushing, baling, and storage of these wastes prior to transfer to  
814 a recycling facility or approved beneficial reuse site; and  
815  
816 (L) Household hazardous waste collected no more frequently than  
817 semiannual collection days, provided that the household hazardous waste collected is  
818 removed from the site and transported to a permitted facility within thirty days.  
819  
820 (xiii) Vehicle service and maintenance facilities: In addition to used oil  
821 stored pursuant to this subsection, used antifreeze storage tanks located at vehicle service  
822 facilities, provided the storage tanks are properly labeled, have a used antifreeze storage  
823 capacity of no more than 500 gallons, and are used only to contain used antifreeze that the  
824 owner or operator generates or receives from do-it-yourself antifreeze changes.  
825  
826 (xiv) Medical waste management facilities: Medical waste storage units,  
827 incinerators, autoclaves, or other treatment devices, used to store or treat only medical wastes  
828 which are generated by the owner or operator of the medical facility or by doctor's offices,

829 medical clinics, dental offices and other medical waste generators within the county or local  
830 area where the medical waste storage units, incinerators, autoclaves, or other treatment  
831 devices are located.

832

833 (xv) Beneficial use: The reuse of wastes in a manner which is both  
834 beneficial and protective of human health and the environment, and conducted in a manner  
835 approved by the Administrator.

836

837 (xvi) Household hazardous waste collection events: -The collection of  
838 household hazardous waste on no more than a quarterly basis by the operator of a permitted  
839 solid waste facility or by a person at a site where landowner consent has been obtained.  
840 Collected household hazardous waste must be removed from the collection site within thirty  
841 days and transported to a permitted facility for proper management.

842

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

845

846 (g) Inspections:

847

848 (i) No permit, authorization or exemption shall be issued unless the owner  
849 of the facility provides written authorization for the Department's authorized representative,  
850 upon the presentation of credentials and other documents as may be required by law, to  
851 access and enter upon the operator's premises where a regulated facility or activity is located  
852 or conducted, or where records must be kept under the conditions of a permit, authorization  
853 or exemption; have access to and copy, at reasonable times, any records that must be kept  
854 under the conditions of any permit, authorization or exemption; inspect at reasonable times  
855 any facilities, equipment (including monitoring and control equipment), practices, or  
856 operations regulated or required under the Act; and collect resource data, sample or monitor  
857 at reasonable times, for the purposes of ensuring compliance or as otherwise authorized by  
858 the appropriate rules of the Department, any substances or parameters at any location.

859

860 (ii) Inspections shall be conducted at the discretion of the Administrator  
861 and may consist of:

862

863 (A) Pre-application inspections;

864

865 (B) Preconstruction inspections;

866

867 (C) Construction inspections;

868

869 (D) Closure, post-closure, and annual operational compliance

870 inspections; and

871

872 (E) Routine or complaint-related inspections.

873

874 (iii) The operator shall allow Department personnel entry to the facility for

875 the purpose of inspection. Department personnel shall not be required to provide advance  
876 notice or a waiver of liability as a condition of entry to any facility for the purpose of  
877 conducting any solid waste management facility compliance inspection.

878  
879 (iv) The Administrator shall provide copies of all inspection reports to the  
880 operator following completion of the inspection.

881  
882 (v) The inspection requirements for municipal solid waste landfills with  
883 lifetime permits are in Chapter 2 of these rules.

884  
885 (vi) Following any inspection by Department personnel, the operator will  
886 be notified in writing of any deficiencies within forty-five days from the date of the  
887 inspection unless the Department is waiting to receive additional information from the  
888 operator.

889  
890 (h) Financial assurance: No permit or permit amendment shall be issued for any  
891 regulated facility unless the operator provides financial assurance, in accordance with  
892 Chapter 7 of these rules, that ensures there are adequate sources of funds to provide for  
893 closure, post-closure, and corrective action.

894  
895 **Section 2. Permit Application Procedure.**

896  
897 (a) Application requirements: Each application for a solid waste management  
898 facility permit shall contain information adequate to demonstrate compliance with the  
899 minimum standards for location, design and construction, operating, monitoring, closure and  
900 post-closure as specified in the applicable chapter of these rules. Permit application  
901 procedures are set out in W.S. § 35-11-502, except general permit procedures for closure of  
902 municipal solid waste landfills with less than thirty acres of municipal solid waste disposal  
903 area, which are set forth in Section 2(h) of this Chapter.

