

1 WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
2 SOLID AND HAZARDOUS WASTE DIVISION
3 HAZARDOUS WASTE MANAGEMENT
4

5 **CHAPTER 1**
6 **GENERAL PROVISIONS**
7

8 **Section 1. IN GENERAL.**

9 (a) **AUTHORITY.** ~~The authority for the rules contained in this~~ This Chapter is
10 promulgated pursuant to the Wyoming Environmental Quality Act, Wyoming Statute, (W.S.) 35-
11 11-101 et seq. specifically Wyoming Statute (W.S.) 35-11-503.

12 (b) **APPLICABILITY.** The rules contained herein shall apply to any person, government
13 or governmental subdivision, corporation, organization, partnership, business trust, association,
14 district, or other entity involved in any aspect of the management of hazardous waste. ~~These~~
15 ~~rules are effective immediately upon filing with the Secretary of State.~~

16 (c) **OBJECTIVE.** The objective of these rules is to provide minimum standards for the
17 management of hazardous waste in order to carry out the policy and purpose of the Wyoming
18 Environmental Quality Act, W.S. 35-11-102, and to adopt the federal rules as of ~~June 30,~~
19 2018 July 7, 2020, with exceptions as noted.

20 ~~———— (d) SEVERABILITY. If any Section or provision of these rules, or the application of that~~
21 ~~Section or provision to any person, situation, or circumstance is adjudged invalid for any~~
22 ~~reason, the adjudication does not affect any other Section or provision of these rules or the~~
23 ~~application of the adjudicated Section or provision to any other person, situation, or~~
24 ~~circumstance. The Environmental Quality Council declares that it would have adopted the valid~~
25 ~~portions and applications of these rules without the invalid part, and to this end the provisions~~
26 ~~of these rules are declared to be severable.~~

27 **Section 2. INCORPORATION BY REFERENCE (IBR) OF 40 CFR.**

28 (a) **GENERAL.** For any code, standard, rule or regulation incorporated by reference
29 in these rules:

30 (i) The Wyoming Department of Environmental Quality, Solid and
31 Hazardous Waste Division, has determined that incorporation of the full text in these rules
32 would be cumbersome or inefficient given the length or nature of the rules;

33 (ii) The incorporation by reference (IBR) does not include any later
34 amendments or editions of the incorporated matter beyond the applicable date identified in
35 subsection (b) of this section.

36 (b) **RULE IDENTIFICATION.** ~~Each rule incorporated by reference in these rules is~~
37 ~~further identified as follows: ——— (i) Chapter 1 Hazardous Waste Management General~~

38 ~~Provisions, IBR and exceptions. All references are from~~ This Chapter incorporates sections of
39 ~~the Code of Federal Regulations (CFR), Title 40, Parts 124, 260-268, 270, 273, and 279 as~~
40 ~~promulgated by the US Environmental Protection Agency (EPA) through July 7, 2020, unless~~
41 ~~otherwise noted. This incorporation does not include later amendments or editions of the~~
42 ~~incorporated material. Chapter 1 can be Title 40, Parts 124, 260-268, 270, 273, and 279, as~~
43 ~~adopted by the Wyoming Department of Environmental Quality, Solid and Hazardous Waste~~
44 ~~Division and effective on June 30, 2018, found at: <https://rules.wyo.gov/Default.aspx>~~

45 (c) EXCEPTIONS. ~~The following 40 CFR portions by date are excluded from these~~
46 ~~rules: May 15, 2000 (65 FR 30886; Amendments to NPDES Program regulations), April 22,~~
47 ~~2004 (69 FR 21737; Performance Track), October 25, 2004 (69 FR 62217; Performance Track),~~
48 ~~October 30, 2008 (73 FR 64668; Definition of Solid Waste), January 13, 2015 (80 FR 1694-1814)~~
49 ~~and May 30, 2018 (83 FR 24664); Revisions to the Definition of Solid Waste, December 19,~~
50 ~~2008 (73 FR 77954; RCRA Comparable Fuel Exclusion), and the amendments involving~~
51 ~~Performance Track requirements made as part of 71 FR 16862 on April 4, 2006. Nothing in 40~~
52 ~~CFR Parts 260 - 268, 270, 273, 279 or Part 124 as pertains to permits for Underground~~
53 ~~Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under~~
54 ~~Section 404 of the Clean Water Act, or Prevention of Significant Deterioration Program (PSD)~~
55 ~~under the Clean Air Act is adopted or included by reference herein. 40 CFR Part 278 is not~~
56 ~~incorporated by reference, as the part applies to the Tri-State Mining District, not Wyoming.~~

57 (i) More specific exceptions to ~~subparts of the incorporated~~ sections of 40
58 CFR, including more stringent provisions relative to the incorporated sections of 40 CFR are
59 detailed in the relevant sections of these rules.

60 (d) MORE STRINGENT AND BROADER-IN-SCOPE PROVISIONS. Those State-specific
61 rules that are more stringent than, or broader-in-scope than, the incorporated sections of 40
62 CFR are described in detail in Appendix A, Table 1-1 of this Chapter.

63 (e) AVAILABILITY OF REFERENCED MATERIAL. The federal rules adopted by
64 reference throughout these rules are maintained at the following locations:

65 (i) Electronic copies of federal rules may be obtained from the U.S.
66 Government Printing Office, <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>; and

67 (ii) Volumes of the incorporated sections of 40 CFR are available for public
68 inspection at the Wyoming Department of Environmental Quality, Solid and Hazardous Waste
69 Division, the physical address of which can be found at <http://deq.wyoming.gov/shwd/>. Printed
70 copies of the incorporated sections of 40 CFR are also available at cost from the U.S.
71 Government Printing Office, 732 N. Capitol St. NW, Washington, DC 20401 or at
72 <http://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print>. Copies
73 of the incorporated sections of 40 CFR may be requested at cost through the DEQ, which will
74 order the materials from the U.S. Government Printing Office.

75 (iii) An electronic copy of these Wyoming rules may be found at
76 <https://rules.wyo.gov/Default.aspx>.

77

78 **Section 3. SUBSTITUTION OF STATE TERMS FOR FEDERAL TERMS.**

79
80 ~~(a) — SUBSTITUTION OF TERMS AND INTERNAL REFERENCES. —~~ The following Statestate
81 terms shall replace the federal terms ~~where they appear~~ in 40 CFR Parts 260 through 268, 270,
82 273, 279, and 124, unless otherwise noted in these rules:

83
84 ~~(i) (a) Act. Wyoming Environmental Quality Act, W.S. 35-11-101 et seq. [40 CFR~~
85 ~~260.10]~~

86 ~~(ii) (b) Administrator, or Regional Administrator. When used in the context of 40 CFR,~~
87 ~~the definition shall be the. The Director of the Wyoming Department of Environmental Quality,~~
88 ~~or their designee, except where noted in these rules. When used in the context of these rules,~~
89 ~~the definition shall be the U.S. Environmental Protection Agency Administrator or Region 8~~
90 ~~Regional Administrator as appropriate. [40 CFR 260.10/270.2].~~

91 ~~(c) — (iii) Board, or Environmental Appeals Board. The~~ When used in the
92 ~~context of 40 CFR, the definition shall be the~~ The Wyoming Environmental Quality
93 Council. ~~except where noted in these rules.~~

94
95 ~~(iv) — Department, or DEQ. The Wyoming Department of Environmental~~
96 ~~Quality.~~

97 ~~(d) — (v) Director, Regional Director, or State Director. The Director of the DEQ or~~
98 ~~his or her designee. (In some circumstances however, the EPA retains authority to take certain~~
99 ~~actions even though Wyoming has an approved program. In these cases, reference is made to~~
100 ~~the EPA Administrator instead of the Director.) [40 CFR 270.2]~~

101 ~~(vi) — DOT. Any reference to the "Department of Transportation" or "DOT" shall~~
102 ~~mean the U.S. Department of Transportation.~~

103
104 ~~(e) — (vii) EPA, U.S. Environmental Protection Agency, EPA Headquarters.~~
105 ~~The~~ When used in the context of 40 CFR, the definition shall be the ~~The~~ DEQ, except when used
106 in 40 CFR 262.25 or to refer to an EPA Identification number, EPA hazardous waste number,
107 EPA forms, publications or guidance, or EPA Acknowledgment of Consent., ~~and where noted~~
108 ~~in these rules.~~ Under the latter circumstances, the definition shall be the U.S. Environmental
109 Protection Agency and the Headquarters of the U.S. Environmental Protection Agency as
110 appropriate. ~~When used in the context of these rules, the definition shall be the U.S.~~
111 ~~Environmental Protection Agency. [40 CFR 262.12(d) and 40 CFR 270 .2]~~

112 (f) Qualified Professional Engineer. A professional engineer registered in the State
113 of Wyoming. Professional engineers must be registered in Wyoming when activities require
114 Professional Engineer certification. This differs from the EPA phrase "qualified Professional
115 Engineer". A professional engineer registered in the State of Wyoming.

116
117 (g) Qualified Geologist or Geologist. Geologists. A professional geologist registered
118 in the State of Wyoming. Professional geologists must be registered in Wyoming when

119 ~~activities require professional geologist certification. This differs from the EPA phrases~~
120 ~~"qualified geologist" or "geologists". A professional geologist registered in the State of~~
121 ~~Wyoming.~~

122
123 (h) RCRA. ~~When used in the context of 40 CFR, the definition shall be t~~The
124 ~~comparable sections of the Wyoming Environmental Quality Act. When used in the context of~~
125 ~~these rules, the definition shall be The Resource Conservation and Recovery Act, 42 U.S. Code,~~
126 ~~Sections 6901 et seq. [40 CFR 260.10 and 40 CFR 270.2]~~

127
128 (i) ~~_____ (i) _____~~ RCRA Permit. State hazardous waste management facility
129 (HWMF) permit, which is an authorization, license, or equivalent control
130 document issued by the DEQ to implement the requirements of W.S. 35-11-
131 503(d).