904  
905 (b) Permit application format: For all permit applications, amendments, transfers,  
906 and one-time or emergency waste management authorizations, shall be submitted in a format  
907 approved by the Administrator. The information in the application shall be presented in an  
908 order that conforms to the order set forth in the applicable sections of these rules, unless the  
909 Administrator approves an alternate format for the organization of the application.

910  
911 (i) For permit amendments, the application shall include a description of  
912 the amendment sought, including additional plates or drawings as necessary to completely  
913 describe the proposed amendment.

914  
915 (ii) For resubmittal of permit applications or submittal of supplemental  
916 information, the applicant shall have the option to submit copies of only the updated and  
917 revised portion of the application, if the revised and updated pages and drawings are  
918 appropriately numbered and dated to facilitate incorporation into the previous permit  
919 document and the revisions are clearly identified using strikethrough and underline

920 presentation of words unless the Administrator approves an alternate format.

921

922 (c) Public notice and comment: Each application for a new, renewal, or closure  
923 permit shall be submitted for public notice and comment as follows:

924

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

927

928 (A) Within fifteen days of being notified that the application is  
929 complete:

930

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

934

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

939

940 (III) Cause a written notice to be published once a week for  
941 two consecutive weeks in a newspaper of general circulation within the county where the  
942 applicant plans to locate the facility; and

943

944 (IV) Specific text for the written notice shall be provided to  
945 the applicant by the Administrator. The notice shall contain information about the permit  
946 application including the identity of the applicant, the proposed facility location and size, the  
947 wastes types intended for management, the method of waste management, and the operating  
948 life. The notice shall identify the last date for filing comments on the application;

949

950 (B) Provide the Administrator with documentation that the notice  
951 requirements of subsection (c)(i)(A) of this section have been followed. Documentation shall  
952 consist of copies of return receipt cards, publisher's affidavits and other documentation, as  
953 appropriate; and

954

955 (C) The public comment period shall begin on the first date of  
956 publication and shall end at 5:00 pm on the thirtieth day following the last date of  
957 publication.

958

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

961

962 (ii) For each new, renewal, or closure permit application or any  
963 application for a major change, the Administrator shall issue a proposed permit following  
964 completion of the Administrator's permit analysis, unless the permit is denied pursuant to  
965 Section 4 of this Chapter. Upon receipt of a proposed permit, the applicant shall comply

966 with the following requirements:

967

968 (A) Within fifteen days of receiving a proposed permit:

969

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

975

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

978

979 (III) Cause a written notice to be published once a week for  
980 two consecutive weeks in a newspaper of general circulation within the county where the  
981 applicant plans to locate the facility; and

982

983 (IV) Specific text for the written notice shall be provided to  
984 the applicant by the Administrator. The notice shall contain information about the permit  
985 application including the identity of the applicant, the proposed facility location and size, the  
986 wastes types intended for management, the method of waste management, the operating life,  
987 and the Administrator's findings. The notice shall identify the period for filing objections to  
988 the application;

989

990 (B) Provide the Administrator with documentation that the notice  
991 and filing requirements of subsection (c)(ii)(A) of this section have been followed.  
992 Documentation shall consist of copies of return receipt cards, and publisher's affidavits or  
993 affidavits of personal delivery as appropriate.

994

995 (C) The public comment period shall begin on the first date of  
996 publication and shall end at 5:00 pm on the thirtieth day following the last date of  
997 publication.

998

999 (D) Any interested person may submit written objections no later  
1000 than 5:00 pm Mountain Time on the last day of the public comment period. If substantial  
1001 written objections are received by the Director, a public hearing will be held in accordance  
1002 with W.S. § 35-11-502(k).

1003

1004 (d) Permit renewal applications:

1005

1006 (i) In addition to the following requirements, permit renewal applications  
1007 are subject to the application procedures set forth in W.S. § 35-11-502 and subsections (a),  
1008 (b), and (c) of this section.

1009

1010 (ii) The operator subject to solid waste management facility permit  
1011 requirements shall provide the Administrator with a renewal application. The permit renewal

1012 application shall contain the information specified in the relevant chapter(s) of these rules  
1013 and be submitted in accordance with the time frames specified.