132
133 ~~_____ (j) _____~~ "Solid Waste. (see "Waste Material"). [40 CFR 261.2]

134 (jk) State. The State of Wyoming. [40 CFR 260.10]

135 (kl) United States or U.S. ~~The State of Wyoming. When used in the context of 40~~
136 ~~CFR, the definition shall be the State of Wyoming, except where noted in these rules. When~~
137 ~~used in the context of these rules, the definition shall be the United States. [40 CFR 260.10]~~

138 ~~_____ (m) _____~~ Waste material. ~~Specific to 40 CFR 261.2(a)(1), any discarded material that is not~~
139 ~~excluded under 40 CFR 261.4(a), or that is not excluded by a variance granted by the Director~~
140 ~~under 40 CFR 260.30 and 260.31. [40 CFR 261.2(a)(1)]~~

141 **Section 4. DEFINITIONS.**

142 ~~(a) _____~~ GENERAL. ~~When used in these rules and any materials incorporated herein by~~
143 ~~reference, the following definitions apply unless their application would be inconsistent with~~
144 ~~the Act. Terms not otherwise defined in this Section 4(a) of this Chapter will have the meaning~~
145 ~~given by RCRA.~~

146
147 ~~_____ (a)(i) _____~~ Air contaminant. Dust, fumes, mist, smoke, other particulate matter, vapor, gas
148 or any combination of the foregoing, but shall not include steam or water vapor. - Chapter 1,
149 Section 3 (Air Quality Rules).

150
151 ~~_____ (b)(ii) _____~~ Air pollution. The presence in the outdoor atmosphere of one or more air
152 contaminants in such quantities and duration as is materially injurious to human health or
153 welfare, animal or plant life or property, or unreasonably interferes with the enjoyment of life
154 or property. - Chapter 1, Section 3 (Air Quality Rules).

155 ~~_____ (i) _____~~ Air contaminant. ~~Odorous material, dust, fumes, mist, smoke, other particulate~~
156 ~~matter, vapor, gas or any combination of the foregoing, but shall not include steam or water~~
157 ~~vapor.~~

158 ~~_____ (ii) Air pollution. The presence in the outdoor atmosphere of one (1) or more~~
159 ~~contaminants in such quantities and duration that may be injurious to human health or welfare,~~
160 ~~animal or plant life, or property, or unreasonably interferes with the enjoyment of life or~~
161 ~~property.~~

162 ~~(c)(iii)~~ Assumed target intakes. The standard EPA exposure assumptions and factors as
163 defined in the "OSWER Directive 9285.6-03," and the EPA "exposure factors handbook," as
164 specified in "Exposure Factors Handbook", 2011, U.S. Environmental Protection Agency, EPA
165 600/R-09/052F.

166 ~~_____ (iv) CFR. The United States Code of Federal Regulations.~~

167

168 ~~(d)(v)~~ Chronic. That time period from seven years to a lifetime.

169

170 ~~(e)(vi)~~ Class I facilities. Any non-commercial or non-profit treatment or storage facility,
171 not engaged specifically in incineration, used solely to manage hazardous wastes that are
172 generated by the owner of the facility at the site of the facility, or any existing, but closed
173 treatment, storage, or disposal facility.

174

175 ~~(f)(vii)~~ Class II facilities: Any non-commercial or non-profit treatment facility engaged
176 specifically in incineration or any non-commercial or non-profit facility engaged in the disposal
177 of hazardous waste that is used solely to manage hazardous wastes that are generated by the
178 owner of the facility at the site of the facility.

179 ~~(g)(viii)~~ Class III facilities. ~~Are:~~

180 ~~(i)(A)~~ Any commercial treatment, storage, or disposal facility;

181 ~~(ii)(B)~~ Any other facility used to manage hazardous wastes that is not classified
182 as either a Class I or Class II facility.

183 ~~(h)(ix)~~ Council. The Environmental Quality Council established by the Act.

184 ~~(i)(x)~~ DDESB. Department of Defense Explosives Safety Board.

185 ~~(j)~~ DOT. Any reference to the "Department of Transportation" or "DOT" shall mean
186 the U.S. Department of Transportation.

187 ~~(k)(xi)~~ Exposure. Contact with a chemical or physical agent.

188 ~~(l)(xii)~~ HSWA. Hazardous and Solid Waste Amendment of 1984.

189 ~~(m)(xiii)~~ HSWA drip pad. A drip pad where F032 wastes are handled.

190 ~~(n)(xiv)~~ HSWA tank. A tank owned or operated by a generator of less than one-thousand
191 kilograms of hazardous waste in any single calendar month, new underground systems, and
192 those existing underground tanks that cannot be entered for inspection.

193 ~~(o)(xv)~~ HWM. ~~_____~~ Hazardous Waste Management.

194 (~~p~~^{xxvi}) HWMF. Hazardous Waste Management Facility.
195 (~~q~~^{xxvii}) HWRR. Wyoming Hazardous Waste Rules and Regulations.
196 (~~r~~^{xxviii}) IBR. Incorporation by Reference.
197 ~~(xix) Municipality. A city, town, county, district, association or other public body.~~
198 (~~s~~^{xx}) Non-HSWA drip pad. A drip pad where F034 or F035 wastes are handled.
199
200 ~~(t~~^(xxi)) Non-HSWA tank. Inground tank systems, onground tank systems,
201 aboveground tank systems, and existing underground tank systems that can be entered for
202 inspection.
203 (~~u~~^{xxii}) One excess cancer per million people. A probability of one chance in one million
204 of an individual developing cancer in excess beyond their natural background risk.
205 (~~v~~^{xxiii}) Potentially exposed populations. Any or all individuals, including sensitive
206 populations, potentially coming into contact with contaminants of concern, ~~including those~~
207 ~~groups within the exposed population that because of specific health effects of some pollutants~~
208 ~~or factors related to the population itself, would experience a higher risk than would the~~
209 ~~average population as a result of a given level of exposure.~~
210 (~~w~~^{xxiv}) Risk. The probability of adverse human health or environmental effects from
211 exposure to toxic substances or materials released into the environment.
212 (~~x~~^{xxv}) Sewer system. Pipelines, conduits, storm sewers, pumping stations, force mains,
213 and all other constructions, devices, appurtenances and facilities used for collecting or
214 conducting authorized wastes to an ultimate point for treatment or disposal.
215 (~~y~~^{xxvi}) Subchronic. That point in time between two weeks to seven years.
216 ~~(xxvii) Voluntary Remediation Program, or VRP. Wyoming State cleanup program~~
217 ~~established in the year 2000 per Article 16 of the Act.~~
218 (~~z~~^(z)) Waste material. Any discarded material that is not excluded under 40 CFR
219 261.4(a), or that is not excluded by a variance granted by the Director under 40 CFR 260.30 and
220 260.31.

221 **Sections 5 - 123. RESERVED.**

222 **Section 124. ADMINISTRATIVE PROCEDURES.**

223 (a) IBR AND EXCEPTIONS. 40 CFR Part 124, Subparts A, B, and G are herein
224 incorporated by reference ~~as provided in 40 CFR, except that~~ with the exception of the last
225 sentence of 40 CFR 124.10(b)(1), the fourth sentence of 40 CFR 124.31(a), the third sentence of
226 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a are expressly omitted from the
227 incorporation by reference of each of those subsections). 40 CFR Sections 124.1, 124.4,

228 124.5(c), 124.5(e)-(g), 124.6(c), 124.6(d)(4)(ii)-(v), 124.8(b)(3), 124.8(b)(8), 124.9(b)(6),
229 124.10(a)(1)(iv)-(v), 124.10(c)(1)(iv)-(viii), 124.10(c)(2)(i), 124.10(d)(1)(vii)-(viii), 124.10(d)(2)(iv),
230 124.12(b), 124.15(b)(2), 124.16, 124.18(b)(5), 124.19, 124.21, 124.204(d)(1) and (4), 124.205(a)
231 and (h) are also not incorporated by reference.

232

233 (i) For purposes of 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii), "EPA"
234 and "Administrator" or "Regional Administrator" shall be defined as the U.S. Environmental
235 Protection Agency and the U.S. Environmental Protection Agency Region 8 Regional
236 Administrator, respectively.

237 ~~(ii) For purposes of 40 CFR 124.10(b)(1), the last sentence shall be deleted,~~
238 ~~as it addresses NPDES permits.~~

239 ~~(iii) For purposes of 40 CFR 124.19, the "Environmental Appeals Board" shall~~
240 ~~be the Council. Environmental appeals under 40 CFR 124.19 are addressed in Section 124(f) of~~
241 ~~these rules.~~

242 ~~(ii) (iii) The DEQ may order facility closure following permit termination. Closure~~
243 ~~and post-closure activities shall be accomplished in accordance with a plan approved by the~~
244 ~~DEQ. If a closure/post-closure plan has not been approved, closure and post-closure activities~~
245 ~~shall be accomplished in accordance with the standards specified in 40 CFR 264 and 265.~~

246 (b) APPLICATIONS FOR A PERMIT.

247

248 (i) Any person who requires a permit under W.S. 35-11-503(d) shall
249 complete, sign, and provide the Director with one copy of the permit application. The
250 application shall be organized in three-ring binders, and the information set forth in a format
251 that conforms to the order set forth in the applicable Sections of these rules. ~~[40 CFR~~
252 ~~124.3(a)(1)]~~

253

254 (ii) Each application for a State HWMF permit ~~should~~ shall be reviewed for
255 completeness by the Director within ~~60~~ sixty days of receipt or an alternate date as agreed
256 upon by the Director and the applicant. Upon completing the review, the Director shall notify
257 the applicant in writing whether the application is complete. If the application is incomplete,
258 the Director shall list the information necessary to make the application complete in a notice of
259 deficiency (NOD), which shall be sent promptly to the applicant. The NOD shall specify a date
260 for submitting the necessary information. Information submitted in response to the NOD
261 ~~should~~ shall be reviewed for completeness within ~~(60)-sixty~~ days of its submission. The Director
262 shall notify the applicant that the application is complete when the Director determines that all
263 information requirements have been met. After the application is completed, the Director may
264 request additional information from an applicant but only when necessary to clarify, modify, or
265 supplement previously submitted material. Requests for such additional information will not
266 render an application incomplete. ~~[40 CFR 124.3(c)]~~

267 (iii) The effective date of an application is the date on which the Director
268 notifies the applicant that the application is complete as provided in Section 124(b)(ii) of this
269 Chapter. Upon receipt of notice that the application is complete, the applicant shall:

270 (A) Provide written notice of the application to landowners with
271 property located within a half mile of the site, using certified, return receipt requested mail.

272 (B) Provide such written notice to each member of the interested
273 parties mailing list maintained by the DEQ, the mayor of each city or town within fifty miles of
274 the proposed facility, and to the county commission and any solid waste district for the county
275 in which the potential facility is located.