1014  
1015 (iii) Except for municipal solid waste landfills with lifetime permits, issued  
1016 under Chapter 2 of these rules shall submit a permit renewal application no less than twelve  
1017 months prior to the expiration of said permit unless a closure permit application has been  
1018 submitted. Municipal solid waste landfills with lifetime permits shall submit a renewal  
1019 application no later than three years prior to the expiration of the lifetime municipal solid  
1020 waste landfill permit. The renewal application shall contain the information specified in the  
1021 applicable chapter of these rules.

1022  
1023 (e) Closure permit applications:

1024  
1025 (i) In addition to the following requirements, closure permit applications  
1026 are subject to the application procedures set forth in W.S. § 35-11-502 and subsections (a),  
1027 (b), and (c) of this section.

1028  
1029 (ii) The operator shall provide the Administrator with a closure permit  
1030 application if required by the applicable chapter of these rules in accordance with the time  
1031 frames specified therein.

1032  
1033 (iii) Anticipated closure: The operator of a facility with a valid permit shall  
1034 submit a closure permit application to the Administrator no less than twelve months prior to  
1035 the anticipated facility closure.

1036  
1037 (iv) Unanticipated closure: In the event any solid waste management  
1038 facility ceases operation, as determined by nonreceipt of solid wastes for any continuous nine  
1039 month period or any continuous one year period for landfarm facilities or petroleum-  
1040 contaminated soils land treatment facilities, the facility operator shall provide written  
1041 notification to the Administrator no later than thirty days after the end of such nine month (or  
1042 one year) period. This notification shall be accompanied by a closure permit application  
1043 unless the Administrator approves interim measures with delayed final closure for good  
1044 cause upon application by the operator.

1045  
1046 (f) Variance application procedure for location standards specified in W.S. § 35-  
1047 11-502(c):

1048  
1049 (i) For solid waste disposal facilities which do not meet the location  
1050 standards specified in paragraphs (i) through (iv) of W.S. § 35-11-502(c), the applicant may  
1051 apply to the Director for a variance from the standards by submitting a written variance  
1052 application. The variance application shall contain the following information:

1053  
1054 (A) For proposed facilities which do not meet the location  
1055 standards for proximity to towns, schools or any occupied dwelling house in W.S. § 35-11-  
1056 502(c)(i) or (ii), the applicant shall:

1057

1058 (I) Present an analysis of additional traffic which would  
1059 result from the proposed facility, and demonstrate that additional traffic caused by operation  
1060 of a disposal facility will not pose a safety threat to the public;

1061  
1062 (II) Demonstrate that the operation of the proposed facility  
1063 will not present odor, dust, litter, insect, noise, health (human and animal) or aesthetic  
1064 problems, and will not present a public nuisance by its proximity to the town, schools or  
1065 dwellings. This demonstration may be made through analysis of the facility design and  
1066 operation practices; and

1067  
1068 (III) Provide design features and monitoring specifications  
1069 used to preclude methane migration from affecting any buildings within one mile of the  
1070 proposed facility, if the facility is used for the disposal of wastes which may form methane  
1071 as a decomposition product.

1072  
1073 (B) For proposed facilities which do not meet the location standard  
1074 for proximity to, and visual screening from, state or federal highways in W.S. § 35-11-  
1075 502(c)-(iii), the applicant shall provide information describing how the design and operation  
1076 of the facility will minimize visual impacts to the highway(s).

1077  
1078 (C) For proposed facilities, excluding incinerators, which do not  
1079 meet the location standard for proximity to water wells in W.S. § 35-11-502(c)(iv), the  
1080 applicant shall provide:

1081  
1082 (I) A detailed description of the site's geologic and  
1083 hydrologic characteristics, supported by data from on-site soil borings and groundwater  
1084 monitoring wells;

1085  
1086 (II) A detailed description of the proposed facility's  
1087 containment system (cap and liner systems) and surface water diversion structures;

1088  
1089 (III) A detailed description of the groundwater monitoring  
1090 program (including location of wells, sampling frequency and sampling parameters) which  
1091 would be instituted when the facility begins operations; and

1092  
1093 (IV) An analysis of the potential for contaminants which  
1094 may leak from the disposal facility to adversely affect the nearby water well(s). This analysis  
1095 may be in the form of contaminant transport modeling results, an evaluation of hydrologic  
1096 conditions or aquifer properties, or other applicable information.

1097  
1098 (D) In addition to the other information requested in this  
1099 subsection, all variance applications made under this subsection shall be accompanied by the  
1100 following information:

1101  
1102 (I) The proposed size of the facility;

1103



- 1104 (II) The name, address and telephone number of the  
1105 applicant;  
1106
- 1107 (III) The legal description of the property;  
1108
- 1109 (IV) A detailed description of the facility which includes  
1110 information on the amount, rate (tons per day), type (including chemical analyses if other  
1111 than household refuse) and source of incoming wastes, a narrative describing the facility  
1112 operating procedures, and the estimated site capacity and site life;  
1113
- 1114 (V) The names and addresses of the property owners of all  
1115 lands within one mile of the proposed facility boundary;  
1116
- 1117 (VI) A USGS topographic map (scale of  
1118 1:24,000 or 1: 62,500) which shows the boundaries of the proposed landfill site or other  
1119 suitable topographic map may be submitted if a 1:24,000 map is unavailable; and  
1120
- 1121 (VII) Information sufficient to evaluate the conditions  
1122 specified in paragraph (i)(ii) of this section.  
1123
- 1124 (ii) In granting any variance as provided by this paragraph, the Director  
1125 shall issue written findings that the variance will not injure or threaten to injure the public  
1126 health, safety, or welfare. The Director shall only make such a finding if the evidence  
1127 presented in the application and obtained at a public hearing demonstrates that:  
1128
- 1129 (A) There are no available alternative locations which meet the  
1130 location standards to meet the disposal needs of the applicant, within a reasonable distance of  
1131 the boundary of the service area of the facility;  
1132
- 1133 (B) It is not possible to use existing facilities owned by another  
1134 person within a reasonable distance of the boundary of the service area of the facility; and  
1135
- 1136 (C) Special or unique conditions or circumstances apply to the  
1137 applicant and justify granting the variance.  
1138
- 1139 (iii) In granting any variance the Director shall condition the variance such  
1140 that it applies only to the facility described in the application. Changes to the facility size,  
1141 type or source of waste, rate at which waste is received, or any other aspect of the facility  
1142 may render the variance invalid as determined by the Director.  
1143
- 1144 (iv) The Administrator shall review the variance application within ninety  
1145 days of the receipt of the application. If the application is incomplete or technically  
1146 inadequate, the Administrator shall so advise and state in writing to the applicant the  
1147 information required. Additional information submitted in response to any deficiency  
1148 notification shall be reviewed by the Administrator within ninety days.  
1149

1150 (v) If the application is complete and technically adequate the  
1151 Administrator shall provide draft findings and recommendations to the Director and the  
1152 applicant. The draft findings shall state whether or not the Administrator has found that the  
1153 variance will not injure or threaten to injure the public health, safety or welfare and the basis  
1154 for the draft findings.

1155  
1156 (vi) Unless a delay is requested by the applicant, the Director shall  
1157 schedule a public hearing on the draft findings within forty-five days. Notice of the hearing  
1158 shall be published at least thirty days prior to the date of the hearing. Notice shall be  
1159 published once a week for two consecutive weeks in a paper of general circulation within the  
1160 county where the facility is located. The notice shall contain the identity of the applicant,  
1161 summary information on the variance application, the location where the public can view  
1162 copies of the application and the Administrator's review, the Administrator's draft decision  
1163 regarding granting or denying the variance application, and the date, time and location of the  
1164 hearing.

1165  
1166 (vii) A public comment period shall begin on the first date of publication  
1167 and shall end at the conclusion of the hearing. The Director shall make a final decision  
1168 regarding the variance within sixty days from the date of the hearing.

1169  
1170 (g) Permit application procedures for low hazard or low volume treatment,  
1171 processing, storage, and transfer facilities:

1172  
1173 (i) The Administrator shall conduct a completeness and technical review  
1174 of each application submittal within thirty days of receipt of the application. If the  
1175 Administrator deems the application incomplete or technically inadequate, the Administrator  
1176 shall so advise and state in writing to the applicant the information required.