276 (C) ~~Cause a notice to be published~~ Publish a notice once a week for
277 two ~~(2)~~ consecutive weeks in a newspaper of general circulation within the county where the
278 applicant plans to locate the facility. The notice shall contain information about the permit
279 application including the identity of the applicant, the proposed facility location, facility size,
280 waste types intended for treatment, storage or disposal, method of operation, and operating
281 life. Specific text for the notice shall be provided to the applicant by the DEQ. The DEQ may, at
282 its discretion, conduct a public hearing or receive written public comment on the application
283 submission. ~~[40 CFR 124.3(f)]~~

284 (iv) Once an application is complete, the Director shall conduct a technical
285 review of the application within ~~(90)~~ ninety days of the effective date of the application or an
286 alternate date agreed upon by the Director and the applicant. Before the close of this ninety-
287 day period, the Director shall decide whether to prepare a draft permit or deny the application.

288 (v) All draft permits prepared under 40 CFR 124.6 shall be accompanied by a
289 fact sheet (40 CFR 124.8) or statement of basis (40 CFR 124.7) and shall be based on the
290 administrative record (40 CFR 124.9), publicly noticed (40 CFR 124.10), and made available for
291 public comment (40 CFR 124.11). ~~The Director shall give notice of opportunity for a public~~
292 ~~hearing (40 CFR 124.12), issue a final decision (40 CFR 124.15) and respond to comments (40~~
293 ~~CFR 124.17). Draft permits prepared by the State of Wyoming shall be accompanied by a fact~~
294 ~~sheet if required by 40 CFR 124.8. An appeal may be taken in accordance with Article 10 of the~~
295 ~~Act and the provisions of the Wyoming Administrative Procedures Act. [40 CFR 124.6(e)]~~

296 (vi) ~~The administrative record for a draft permit should consist of: [40 CFR~~
297 ~~124.9(b)]~~

298 ~~(A) Other non-confidential documents contained in the supporting~~
299 ~~file for the draft permit, e.g., memorandums of meetings and records of communications. [40~~
300 ~~CFR 124.9(b)(5)]~~

301 ~~(c) MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS.~~

302 ~~(i) Permits may be modified, revoked and reissued, or terminated either at~~
303 ~~the request of any interested person (including the permittee) or upon the Director's initiative.~~
304 ~~However, permits may only be modified, revoked and reissued, or terminated for the reasons~~
305 ~~specified in 40 CFR 270.41 or 40 CFR 270.43. All requests shall be in writing and shall contain~~
306 ~~facts or reasons supporting the request. [40 CFR 124.5(a)]~~

307 ~~_____ (ii) If the Director decides the request is not justified, the Director shall send~~
308 ~~the requester a brief written response giving a reason for the decision. Denials of requests for~~
309 ~~modification, revocation and reissuance, or termination are not subject to public notice or~~
310 ~~comment. Denials by the Director may be informally appealed to the Council. An appeal may~~
311 ~~be taken in accordance with W.S. 35-11-112(a)(iii) and the provisions of the Wyoming~~
312 ~~Administrative Procedures Act. [40 CFR 124.5(b)]~~

313 ~~_____ (iii) If the Director tentatively decides to modify or revoke and reissue a~~
314 ~~permit under 40 CFR 270.41 (other than 40 CFR 270.41(b)(3)) or 40 CFR 270.42(c), the Director~~
315 ~~shall prepare a draft permit under 40 CFR 124.6 of these rules incorporating the proposed~~
316 ~~changes. The Director may request additional information and, in the case of a modified~~
317 ~~permit, may require the submission of an updated application. In the case of revoked and~~
318 ~~reissued permits, other than under 40 CFR 270.41(b)(3), the Director shall require the~~
319 ~~submission of a new application. In the case of revoked or reissued permits under 40 CFR~~
320 ~~270.41(b)(3), the Director and the permittee shall comply with the appropriate requirements in~~
321 ~~40 CFR Part 124, Subpart G for standardized permits. In a permit modification under 40 CFR~~
322 ~~124.5, only those conditions to be modified shall be reopened when a new draft permit is~~
323 ~~prepared. All other aspects of the existing permit shall remain in effect for the duration of the~~
324 ~~unmodified permit. When a permit is revoked and reissued under 40 CFR 124.5, the entire~~
325 ~~permit is reopened just as if the permit had expired and was being reissued. During any~~
326 ~~revocation and reissuance proceeding, the permittee shall comply with all conditions of the~~
327 ~~existing permit until a new final permit is reissued. "Classes 1 and 2 modifications" as defined~~
328 ~~in 40 CFR 270.42(a) and (b) are not subject to the requirements of 40 CFR 124.5. [40 CFR~~
329 ~~124.5(c)(1),(2), and (3)]~~

330 ~~_____ (iv) If the Director tentatively decides to terminate a permit under 40 CFR~~
331 ~~270.43, the Director shall issue a notice of intent to terminate. A notice of intent to terminate~~
332 ~~is a type of draft permit that follows the same procedures as any draft permit prepared under~~
333 ~~40 CFR 124.6. [40 CFR 124.5(d)]~~

334 ~~(c)(d)~~ PUBLIC NOTICE REQUIREMENTS.

335
336 (i) ~~The Director shall provide public notice, as required under 40 CFR~~
337 ~~124.10(a), within fifteen days of the preparation of issuing a draft permit or (including a notice~~
338 ~~of intent to deny a permit application) required under 40 CFR 124.10(a) shall commence within~~
339 ~~15 days of these activities and shall allow at least 45 days for public comment. [40 CFR~~
340 ~~124.10(b)(1)]~~

341 (ii) ~~The above public notice of activities described in 40 CFR 124.10(a)(1)~~
342 ~~shall be given provided by publication of a notice once a week for two consecutive weeks in a~~
343 ~~daily or weekly major local newspaper of general circulation and broadcast over local radio~~
344 ~~stations. [40 CFR 124.10(c)(2)(ii)]~~

345 (iii) ~~Obligation to raise issues and provide information during the public~~
346 ~~comment period. All persons, including applicants, who believe any condition of a draft permit~~

347 is inappropriate or that the Director's tentative decision to deny an application, terminate a
348 permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues
349 and submit all reasonably available arguments supporting their position by the close of the
350 public comment period under 40 CFR 124.10. Any supporting materials that are submitted shall
351 be included in full and may not be incorporated by reference, unless they are already part of
352 the administrative record in the same proceeding, or consist of state or federal statutes and
353 regulations, EPA documents of general applicability, or other generally available reference
354 materials. Commenters shall make supporting materials not already included in the
355 administrative record available to the DEQ as requested by the Director. ~~{A comment period~~
356 longer than 45 days may be necessary to give commenters a reasonable opportunity to comply
357 with the requirements of 40 CFR 124.13. Additional time shall be granted under 40 CFR 124.10
358 to the extent that a commenter who requests additional time demonstrates the need for such
359 time.)

360 _____ ~~(iv)(d)~~ PERMIT ISSUANCE. Within ~~30~~ thirty days after the close of the public
361 comment period under 40 CFR 124.10 on a draft permit, the Director shall issue a final permit
362 decision (or a decision to deny a permit for the active life of a HWMF or unit under 40 CFR
363 270.29) unless an objection has been filed with the Director in accordance with 40 CFR
364 124.12(a)(3)(i), ~~(ii) & (a)(4)~~. If an objection has been filed, and a Council hearing is held, the
365 Council shall issue findings of fact and a decision on the proposed permit within ~~30~~ thirty days
366 after the final hearing. The Director shall issue or deny the final permit no later than ~~fifteen~~ 15
367 days from receipt of any findings of fact and decision of the Council. The Director shall notify
368 the applicant and each person who has submitted written comments or requested notice of the
369 final permit decision. This notice shall include reference to the procedures for appealing a
370 decision on a State HWMF permit or for contesting a decision to terminate a State HWMF
371 permit. For the purposes of 40 CFR 124.15, a final permit decision means a final decision to
372 issue, deny, modify, revoke and reissue, or terminate a permit. ~~{40 CFR 124.15(a)}~~

373 (e) PUBLIC HEARINGS.

374 (i) The ~~Director~~ Council shall hold a public hearing pursuant to Chapter ~~23~~ of
375 the DEQ's Rules of Practice and Procedure whenever the Director finds, on the basis of
376 requests, a significant degree of public interest in a draft permit(s); ~~{40 CFR 124.12(a)(1)}~~
377

378 (ii) The Director may also schedule a ~~hold a~~ public hearing before the
379 Council, pursuant to Chapter ~~23~~ of the DEQ's Rules of Practice and Procedure, at his or her
380 discretion, whenever, for instance, such a hearing might clarify one or more issues involved in
381 the permit decision; ~~{40 CFR 124.12(a)(2)}~~
382

383 (iii) The Director shall ~~hold~~ also schedule a public hearing under Chapter ~~23~~ of
384 the DEQ's Rules of Practice and Procedure whenever written notice of opposition to a draft
385 permit and a request for a hearing has been received within 45 days of public notice under
386 Section 124(~~dc~~)(i) of this Chapter.
387

388 (iv) Whenever possible the Director shall schedule a hearing under this
389 Section 124(e) of this Chapter at a location convenient to the nearest population center to the
390 proposed facility and within 20-twenty days after the close of the public comment period unless
391 a different schedule is deemed necessary by the Council. In addition to the public notice
392 procedures specified in Section 124(~~dc~~) of this Chapter, the Director shall publish notice of the
393 time, date, and location of the hearing in a newspaper of general circulation in the county
394 where the applicant plans to locate the facility once a week for two (~~2~~) consecutive weeks
395 immediately prior to the hearing. ~~{40 CFR 124.12(a)(3)(i),(ii) & 40 CFR 124.12 (a)(4)}~~
396

397 (v) The public comment period under Section 124(c)(i) of this Chapter shall
398 be automatically extended to the close of any public hearing under Section 124(e)(i) or
399 124(e)(ii) of this Chapter. ~~{40 CFR 124.12(c)}~~
400

401 (vi) The Director may also in the circumstances described above, elect to hold
402 further proceedings as provided in the DEQ's Rules of Practice and Procedures. This decision
403 may be combined with any of the actions enumerated in 40 CFR 124.14(b).

404 (f) APPEAL OF STATE HAZARDOUS WASTE MANAGEMENT FACILITY PERMITS. The
405 applicant or any person adversely affected or aggrieved by any final operating permit or final
406 permit condition may obtain judicial review by filing a petition for review within ~~30~~ thirty days
407 after entry of the order or other final action complained of pursuant to the provisions of the
408 Wyoming Administrative ~~Procedures~~ Procedure Act.

409 (g) MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS.