1177  
1178 (ii) Public notice for low hazard or low volume facilities: For each new  
1179 low hazard or low volume treatment, processing, storage, and transfer facility permit  
1180 application or application for a major amendment to an existing facility permit, the  
1181 Administrator shall issue a proposed permit following completion of the Administrator's  
1182 permit analysis, unless the permit is denied pursuant to Section 4 of this Chapter. Upon  
1183 receipt of a proposed permit the applicant shall within fifteen days:

1184  
1185 (A) Cause a written notice to be published once a week for two  
1186 consecutive weeks. If the facility is mobile, notice shall be published in a newspaper of  
1187 general circulation within the state. If the facility is not mobile, notice shall be published in a  
1188 newspaper of general circulation within the county where the applicant plans to locate the  
1189 facility. Specific text of the notice shall be provided to the applicant by the Administrator.  
1190 The notice shall contain information about the permit application including the identity of  
1191 the applicant, the proposed facility service area, location, if not mobile, size, the waste types  
1192 intended for management, the method of waste management, the operating life, and the  
1193 Administrator's findings. The notice shall identify the period for filing objections to the  
1194 application;

1195

1196 (B) If a fixed facility, notify adjacent landowners by first-class  
1197 mail; and  
1198

1199 (C) Provide the Administrator documentation that the notice  
1200 requirements of this subsection have been followed, including copies of the publisher's  
1201 affidavits and sworn statement.  
1202

1203 (iii) The public comment period shall begin on the first date of publication  
1204 and shall end at 5:00 pm on the thirtieth day following the last day of publication of the  
1205 notice.  
1206

1207 (iv) Any interested person may submit written objections no later than 5:00  
1208 pm on the last day of the public comment period. If substantial written objections are  
1209 received by the Director within the public comment period a public hearing will be held in  
1210 accordance with W.S. § 35-11-502(k).  
1211

1212 (v) Low hazard or low volume permit issuance: If documentation has been  
1213 received that the public notice requirements of this section have been met and no substantial  
1214 objections are received, the Director shall issue an operating permit or within thirty days.  
1215

1216 (vi) The operator of a facility with a valid operating permit issued under  
1217 this subsection, shall submit a permit renewal application no later than 180 days prior to the  
1218 expiration of said permit unless a closure permit application has been submitted. The renewal  
1219 application shall contain the information specified in the applicable chapter of these rules.  
1220

1221 (h) General Closure Permit for Municipal Solid Waste Landfills:  
1222

1223 (i) A general closure permit shall apply to the closure and post-closure  
1224 activities for municipal solid waste landfills with less than thirty acres of municipal solid  
1225 waste disposal area.  
1226

1227 (ii) Notice of intent for coverage under a general permit shall be made on  
1228 forms provided by the Department which require a signature of agreement by the applicant to  
1229 abide by all conditions of the permit.  
1230

1231 (iii) All activities shall meet the standards of Chapter 2 of these rules.  
1232

1233 (iv) All notice of intent for coverage forms shall be prepared under the  
1234 supervision of a professional engineer licensed in the State of Wyoming. All notice of intent  
1235 for coverage forms shall be stamped, signed and dated by a professional engineer. In  
1236 addition, all portions of the notice of intent for coverage which require geological services or  
1237 work shall be stamped, signed and dated by a professional geologist licensed in the State of  
1238 Wyoming.  
1239

1240 (v) All notices of intent for coverage under a general permit shall be  
1241 processed as follows:

1242  
1243 (A) The Administrator shall review each notice of intent or  
1244 resubmittal within sixty days from the date the notice of intent or resubmittal is received.  
1245

1246 (B) The Administrator may request additional information if it is  
1247 determined that the information is inadequate to satisfy the requirements of these rules.  
1248

1249 (C) The Department shall issue an Authorization of Coverage  
1250 within thirty days of finding that the notice of intent or resubmittal is complete.  
1251

1252 (D) No closure or post-closure activities shall commence until a  
1253 written Authorization of Coverage under the general closure permit has been received from  
1254 the Department.  
1255