410 (i) Permits may be modified, revoked and reissued, or terminated either at
411 the request of any interested person (including the permittee) or upon the Director's initiative.
412 However, permits may only be modified, revoked and reissued, or terminated for the reasons
413 specified in 40 CFR 270.41 or 40 CFR 270.43. All requests shall be in writing and shall contain
414 facts or reasons supporting the request.

415 (ii) If the Director decides the request is not justified, the Director shall send
416 the requester a brief written response giving a reason for the decision. Denials of requests for
417 modification, revocation and reissuance, or termination are not subject to public notice or
418 comment. Denials by the Director may be informally appealed to the Council in accordance
419 with W.S. 35-11-112(a)(iii) and the provisions of the Wyoming Administrative Procedure Act.

420 (iii) If the Director tentatively decides to modify or revoke and reissue a
421 permit under 40 CFR 270.41 (other than 40 CFR 270.41(b)(3)) or 40 CFR 270.42(c), the Director
422 shall prepare a draft permit under 40 CFR 124.6 of these rules incorporating the proposed
423 changes. The Director may request additional information and, in the case of a modified
424 permit, may require the submission of an updated application. In the case of revoked and
425 reissued permits, other than under 40 CFR 270.41(b)(3), the Director shall require the
426 submission of a new application. In the case of revoked or reissued permits under 40 CFR
427 270.41(b)(3), the Director and the permittee shall comply with the appropriate requirements in

428 40 CFR Part 124, Subpart G for standardized permits. In a permit modification under 40 CFR
429 124.5, only those conditions to be modified shall be reopened when a new draft permit is
430 prepared. All other aspects of the existing permit shall remain in effect for the duration of the
431 unmodified permit. When a permit is revoked and reissued under 40 CFR 124.5, the entire
432 permit is reopened just as if the permit had expired and was being reissued. During any
433 revocation and reissuance proceeding, the permittee shall comply with all conditions of the
434 existing permit until a new final permit is reissued. "Classes 1 and 2 modifications" as defined
435 in 40 CFR 270.42(a) and (b) are not subject to the requirements of 40 CFR 124.5.

436 (iv) If the Director tentatively decides to terminate a permit under 40 CFR
437 270.43, the Director shall issue a notice of intent to terminate. A notice of intent to terminate
438 is a type of draft permit that follows the same procedures as any draft permit prepared under
439 40 CFR 124.6. All permit termination procedures shall be accomplished in accordance with the
440 requirements of the Wyoming Administrative Procedure Act.

441 (v) The DEQ may order facility closure following permit termination. Closure
442 and post-closure activities shall be accomplished in accordance with a plan approved by the
443 DEQ. If a closure/post-closure plan has not been approved, closure and post-closure activities
444 shall be accomplished in accordance with the standards specified in 40 CFR 264 and 265.
445

446 ~~———— (g) ——— WHAT IS A STANDARDIZED PERMIT? The standardized permit is a special form of~~
447 ~~State HWMF permit that authorizes you to manage hazardous waste and may consist of two~~
448 ~~parts: A uniform portion that the Director issues in all cases, and a supplemental portion that~~
449 ~~the Director issues at his or her discretion. The term "Standardized Permit" is formally defined~~
450 ~~in 40 CFR 124.2.~~

451 ~~———— (i) ——— What comprises the uniform portion? The uniform portion of a~~
452 ~~standardized permit consists of terms and conditions, relevant to the unit(s) you are operating~~
453 ~~at your facility, that the DEQ has promulgated in 40 CFR 267. If you intend to operate under the~~
454 ~~standardized permit, you must comply with these State wide applicable terms and conditions.~~
455 ~~{40 CFR 124.200(a)}~~

456 **Sections 125-259. RESERVED.**

457 **Section 260. HAZARDOUS WASTE MANAGEMENT SYSTEM.**

458 (a) **IBR AND EXCEPTIONS.** 40 CFR Part 260 and all Subparts, except 40 CFR 260.2(a),
459 (b), (c)(2), (d)(1) and (d)(2), 260.4(a)(4), 260.5(b)(2), the definitions of "remediation waste
460 management site", "electronic manifest (or e-manifest)", "electronic manifest system (or e-
461 manifest system)", "user of the electronic manifest system," and the third part of the definition
462 for "facility" in 260.10-260.20(d) and (e), 260.4(a)(4) and 260.5(b)(2) and 260.20(d) and (e), are
463 herein incorporated by reference as provided in 40 CFR. For the purposes of Part 260, the State
464 is not adopting the changes to the Definition of Solid Waste (DSW), associated with 73 FR
465 64668; October 30, 2008; or January 13, 2015 (80 FR 1694), and May 30, 2018 (83 FR 24664).

466 (i) For purposes of 40 CFR 260.10, in the definition of "hazardous waste
467 constituent", "Administrator" shall be defined as mean the U.S. Environmental Protection
468 Agency Administrator. ~~"Hazardous waste constituent" shall be a constituent that caused the~~
469 ~~Administrator of the United States Environmental Protection Agency to list the hazardous waste~~
470 ~~in part 261, subpart D, or a constituent listed in table 1 of §261.24.~~

471 (ii) For purposes of 40 CFR 260.10, "existing hazardous waste management
472 (HWM) facility" or "existing facility" shall be a facility that was in operation or for which
473 construction commenced on or before November 19, 1980. ~~A facility has commenced~~
474 ~~construction if the owner or operator has obtained the permits and approvals required under~~
475 ~~federal, state, or local statutes, regulations, or ordinances necessary to begin physical~~
476 ~~construction; and either:~~

477
478 ~~_____ (A) A continuous on-site, physical construction program has begun; or~~

479 ~~_____ (B) The owner or operator has entered into contractual obligations~~
480 ~~that cannot be cancelled or modified without substantial loss for physical construction of the~~
481 ~~facility to be completed within a reasonable time.~~

482
483 ~~(iii) For purposes of 40 CFR 260.10, the definitions of "existing tank system"~~
484 ~~or "existing component" shall be as follows: A tank system or component that is used for the~~
485 ~~storage or treatment of hazardous waste and that is in operation, or for which installation has~~
486 ~~commenced on or prior to July 14, 1986, for HSWA tanks, as defined in Section 4(m). For non-~~
487 ~~HSWA tanks as defined in Section 4(m), the installation date is October 18, 1995. Installation~~
488 ~~will be considered to have commenced if the owner or operator has obtained all permits and~~
489 ~~approvals required under federal, state or local hazardous waste control statutes, regulations~~
490 ~~or ordinances necessary to begin physical construction of the site or installation of the tank~~
491 ~~system and if either:~~

492 ~~_____ (A) A continuous on-site physical construction or installation program has~~
493 ~~begun, or~~

494
495 ~~_____ (B) The owner or operator has entered into contractual obligations that~~
496 ~~cannot be canceled or modified without substantial loss for physical construction of the site or~~
497 ~~installation of the tank system to be completed within a reasonable time.~~

498
499 ~~(iviii) For purposes of 40 CFR 260.10, the definition of "new tank system" or~~
500 ~~"new tank component" shall be as follows: A tank system or component that will be used for~~
501 ~~the storage or treatment of hazardous waste:~~

502 (A) For which installation has commenced after July 14, 1986 for
503 HSWA tanks, as defined in Section 4(a)(xiv), and October 18, 1995 for non-HSWA tanks, as
504 defined in Section 4(a)(xxi), except,

505 (B) For purposes of 40 CFR 264.193(g)(2) and 265.193(g)(2), for which
506 construction commenced after July 14, 1986 for HSWA tanks, and October 18, 1995 for non-
507 HSWA tanks.

508
509 (b) RULEMAKING PETITION.

510
511 (i) Any person may petition the Council to modify or revoke any provisions
512 in these rules as allowed under W.S. 16-3-106. 40 CFR 260.21 sets forth additional
513 requirements for petitions to add a testing or analytical method to 40 CFR ~~parts~~ Parts 261, 264,
514 or 265. 40 CFR 260.22 sets forth additional requirements for petitions to exclude a waste or
515 waste-derived material at a particular facility from 40 CFR 261.3 or the lists of hazardous wastes
516 in Subpart D of 40 CFR ~~p~~Part 261. 40 CFR 260.23 sets forth additional requirements for petitions
517 to amend 40 CFR ~~p~~Part 273 to include additional hazardous wastes or categories of hazardous
518 waste as universal waste. ~~{40 CFR 260.20(a)}~~

519 (ii) Each petition must be submitted in accordance with Chapter 3, Section 3
520 of the DEQ's Rules of Practice and Procedure. ~~{40 CFR 260.20(b)}~~

521 (iii) Rulemaking petitions will be evaluated in accordance with the
522 requirements of Chapter 3, Sections 3(c) - (e) and Section 4(b) of the DEQ's Rules of Practice
523 and Procedure. ~~{40 CFR 260.20(c)}~~

524

525 **Section 261. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.**

526 (a) IBR AND EXCEPTIONS. 40 CFR Part 261 and all Subparts, except Sections
527 261.4(b)(11), ~~261.4(b)(16), and 261.4(b)(17),~~ 261.400 (a-b), 261.410(e-f), 261.411, 261.420,
528 261.1035(b)(1), 261.1064(b)(2), Subpart H, Appendix IX, and the language "in the Region where
529 the sample is collected" in 40 CFR 261.4(e)(3)(iii), are herein incorporated by reference. ~~as~~
530 ~~provided in 40 CFR. For the purposes of Part 261, the State is not adopting the changes~~
531 ~~associated with the Definition of Solid Waste, associated with 73 FR 64668; October 30, 2008;~~
532 ~~or January 13, 2015 (80 FR 1694).~~

533

534 (i) For purposes of 40 CFR 261.10 and 40 CFR 261.11, "Administrator"
535 shall be defined as the U.S. Environmental Protection Agency Administrator.

536

537 (ii) For purposes of 40 CFR 261.39(a)(5), and 261.41, "EPA" shall be defined as
538 the U.S. Environmental Protection Agency.

539

540 (iii) For purposes of 40 CFR 261.41(a), "Regional Administrator" shall be
541 defined as U.S. Environmental Protection Agency Region 8 Regional Administrator. Copies of
542 advance notification required under this section shall also be sent to the Director.

543

544 (b) ADDITIONAL REQUIREMENTS FOR RECYCLABLE MATERIALS.

545

546 (i) Sham Recycling. The Director may determine that a proposed hazardous
547 waste recycling activity constitutes sham recycling. Hazardous waste treatment or disposal
548 activity determined to be sham recycling shall be subject to the permitting requirements under
549 these rules. The Director shall consider the following criteria in making this determination.

550 (A) The secondary material contains a hazardous constituent defined
551 in 40 CFR 261, Appendix VII not found in the analogous raw material or at greater levels than
552 the analogous raw material;

553 (B) The secondary material exhibits a hazardous characteristic that
554 the analogous raw material does not;

555 (C) The secondary material is being used in excess of the amount of
556 raw material that would otherwise be used;

557 (D) The recycling process (including storage) is likely to release
558 hazardous constituents or otherwise pose risks to human health and/or the environment
559 that are different from or greater than the risks posed by the processing of an analogous raw
560 material or product;

561 (E) The secondary material to be recycled does not have value as a
562 raw material or product and there is no guaranteed market for the end product;

563 (F) The secondary material is not handled in a manner consistent
564 with the raw material or product it replaces;

565 (G) The toxic constituent in the secondary material is useful in the
566 production of the product or the product itself;

567 (H) Economics of the recycling process; or

568 (I) Other factors the Director deems relevant.

569 (ii) No process in which liquids, solids, sludges, or dissolved constituents are
570 collected or separated in process units for recycling, recovery, or reuse including the recovery
571 of energy, within a continuous or batch manufacturing or refining process shall be considered a
572 sham recycling activity under this Section 261(b) of this Chapter.

573

574 **Section 262. STANDARDS APPLICABLE TO THE GENERATORS OF HAZARDOUS WASTE.**

575

576 ~~(a)~~—IBR AND EXCEPTIONS. 40 CFR Part 262 and all Subparts, except 262.10(k), and the
577 language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and ~~40 CFR~~
578 ~~262.42(b)~~, are herein incorporated by reference ~~as provided in 40 CFR. 40 CFR 262.20(a)(2) is~~
579 ~~not incorporated by reference, as it addresses a federal deadline that has passed.~~

580 (ia) For purposes of 40 CFR 262.10(g), Section 3008 of "the Act" shall refer to RCRA
581 §3008, not the Act.

582
583 (ib) For purposes of 40 CFR 262.12(d) ~~18(e)~~, the owner or operator shall apply to the
584 DEQ for an EPA identification number.

585
586 (Ac) A person who generates a hazardous waste as defined by 40 CFR 261 is subject
587 to the compliance requirements and penalties prescribed in ~~W.S. 35-11-503(d)~~; Articles 7 and 9
588 of the Act; Section 270(o) of these rules; and Section 3008 of the Act if he or she does not
589 comply with the requirements of this Chapter. ~~[40 CFR 262.10(g)]~~

590 (d) For purposes of 40 CFR 262.10(d), ~~262.18~~, 262.21, and Subpart H, the
591 substitution of State terms for Federal terms does not apply because manifest registry functions,
592 oversight, and notifications regarding exports and imports are under EPA, not State,
593 authorization. Copies of all documentation, advance notifications, annual reports, exception
594 reports, or other records submitted to EPA, the Administrator, or the Regional Administrator,
595 required under these sections, shall also be provided to the Director.

596
597 (ive) For purposes of 40 CFR 262.17(a), except as provided in ~~paragraphs (b) and (c) of~~
598 40 CFR 262.17 ~~(b) and (c)~~, a generator may accumulate hazardous waste on-site for ~~90~~ ninety
599 days or less without a permit or without having interim status (see 40 CFR 262.14(a) for
600 provisions regarding very small quantity generators).

601
602 ~~(v) For purposes of 40 CFR 262.16(b)(9)(iv)(C),~~ (f) In addition to the emergency
603 notification required by 40 CFR 262.16(b)(9)(iv)(C), the emergency coordinator must also
604 immediately notify the DEQ by telephone, 307-777-7501, to file an identical report.

605
606 ~~(vi) For purposes of 40 CFR 262, Appendix A, Item 18a, Paragraph 4, the following~~
607 ~~shall apply: "Owners or operators of facilities located in Wyoming should contact the DEQ for~~
608 ~~information on where to report discrepancies involving "significant differences" to State~~
609 ~~officials."~~

610 **Section 263. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.**

611 **IBR AND EXCEPTIONS.** 40 CFR Part 263 and all Subparts except 40 CFR 263.20(a)(3) are herein
612 incorporated by reference. ~~as provided in 40 CFR.~~

613 (a) For purposes of 40 CFR 263.20(g), ~~263.20(g)(1), 263.20(g)(4)~~, 263.21(a)(4), and
614 263.22(d), "United States" shall be defined as the United States.

615 (b) For purposes of 40 CFR 263.20(a) and (g), "EPA Acknowledgement of Consent"
616 and "US Customs Official" shall remain under EPA authority, as the State of Wyoming is not
617 authorized ~~for the to perform these export functions, of these subparts.~~

618 ~~(iii) For purposes of 40 CFR 263.10(d), the reference to "Federal definition of~~
619 ~~hazardous waste in 40 CFR 261.3" is retained.~~

620 (c) For purposes of 40 CFR 263.30(c), notice shall also be given to the DEQ Director
621 whose address can be found at <http://deq.wyoming.gov/>, or by using their 24-hour telephone
622 number, <http://deq.wyoming.gov/>, 307-777-7501.

623 **Section 264. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE**
624 **TREATMENT, STORAGE, AND DISPOSAL FACILITIES.**

625
626 (a) IBR AND EXCEPTIONS. 40 CFR Part 264 and all Subparts, ~~excluding except~~
627 Subpart FF and 40 CFR 264.1(f), 264.1(g)(12), 264.1(j), 264.15(b)(5), 264.70(b), 264.71,
628 264.73(b)(17), 264.101(d), 264.147(k), 264.149, 264.150, 264.301(l), 264.314(e), 264.554(l)(2),
629 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f), and 264.1080(g) are herein incorporated by
630 reference ~~as provided in 40 CFR.~~

631
632 (i) For purposes of 40 CFR 264.1(g)(1), "a State" shall be replaced by "the
633 State of Wyoming".

634
635 (ii) For purposes of 40 CFR Subsection 264.12(a), "Regional Administrator"
636 shall be defined as the U.S. Environmental Protection Agency Region 8 Regional Administrator.

637
638 (iii) For purposes of 40 CFR 264.13(b)(3)(ii), the equivalent sampling method
639 is one that is approved by rule pursuant to Chapter 3, Section 3 of the DEQ's Rules of Practice
640 and Procedure.

641
642 (iv) For purposes of 40 CFR 264.18(b)(1), new facilities shall not be located
643 within the boundaries of a 100-year floodplain. Facilities shall also meet the location standards
644 of sSection 264(h), (i), and (j) of this Chapter. ~~Subparts K, L, and M of these rules.~~

645
646 (v) For purposes of 40 CFR 264.56(d)(2), the coordinator must immediately
647 notify either the government official designated as the on-scene coordinator for that
648 geographical area, or the National Response Center (using their 24-hour toll free number 800-
649 424-8802). The DEQ must also be notified immediately, using its 24-hour telephone number, 307-777-7501.

650
651 (vi) For purposes of 40 CFR ~~264.71(a)(3) and 264.1082(c)(4)(ii)~~, "EPA" shall
652 be defined as the U.S. Environmental Protection Agency. ~~.71(a)(3) and 264.~~

653
654 (vii) For purposes of ~~the~~ 40 CFR 264, Subpart G (Federal closure provision),
655 the owner or operator will continue to take all steps as required by 40 CFR 264.112(d)(2)(i).

656
657 (viii) For purposes of 40 CFR 264.191(a), the tank system's integrity
658 assessment must be completed by January 12, 1988, for HSWA tanks, as defined at Section
659 4(a)(xiv), and by October 18, 1996, for non-HSWA tanks, as defined at Section 4(a)(xxi).

660
661 (ix) For purposes of 40 CFR 264.191(c), the compliance date for conducting
662 the assessment is within 12 months of July 14, 1986, for HSWA tanks, as defined in Section

661 4(a)(xiv). For non-HSWA tanks, as defined at Section 4(a)(xxi), the compliance date is within 12
662 months of October 18, 1995.

663

664 (x) For purposes of 40 CFR 264.314(e), the placement of any liquid that is not
665 a hazardous waste in a landfill is prohibited.

666

667 (xi) For purposes of 40 CFR 264.552(a)(3)(iii), the State deletes the phrase "or
668 a demonstration is made pursuant to §264.314(e)".

669

670 (xii) For purposes of 40 CFR 264.1030(c), the reference to "40 CFR 124.15"
671 shall be replaced by "40 CFR 124.5", which addresses "Modifications, revocation and
672 reissuance, or termination of permits."

673

674 (xiii) "Malfunction" for purposes of 40 CFR 264, Subpart AA of these rules shall
675 mean any sudden failure of a control device or a hazardous waste management unit or failure
676 of a hazardous waste management unit to operate in a normal or usual manner, so that organic
677 emissions are increased. Failures that are caused in part by poor maintenance or careless
678 operation are not malfunctions.

679 ~~_____ (b) UNDERGROUND INJECTION. Disposal of hazardous waste by means of~~
680 ~~underground injection is regulated under Chapters 8, 9, and 27 of the DEQ's Water Quality~~
681 ~~Rules.~~

682 ~~(e)~~ AIR QUALITY RULES. Compliance with the permitting requirements of these
683 rules does not obviate any duty to obtain and comply with an air Air Quality quality
684 construction or modification permit issued pursuant to Chapter 6, Section 2 of the ~~Wyoming~~
685 ~~DEQ's Air Quality Standards and Regulations Rules.~~

686 ~~(d)~~ IDENTIFICATION NUMBER. Every facility owner or operator must apply to the
687 DEQ for an EPA identification number in accordance with the EPA notification procedures (45
688 FR 12746). The EPA identification number shall be considered to be the State of Wyoming
689 identification number for purposes of these rules.

690 ~~(e)~~ CORRECTIVE ACTION MANAGEMENT UNITS (CAMU).