1256 (vi) Authorizations of Coverage for municipal solid waste landfills shall be  
1257 issued through the end of the post-closure period specified in Chapter 2 of these rules and  
1258 shall be extended until the Administrator determines, upon petition by the operator  
1259 accompanied by submission of relevant information, that the facility has been adequately  
1260 stabilized in a manner protective of human health and the environment. Petitions to terminate  
1261 the post-closure period shall include certification from a Wyoming licensed professional  
1262 engineer that post-closure care has been completed in compliance with the approved post-  
1263 closure plan and in a manner protective of human health and the environment. No renewals  
1264 of Authorizations of Coverage shall be required.  
1265

1266 (vii) The general permit shall be developed pursuant to the permit issuance  
1267 procedures of W.S. § 35-11-502(j), (k), and (m).  
1268

1269 **Section 3. Permit Amendments and Transfers.**  
1270

1271 (a) Permit amendments constituting a major change for municipal solid waste  
1272 landfills shall comply with the requirements of Chapter 2 of these rules.  
1273

1274 (b) Permit amendments constituting a major change for all non-municipal solid  
1275 waste facilities and minor changes at all solid waste facilities shall comply with the  
1276 following:  
1277

1278 (i) Within sixty days of receipt of any application for a permit  
1279 amendment, the Administrator shall conduct a review of the application and provide a  
1280 written response to the operator.  
1281

1282 (A) If the amendment is deemed complete and demonstrates  
1283 compliance with applicable standards and constitutes a major change, the public notice and  
1284 comment period in Section 2(c)(ii) of this Chapter shall commence.  
1285

1286 (B) If the amendment is deemed complete and demonstrates  
1287 compliance with applicable standards and constitutes a minor change, the Administrator shall

1288 render a decision.

1289

1290 (ii) If the proposed amendment is determined to be inadequate, the  
1291 operator shall be required to submit any additional information required by the  
1292 Administrator, unless there is a basis for denial.

1293

1294 (c) All amendments shall comply with the location, design and construction,  
1295 operating, monitoring, financial assurance, and closure standards of the applicable chapter of  
1296 these rules.

1297

1298 (d) Permit transfers:

1299

1300 (i) An operator shall receive written approval from the Director prior to  
1301 transfer of any permit authorized by these rules.

1302

1303 (ii) Permit transfer applications shall be in writing by the operator. The  
1304 application shall contain:

1305

1306 (A) The name, address and telephone number of the legal operator  
1307 of the facility to whom the permit will be transferred, and, at a minimum, a summary, listing  
1308 of any administrative order, civil or administrative penalty assessment, bond forfeiture, civil,  
1309 misdemeanor, or felony conviction, or court proceeding for any violations of any local, state  
1310 or federal law occurring within a minimum of five years of application submittal relating to  
1311 environmental quality or criminal racketeering, of the solid waste manager, the applicant, or  
1312 if the applicant is a partnership or corporation, any partners in the partnership or executive  
1313 officers or corporate directors in the corporation;

1314

1315 (B) The name, address and telephone number of the solid waste  
1316 manager;

1317

1318 (C) Proposed date of the transfer of the permit; and

1319

1320 (D) Signed and notarized documentation from the new operator  
1321 indicating that the new operator has agreed to accept and be bound by the provisions of the  
1322 permit and any amendments, agreed to construct and operate the facility in accordance with  
1323 the approved plan, and agreed to accept responsibility for the facility's compliance with the  
1324 standards specified in the applicable chapter of these rules, including the responsibility to  
1325 perform corrective actions.

1326

1327 (iii) The original operator shall retain responsibility for the facility  
1328 according to the terms of the original permit until the application for permit transfer has been  
1329 approved by the Director. The new operator may not operate the facility until the permit  
1330 transfer has been approved.

1331

1332 (iv) No permit may be transferred from one operator to another unless the  
1333 new operator demonstrates compliance with the financial assurance requirements of Chapter

1334 7 of these rules.

1335

1336 **Section 4. Permit Denial, Revocation, Modification, or Termination.**

1337

1338 (a) The Director may deny a permit if:

1339

1340 (i) Permit issuance would conflict with any provision of the Act or these  
1341 rules;

1342

1343 (ii) The applicant fails to submit the required information;

1344

1345 (iii) The facility history indicates continual noncompliance with these  
1346 rules;

1347

1348 (iv) The application indicates that the facility would not comply with the  
1349 location, design and construction, operating, monitoring, closure or post- closure standards  
1350 as specified in the applicable sections of these rules;

1351

1352 (v) The application misrepresents actual site conditions;

1353

1354 (vi) The applicant fails to employ a solid waste manager who meets the  
1355 qualifications of the applicable chapter of these rules; or

1356

1357 (vii) The applicant, or any partners, executive officers, or corporate  
1358 directors, has been found civilly or criminally liable for violations of environmental quality  
1359 or criminal racketeering laws or regulations which in the judgment of the Director  
1360 constitutes evidence that the applicant cannot be relied upon to conduct the operations  
1361 described in the application in compliance with the Act and these rules.