691 (i) To implement remedies under 40 CFR 264.101, ~~W.S. 35-11-503(d)~~, W.S.
692 35-11-1607, ~~or RCRA §3008(h), or these rules,~~ the Director may designate an area at the facility
693 as a corrective action management unit under the requirements in this Section or a signed
694 remedy agreement pursuant to W.S. 35-11-1607. Corrective action management unit means
695 an area within a facility that is used only for managing CAMU-eligible wastes for implementing
696 corrective action or cleanup at the facility. A CAMU must be located within the contiguous
697 property under the control of the owner/operator where the wastes to be managed in the
698 CAMU originated. One or more CAMUs may be designated at a facility. ~~—[40 CFR 264.551(a) &~~
699 ~~40 CFR 264.552(a)]~~

700 (ii) For purposes of 40 CFR 264.552(e), the phrase "or remedy agreement"
701 shall be added after "...permit or order...". ~~[40 CFR 264.552(e)]~~

702 (iii) Disposal of CAMU-eligible wastes in permitted hazardous waste landfills
703 shall be subject to the following requirements: ~~[40 CFR 264.555]~~

704 (A) The landfill receiving the CAMU-eligible waste must have a RCRA
705 or State hazardous waste permit, meet the requirements for new landfills in 40 CFR Part 264,
706 Subpart N, and be authorized to accept CAMU-eligible wastes; for the purposes of this
707 requirement, "permit" does not include interim status. ~~[40 CFR 264.555(a)(3)]~~

708 (B) For the purposes of 40 CFR 264.555 only, the "design of the
709 CAMU" ~~CAMU~~ in 264.552(e)(4)(v)(E) means design of the permitted Subtitle C or W.S. 35-11-
710 503(d) or a permitted State hazardous waste landfill. ~~[40 CFR 264.555(g)]~~

711 (e) FINANCIAL MECHANISMS.

712 (i) For purposes of 40 CFR 264.143(c) and 264.145(c), surety bonds
713 guaranteeing performance of closure ~~and/or~~ or post-closure care are not allowed for interim
714 status facilities.

715 (ii) For purposes of 40 CFR 264.143(h) and 264.145(h), if the facilities
716 covered by the mechanism are in more than one state, identical evidence of financial assurance
717 must be submitted to, and maintained with, the state ~~Agency~~ agency regulating hazardous
718 waste or with the appropriate Regional Administrator if the facility is located in an
719 unauthorized state.

720 (iii) ~~For purposes of 40 CFR 264.151, whenever~~ Whenever 40 CFR 264.151
721 requires that owners and operators notify several Regional Administrators of their financial
722 obligations, the owner or operator shall notify both the DEQ and all Regional Administrators of
723 Regions that are affected by the owner or operator's financial assurance mechanisms. ~~[40 CFR~~
724 ~~264.555]~~

725 (f) AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND
726 CONTAINERS.

727 (i) The requirements of 40 CFR 264, Subpart CC do not apply to a waste
728 management unit that is used solely for on-site treatment or storage of hazardous waste that is
729 placed in the unit as the result of implementing remedial activities required under the
730 corrective action authorities of RCRA ~~Sections §§~~ 3004(u), 3004(v), or 3008(h), CERCLA
731 authorities, similar federal authorities, or ~~W.S. 35-11-503(d)~~ these rules. ~~[40 CFR~~
732 ~~264.1080(b)(5)]~~

733 (ii) For the owner and operator of a facility subject to Subpart CC who
734 received a final permit under RCRA ~~Section~~ 3005 or ~~W.S. 35-11-503(d)~~ these rules prior to
735 December 6, 1996, the requirements of this subpart shall be incorporated into the permit when
736 the permit is reissued in accordance with the requirements of 40 CFR 124.15 ~~of this Chapter~~ or

737 reviewed in accordance with the requirements of 40 CFR 270.50(d) ~~of this Chapter~~. Until such
738 date when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or
739 reviewed in accordance with the requirements of 40 CFR 270.50(d), the owner and operator are
740 subject to the requirements of 40 CFR ~~part~~ Part 265, subpart CC. ~~{40 CFR 264.1080(e)}~~

741 ~~_____ (h) _____ PROFESSIONAL ENGINEER CERTIFICATION.~~

742 ~~_____ (i) _____ Professional engineers shall be registered in Wyoming ("qualified~~
743 ~~registered Professional Engineer") when referring to activities requiring Professional Engineer~~
744 ~~certification.~~

745 ~~_____ (ii) _____ Relevant sections: 40 CFR 264.115, 264.120, 264.143(i), 264.145(i),~~
746 ~~264.147(e), 264.191(a), 264.191(b)(5)(ii), 264.192(a), 264.192(b), 264.193(i)(2), 264.196(f),~~
747 ~~264.280(b), 264.554(c)(2), 264.571(a), (b), and (c), 264.573(a)(4)(ii), 264.573(g), 264.574(a), and~~
748 ~~264.1101(c)(2).~~

749
750 ~~_____ (i) _____ PROFESSIONAL GEOLOGIST CERTIFICATION.~~

751
752 ~~_____ (i) _____ For purposes of 40 CFR 264.90(b)(4), the certifying geologist shall be a~~
753 ~~professional geologist registered in the State of Wyoming.~~

754
755 ~~(hg) CORRECTIVE ACTION BEYOND FACILITY BOUNDARY.~~

756 ~~_____ (i) _____ A The requirements of 40 CFR 264.101(c) apply to:~~

757 ~~(iA) All facilities operating under permits issued under W.S. 35-11-503(d)~~
758 ~~these rules, W.S. 35-11-801; 40 CFR 270.50; and RCRA §Section 3005(c). ~~{RCRA §3004(v)(1)}~~~~

759
760 ~~(iB) All landfills, surface impoundments, and waste pile units (including any~~
761 ~~new units, replacements of existing units, or lateral expansions of existing units) that receive~~
762 ~~hazardous waste after July 26, 1982. ~~{RCRA §3004(v)(2)}~~~~

763 ~~_____ (C) _____ Pending promulgation of such regulations, the Director shall issue~~
764 ~~corrective action orders for facilities referred to in paragraphs 264(j)(i)(A) and (B) above, on a~~
765 ~~case by case basis, consistent with the purposes of 40 CFR 264.101(c).~~

766
767 ~~(ih) LOCATION STANDARDS.~~

768 ~~(i) Applicability.~~

769 ~~(A) The location standards in Section 264(k) of this Chapter apply~~
770 ~~apply to a Any new or existing facility for the treatment, storage, or disposal of hazardous~~
771 ~~wastes must meet the location standards of 40 CFR 264.18 and those in Chapter 1, except as~~
772 ~~provided in that is subject to the permit requirements of this Chapter, except as provided in~~
773 ~~Section 264(kh)(i)(B) of this Chapter.~~

774 (B) Any new or existing Class 1 HWMF, as defined in Section 4(e) of
775 these rules, that is required by law to be constructed at the site of a hazardous generator to
776 manage newly-listed hazardous waste that is currently legally produced solely by that
777 generator, does not have to meet the requirements of 264(k) except for a new facility which
778 would have to meet the requirements of Sections 264(h), (i), (j) and 270(d)(iii) of this Chapter.
779 ~~The location standards in Section 264(k) of this Chapter, except the standards in Sections~~
780 ~~264(a)(iv) and 270(d)(iii) of this Chapter, do not apply to any new or existing Class I HWMF as~~
781 ~~defined in Section 4(e) of these rules that is required by law to be constructed at the site of a~~
782 ~~hazardous waste generator to manage newly-listed hazardous waste currently legally produced~~
783 ~~solely by that generator.~~

784 (ji) ADDITIONAL LOCATION STANDARDS REQUIREMENTS FOR CLASS II FACILITIES. In
785 addition to the location standards of this Chapter, Class II facilities, as defined in Section 4(f) of
786 these rules, shall not be located in violation of the following standards:

787 (i) Local zoning ordinances: Facility locations shall not be in conflict with
788 local zoning ordinances or land use plans that have been adopted by a county commission or
789 municipality.

790 (ii) Wetlands: Facilities shall not be located in wetlands.

791 (iii) Wild and Scenic Rivers Act: Facility locations shall not diminish the
792 scenic, recreational, and fish and wildlife values for any Section of river designated for
793 protection under the Wild and Scenic Rivers Act, 16 USC 1271 et seq., and implementing
794 regulations.

795 (iv) National Historic Preservation Act: Facilities shall not be located in areas
796 where they may pose a threat to an irreplaceable historic or archeological site listed pursuant
797 to the National Historic Preservation Act, 16 USC 470 et seq. and implementing regulations, or
798 to a natural landmark designated by the National Park Service.

799 (v) Endangered Species Act: Facilities shall not be located within a critical
800 habitat of an endangered or threatened species listed pursuant to the Endangered Species Act,
801 16 USC 1531 et seq., and implementing regulations, where the facility may cause destruction or
802 adverse modification of the critical habitat, may jeopardize the continued existence of
803 endangered or threatened species or contribute to the taking of such species.

804 (vi) Big game winter range/grouse breeding grounds: Facilities shall not be
805 located within critical winter ranges for big game or breeding grounds for grouse, unless after
806 consultation with the Wyoming Game and Fish Department, the Director determines that
807 facility development would not conflict with the conservation of Wyoming's wildlife resources.

808 (vii) Avalanche areas: Facilities shall not be located in documented avalanche
809 prone areas.

810 (viii) Hydrogeologic conditions: Facilities shall not be located in an area where
811 the DEQ, after investigation by the applicant, finds that there is a reasonable probability that

812 hazardous waste management activities cause or contribute to a violation of surface water or
813 groundwater quality standards contained in Water Quality Rules, Chapters 1 and 8. ~~will have a~~
814 ~~detrimental effect on surface water or groundwater quality.~~

815 (ix) Facilities larger than one acre, and any facility that is an incinerator,
816 boiler, or industrial furnace, shall not be located within:

817 (A) One ~~(1)~~ mile of a school, or ~~one (1) mile of an occupied dwelling~~
818 house;

819 (B) One ~~(1)~~ mile of any public park or recreation area; or

820 (C) One ~~(1)~~ mile of the boundaries of an incorporated city or town.

821 ~~(D)~~ One thousand ~~(1,000)~~ feet of any perennial lake or pond that is
822 either naturally occurring, or which contains water used for any purpose not directly related to
823 an industrial process.

824 ~~(E)~~ Three ~~(300)~~ hundred feet of any perennial river or stream.

825 (kj) ADDITIONAL LOCATION STANDARDS REQUIREMENTS FOR CLASS III FACILITIES.

826 (i) In addition to the location standards of this Chapter, Class III facilities, as
827 defined in Section 4(g) of these rules, shall comply with all location standards applicable to
828 Class II facilities, in Section 264(i) of this Chapter, and shall not be located within in violation of
829 the following standards:

830 ~~(i)~~ All location standards applicable to Class II facilities, in Section 264(l) of
831 this Chapter;

832 ~~(iA)~~ Five ~~(5)~~ miles of a school or an occupied dwelling house;

833 ~~(iB)~~ One ~~(1)~~ mile of the center line of the right-of-way of a Sstate or
834 federal highway; or

835 ~~(iC)~~ Five ~~(5)~~ miles of the boundaries of an incorporated city or town.

836
837 ~~(iiv)~~ For any HWMF subject to the location standards of Sections 264(m)(i)
838 through (iv) of this Chapter, the following additional location standards shall apply to Class
839 III facilities if they are more restrictive than the location standards of Sections 264(m)(i) through
840 (iv) (i)(A) through (C) of this Chapter:

841 (A) No facility shall be located such that it poses a cancer risk to
842 potentially exposed populations including residents, occupants of businesses, schools, or
843 institutions, exceeding one excess cancer per million people. The cancer risk shall be assessed
844 considering projected pollutant release rates and assumed target intakes during normal
845 operation conditions specified in Section 270~~(h)~~(j)(ii) of this Chapter.

846 (B) No facility shall be located such that it causes chronic toxic effects
847 to potentially exposed populations including residents, occupants of businesses, schools, or
848 institutions, due to exposures to pollutants higher than chronic oral reference dose or chronic
849 inhalation reference concentration. The chronic toxic effect shall be assessed considering
850 projected pollutant release rates and assumed target intakes during normal operation or failure
851 conditions specified in Section 270(j)(ii) of this Chapter.

852 (C) No facility shall be located such that it causes subchronic or acute
853 toxic effects to people at the facility property boundary due to exposures to pollutants higher
854 than the subchronic oral reference dose or subchronic inhalation reference concentration. The
855 subchronic and acute toxic effect shall be assessed considering projected pollutant release
856 rates and assumed target intakes during failure conditions specified in Section 270(j)(ii) of this
857 Chapter.

858

859 **Section 265. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF**
860 **HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES.**

861

862 (a) IBR AND EXCEPTIONS. 40 CFR Part 265, and all Subparts ~~excluding~~ except
863 Subparts FF and R and Sections 40 CFR 265.1(c)(4) and (c)(15), 265.15(b)(5), ~~265.1(c)(15),~~
864 265.70(b), 265.71, 265.147(k), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e),
865 265.1080(f), and 265.1080(g) are herein incorporated by reference ~~as provided in 40 CFR.~~

866 (i) For purposes of 40 CFR 265.1(c)(5), "a State" shall be replaced by "the
867 State of Wyoming".

868

869 (ii) For purposes of 40 CFR 265.11, ~~the~~ The owner or operator shall apply to
870 the DEQ for an EPA identification number.

871

872 (iii) For purposes of 40 CFR Subsection 265.12(a), "Regional Administrator"
873 shall be defined as the U.S. Environmental Protection Agency Region 8 Regional Administrator.

874

875 (iv) For purposes of 40 CFR ~~265.71(a)(3) and~~ 265.1083(c)(4)(ii), "EPA" shall be
876 defined as the U.S. Environmental Protection Agency.

877

878 (iv) For purposes of 40 CFR 265.56(d)(2), ~~the~~ The emergency coordinator must
879 immediately notify either the government official designated as the on-scene coordinator for
880 that geographical area, or the National Response Center (using their 24-hour toll free number
881 800-424-8802). Notice shall also be given to the Director, DEQ, whose address can be found at
882 <http://deq.wyoming.gov/shwd>, using the DEQ 24-hour telephone number, 307-777-7501.

883 (vi) For purposes of 40 CFR 265.90(d)(1) and (3), and 40 CFR 265.93(d)(2),
884 ground-water monitoring plans and reports shall be submitted to the Director.

885 (vii) For purposes of 40 CFR 265.93(d)(5), the owner/operator shall submit a
886 written report to the Director ~~15~~fifteen days after the determination of ground-water quality is
887 made.

888 (viii) For purposes of 40 CFR 265.191(a), the tank system's integrity
889 assessment must be completed by January 12, 1988 for HSWA tanks, as defined at Section
890 4(a)(xiv), and by October 18, 1996₂ for non-HSWA tanks, as defined at Section 4(a)(xxi).

891 (~~ixviii~~) For purposes of 40 CFR 265.191(c), the compliance date for conducting
892 the assessment is within ~~12~~twelve months of July 14, 1986, for HSWA tanks, as defined in
893 Section 4(a)(xiv). For non-HSWA tanks, as defined at Section 4(a)(xxi), the compliance date is
894 within ~~12~~twelve months of October 18, 1995.

895
896 (~~ix~~) For purposes of 40 CFR subparts 265.224(a), 265.259(a), and 265.303(a),
897 all response action plans shall be submitted to the Director.

898
899 (~~ixi~~) For purposes of 40 CFR 265.314(f), the placement of any liquid that is not
900 a hazardous waste in a landfill is prohibited.

901 (~~ixii~~) For purposes of 40 CFR 265.340(b)(2), the language is replaced with, "The
902 following requirements continue to apply even when the owner or operator has demonstrated
903 compliance with the MACT requirements of part 63, Subpart EEE of this Chapter: 40 CFR
904 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this
905 part."

906 (~~ixxiii~~) "Malfunction" for purposes of 40 CFR 265, Subpart CC of these rules shall
907 mean any sudden, infrequent, and not reasonably preventable failure of air pollution control
908 equipment, process equipment, or a process to operate in a normal or usual manner. Failures
909 that are caused in part by poor maintenance or careless operation are not malfunctions.

910 (b) PURPOSE, SCOPE, AND APPLICABILITY. The requirements of 40 CFR ~~part~~Part 265
911 ~~do not apply to a person who treats, stores, or disposes of hazardous waste except that:~~apply
912 to:

913 (i) The disposal ~~(i) Disposal~~ of hazardous waste by means of
914 underground injection is, regulated under Chapter 27 of the Wyoming DEQ's Water Quality
915 Rules, and Regulations Water Quality Rules.

916 (ii) Any person who treats, stores, or disposes of hazardous waste, if
917 Wyoming has not been authorized to carry out the requirements and prohibitions applicable to
918 the treatment, storage, or disposal of hazardous waste at his or her facility is subject to 40 CFR
919 part 265. The requirements and prohibitions that are applicable until Wyoming receives
920 authorization to carry them out include all federal program requirements identified in 40 CFR
921 271.1(j).

922 (c) ~~_____ (i) _____~~ FINANCIAL MECHANISMS. For 40 CFR 265.143(g) and
923 265.145(g): If the facilities covered by the mechanism are in more than one ~~State~~state, identical
924 evidence of financial assurance must be submitted to, and maintained with, the ~~State~~state
925 ~~Agency~~agency regulating hazardous waste or with the appropriate Regional Administrator if the
926 facility is located in an unauthorized ~~State~~state.

927 (d) AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND
928 CONTAINERS. For purposes of 40 CFR 265.1080(c), the phrase "or ~~W.S. 35-11-503(d)~~ these
929 rules" shall be inserted after "...RCRA Section 3005...". ~~{40 CFR 265.1080(c)}~~

930

931 ~~(e) _____ PROFESSIONAL ENGINEER CERTIFICATION.~~

932 ~~_____ (i) _____ Professional engineers shall be registered in Wyoming ("qualified~~
933 ~~registered Professional Engineer") when referring to activities requiring Professional Engineer~~
934 ~~certification.~~

935 ~~_____ (ii) _____ Relevant sections: 40 CFR 265.115, 265.120, 265.143(h), 265.145(h),~~
936 ~~265.147(e), 265.191(a), 265.191(b)(5)(ii), 265.192(a) and (b), 265.193(i)(2), 265.196(f),~~
937 ~~265.280(e), 265.441(a), (b), and (c), 265.443(a)(4)(ii), 265.443(g), 265.444(a), and~~
938 ~~265.1101(c)(2).~~

939

940 ~~_____ (f) _____ PROFESSIONAL GEOLOGIST CERTIFICATION.~~

941

942 ~~_____ (i) _____ For purposes of 40 CFR 265.90(c), 265.90(d)(1), and 265.93(d)(2), the~~
943 ~~certifying geologist shall be a professional geologist registered in the State of Wyoming.~~

944

945 ~~(g)~~ ge REQUIREMENTS FOR EXISTING AND NEWLY REGULATED SURFACE
946 IMPOUNDMENTS.

947 ~~_____ (i) _____ Existing surface impoundments subject to Subtitle C prior to November 8,~~
948 ~~1984, must comply with new unit requirements by November 8, 1988 or stop hazardous waste~~
949 ~~activity. {RCRA §3005(j)(1)}~~

950 ~~(ii) _____ Surface impoundments regulated for the first time by a listing or~~
951 ~~characteristic promulgated after November 8, 1984, must comply with new unit requirements~~
952 ~~or stop hazardous waste activity by (4) four years after the date of promulgation of the new~~
953 ~~listing or characteristic. {40 CFR RCRA §3005(j)(6)}~~

954 ~~(iii) _____ Surface~~ For surface impoundments regulated for the first time by a listing
955 or characteristic promulgated after November 8, 1984, where the Director determines
956 hazardous constituents are likely to migrate into groundwater, the Director is authorized to

957 impose such requirements as may be necessary to protect human health and the environment,
958 including requiring compliance with new unit requirements. ~~RCRA §3005(j)(7)(B)~~

959 **Section 266. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES**
960 **AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES.**

961
962 (a) IBR AND EXCEPTIONS. 40 CFR Part 266 and all Subparts are herein incorporated
963 by reference ~~as provided in 40 CFR.~~

964 ~~_____ (i) _____~~ For purposes of 40 CFR 266.210, "You" shall be a generator, treater, or
965 other handler of low-level mixed waste or eligible NARM (Naturally Occurring ~~and/or~~
966 Accelerator-produced Radioactive Material), otherwise "you" refers to any generator, treater,
967 or handler of hazardous waste under these rules.

968 (b) MILITARY MUNITIONS.