1362

1363 (b) Permit revocation:

1364

1365 (i) The Director may revoke a permit in instances of continual  
1366 noncompliance, or if it is determined that the permit application misrepresented actual site  
1367 conditions, or if the continued operation is inconsistent with any provision of the Act or these  
1368 rules.

1369

1370 (ii) The Director shall notify the operator of his or her intent to revoke the  
1371 permit. The written notification shall contain the basis for revoking the permit. All permit  
1372 revocation procedures shall be accomplished in accordance with the requirements of the  
1373 Wyoming Administrative Procedures Act.

1374

1375 (iii) The Director may order facility closure following permit revocation.  
1376 Closure and post-closure activities shall be accomplished in accordance with a plan approved  
1377 by the Administrator. If a closure/post-closure plan has not been approved, closure and post-  
1378 closure activities shall be accomplished in accordance with the standards specified in the  
1379 applicable chapter of these rules.

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

(d) Permit termination:

(i) Operating permit termination:

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

(ii) Closure permit termination:

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

(iii) Release of financial assurance: Following permit termination, financial assurance shall be released as prescribed in Chapter 7 of these rules.

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

(a) Authorization application procedure:

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

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

1426 (A) The proposed waste management activity shall be a single  
1427 occurrence of limited duration;

1428  
1429 (B) The applicant documents that other waste management and  
1430 reuse options were thoroughly investigated and that no other reasonable alternatives had  
1431 been identified;

1432  
1433 (C) The proposed waste disposal site would meet the applicable  
1434 location standards specified in Chapter 3, or 4 of these rules or the proposed waste  
1435 management site would meet the applicable location standards specified in Chapter 8 of  
1436 these rules;

1437  
1438 (D) The proposed waste management activity would not present a  
1439 significant threat to public health or the environment;

1440  
1441 (E) The waste management activity would result in de minimis  
1442 impacts which would not warrant the initiation of public participation procedures;

1443  
1444 (F) The total waste disposal area would be no more than one acre;

1445  
1446 (G) The applicant can document that permission has been obtained  
1447 from the landowner to manage the materials at the proposed waste management location, if  
1448 that location is not owned by the applicant; and

1449  
1450 (H) The applicant commits to promptly record a notarized notice  
1451 with the county clerk, in the county where the facility is located, which adequately describes  
1452 the location, nature and extent of any waste disposal activity.

1453  
1454 (iv) The waste management authorization request shall document  
1455 compliance with the conditions specified in subsection (a)(ii) of this section allowing for the  
1456 Administrator's consideration of a one-time or emergency waste management authorization.  
1457 The request shall contain information adequate to demonstrate compliance with the standards  
1458 specified in the applicable chapter of these rules.

1459  
1460 (v) The waste management authorization request shall be reviewed by the  
1461 Administrator within forty-five days after submission.

1462  
1463 (b) Authorization issuance:

1464  
1465 (i) The Administrator may deny a one-time or emergency waste  
1466 management authorization for any of the reasons specified in Section 4(a) of this Chapter.  
1467 The Administrator may also deny a one-time or emergency waste management authorization  
1468 if it is determined that the proposed waste management activity would not be subject to the  
1469 provisions described in subsections (a)(i) and (a)(ii) of this section.

1470  
1471 (ii) If the waste management authorization request is determined to be



1472 complete and the request demonstrates compliance with the standards in the relevant  
1473 application requirements section, a waste management authorization will be granted by the  
1474 Administrator.

1475  
1476 (iii) The operator shall notify the Administrator following completion of  
1477 authorized waste management activities. This notification shall be accompanied by site  
1478 photographs adequate to demonstrate the site conditions following closure.

1479  
1480 (iv) The term of the waste management authorization shall be no longer  
1481 than one year unless, for good cause, the Administrator approves additional time.