969 (i) For purposes of RCRA ~~§Section 1004(27)~~, a used or fired military munition
970 is a waste material and, therefore, is potentially subject to RCRA corrective action authorities
971 under ~~W.S. 35-11-503(d) these rules~~, 40 CFR 264.101(c), or RCRA ~~§§Sections 3004(u) and (v),~~
972 and 3008(h), or imminent and substantial endangerment authorities under W.S. 35-11-115,
973 ~~W.S. 35-11-503(d) these rules~~, Articles 7 and 9 of the Act, or RCRA ~~§Section 7003~~, if the
974 munition lands off-range and is not promptly rendered safe ~~and/or~~ retrieved. Any imminent
975 and substantial threats associated with any remaining material must be addressed. If remedial
976 action is infeasible, the operator of the range must notify the Director in writing and maintain a
977 record of the event for as long as any threat remains. The record must include the type of
978 munition and its location (to the extent the location is known). ~~40 CFR 266.202(d)~~

979 (ii) Reinstatement of exemption. If any waste military munition loses its
980 exemption under 40 CFR 266.203(a)(1), an application may be filed with the Director for
981 reinstatement of the exemption from hazardous waste transportation regulation with respect
982 to such munition as soon as the munition is returned to compliance with the conditions of 40
983 CFR 266.203(a)(1). If the Director finds that reinstatement of the exemption is appropriate
984 based on factors such as the transporter's provision of a satisfactory explanation of the
985 circumstances of the violation, or a demonstration that the violations are not likely to recur, the
986 Director may reinstate the exemption under 40 CFR 266.203(a)(1). If the Director does not ~~take~~
987 ~~an act on~~ the reinstatement application within ~~60~~ sixty days after receipt of the application and
988 if the military continues to seek reinstatement of the exemption, it is the responsibility of the
989 military to contact the Director to establish a mutually-agreeable timeline for the Director to
990 address the application. In reinstating the exemption under 40 CFR 266.203(a)(1), the Director
991 may specify additional conditions as are necessary to ensure and document proper
992 transportation to protect human health and the environment. ~~40 CFR 266.203(b)~~

993 (iii) Amendments to ~~DOD~~ Department of Defense shipping controls. The
994 Department of Defense shipping controls applicable to the transport of military munitions
995 referenced in 40 CFR 266.203(a)(1)(ii), and in effect on November 8, 1995, are the Signature
996 and Tally Record (DD Form 1907) and the Motor Vehicle Inspection (Transporting Hazardous

997 Materials) (DD Form 626). For shipment by commercial transport the U.S. Government Bill of
998 Lading (GBL) (GSA Standard Form 1103) is also required. For shipment by military transport,
999 the following additional controls are applicable: DD Single Line Item Release/Receipt Document
1000 (DD Form 1348-1A) and the Shipping Paper and Emergency Response Information for
1001 Hazardous Materials Transported by Government Vehicles (DD Form 836). Any amendments to
1002 the above Department of Defense shipping controls shall not become effective for purposes of
1003 40 CFR 266.203(a)(1) until the amended Department of Defense shipping control has been
1004 adopted by rule by the DEQ. Adoption of an amended Department of Defense shipping control
1005 will be contingent on the Director's affirmative finding that the amended shipping control(s)
1006 is/are protective of human health and the environment. Copies of Department of Defense
1007 shipping controls can be obtained upon request from the DEQ, the physical address of which
1008 can be found at <http://deq.wyoming.gov/shwd>. ~~[40 CFR 266.203(c)]~~

1009 (iv) The owner or operator may store only waste military munitions
1010 generated by the individual facility, unless storing waste military munitions from another
1011 facility results from an inability to transport the waste military munitions for treatment or
1012 disposal due to inclement weather or other circumstance as approved in writing by the
1013 Director. ~~(v) Section 266(b)(iv) of this Chapter does not apply if storage of~~
1014 waste military munitions from another facility results from ~~is the result of~~ an inability to
1015 transport the waste military munitions for treatment or disposal due to inclement weather or
1016 other circumstance as approved in writing by the Director. ~~[40 CFR 266.205(a)(1)]~~

1017 (vi) Reinstatement of conditional exemption. If any waste military munition
1018 loses its conditional exemption under 40 CFR 266.205(a)(1), an application may be filed with
1019 the Director for reinstatement of the conditional exemption from hazardous waste storage
1020 regulation with respect to such munition as soon as the munition is returned to compliance
1021 with the conditions of 40 CFR 266.205(a)(1). If the Director finds that reinstatement of the
1022 conditional exemption is appropriate based on factors such as the owner's or operator's
1023 provision of a satisfactory explanation of the circumstances of the violation, or a demonstration
1024 that the violations are not likely to recur, the Director may reinstate the conditional exemption
1025 under 40 CFR 266.205(a)(1). If the Director does not take action act on the reinstatement
1026 application within ~~60~~ sixty days after receipt of the application and if the military continues to
1027 seek reinstatement of the exemption, it is the responsibility of the military to contact the
1028 Director to establish a mutually-agreeable time line for the Director to address the application.
1029 In reinstating the conditional exemption under 40 CFR 266.205(a)(1), the Director may specify
1030 additional conditions as are necessary to ensure and document proper storage to protect
1031 human health and the environment. ~~[40 CFR 266.205(c)]~~

1032 (viii) Waste military munitions that are chemical agents or chemical munitions
1033 and that exhibit a hazardous waste characteristic or are listed as hazardous waste under 40 CFR
1034 Part 261, are listed or identified as a hazardous waste and shall be subject to the applicable
1035 regulatory requirements of the Act. ~~[40 CFR 266.205(d)(1)]~~

1036 (viii) Amendments to DDESB storage standards. The DDESB storage standards
1037 applicable to waste military munitions, referenced in 40 CFR 266.205(a)(1)(iii), are DOD 6055.9-

1038 STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995,
1039 except as provided in the following sentence. Any amendments to the DDESB storage
1040 standards shall not become effective for purposes of 40 CFR 266.205(a)(1) until the amended
1041 Department of Defense DDESB storage standards have been adopted by rule by the DEQ.
1042 Adoption of amended Department of Defense DDESB storage standards will be contingent on
1043 the Director's affirmative finding that the DDESB storage standards are protective of human
1044 health and the environment. ~~[40 CFR 266.205(e)]~~

1045
1046 **Section 267. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE**
1047 **FACILITIES OPERATING UNDER A STANDARDIZED PERMIT.**

1048
1049 ~~———— (a) ———~~ IBR AND EXCEPTIONS. 40 CFR Part 267 and all Subparts, except 40 CFR 267.150,
1050 are herein incorporated by reference ~~as provided in 40 CFR.~~

1051 ~~(i) ———~~ (a) For purposes of 40 CFR 267.12, ~~you~~ an owner or operator must apply to
1052 the DEQ for an EPA identification number following the DEQ's notification procedures and using
1053 EPA form 8700-12. Owners or operators ~~You~~ may obtain information and required forms from
1054 the DEQ or from ~~the~~ your EPA regional office. The EPA identification number shall be
1055 considered to be the State of Wyoming identification number for purposes of these rules.

1056 (b~~ii~~) For purposes of 40 CFR 267.18(b), new facilities shall not be located within the
1057 boundaries of a 100-year floodplain.

1058 (c~~iii~~) For purposes of 40 CFR 267.56(c)(2), the emergency coordinator must
1059 immediately notify either the government official designated as the on-scene coordinator for
1060 that geographical area, or the National Response Center (using their 24-hour toll-free number
1061 800-424-8802). The DEQ must also be notified immediately, using ~~the~~ its 24-hour telephone
1062 number 307-777-7501.

1063
1064 ~~———— (b) ———~~ PROFESSIONAL ENGINEER CERTIFICATION.

1065 ~~———— (i) ———~~ Professional engineers shall be registered in Wyoming ("qualified
1066 registered Professional Engineer") when referring to activities requiring Professional Engineer
1067 certification.

1068 ~~———— (ii) ———~~ Relevant sections: ~~40 CFR Sections 267.117, 267.147(e), 267.191,~~
1069 ~~267.192(a), 267.200(f).~~

1070
1071 **Section 268. LAND DISPOSAL RESTRICTIONS.**

1072
1073 ~~———— (a) ———~~ IBR AND EXCEPTIONS. 40 CFR Part 268 and all Subparts are herein incorporated
1074 by reference ~~as provided in 40 CFR~~, except for 40 CFR 268.5, 268.6, 268.13, 268.42(b), 268.44(a)
1075 through (g), and 268.44(o).

1076 (i~~a~~) The authority for implementing the provisions of these excluded sections
1077 remains with the EPA. However, the requirements of Wyoming statutes shall be applied in all

1078 cases where these requirements are more stringent than the federal standards. If the
1079 Administrator of the EPA grants a case-by-case variance pursuant to 40 CFR 268.5, that variance
1080 will simultaneously create the same case-by-case variance to the equivalent requirement of
1081 these rules.

1082 ~~_____ (ii) The authority for implementing the excluded sections 268.5, 268.6,~~
1083 ~~268.42(b), and 268.44(a) through (g) remains with the U.S. Environmental Protection Agency.~~

1084
1085 ~~(iii)~~ (b) For purposes of 40 CFR 268.1(e)(3) and 40 CFR 268.2(j) "EPA" shall be defined as the U.S.
1086 Environmental Protection Agency.

1087 (iv) (c) For purposes of 40 CFR 268.7(a)(9)(iii), "D009" is excluded from lab packs as
1088 noted in 40 CFR Part 268 Appendix IV.

1089 (v) (d) For purposes of 40 CFR 268.40(b), "Administrator" shall be defined as U.S.
1090 Environmental Protection Agency Administrator.

1091

1092 **Section 269. RESERVED.**

1093 **Section 270. THE HAZARDOUS WASTE PERMIT PROGRAM.**

1094 (a) IBR AND EXCEPTIONS. 40 CFR Part 270 and all Subparts, except 40 CFR
1095 270.1(c)(1)(iii), 270.1(c)(2)(ix), 270.11(d)(2), 270.13(k)(7), 270.14(b)(18), 270.42 (Appendix I,
1096 Part A Entries 9 and 10), 270.51(d), 270.60(a), 270.64, 270.68, 270.73(a), Subpart H (40 CFR
1097 270.79 - 270.230), 270.260(h), and 270.290(r) are herein incorporated by reference as provided
1098 in 40 CFR.

1099 _____ (i) For purposes of 40 CFR 270.2, 270.5, 270.10(e)(2), 270.11(a)(3),
1100 270.32(a), 270.32(b)(2), 270.32(c), 270.72(a)(5), 270.72(b)(5), 270.235(a)(1)(iii)(A),
1101 270.235(a)(2)(iii)(A), and 270.235(b)(1)(ii), "EPA" shall be defined as the U.S. Environmental
1102 Protection Agency, and "Administrator" or "Regional Administrator" shall be defined as the U.S.
1103 Environmental Protection Agency Region 8 Regional Administrator.

1104 (ii) For purposes of 40 CFR 270.1(b), the sentence "The notification shall
1105 state the location and general description of the type of activity and the identified or listed
1106 wastes being handled" shall be inserted after the first sentence in the section.

1107 (iii) For purposes of 40 CFR 270.1(c)(7), at the discretion of the Director, an
1108 owner or operator may obtain, in lieu of a post-closure permit, an enforceable document,
1109 imposing the requirements of 40 CFR 265.121.

1110 (iv) ~~For purposes of 40 CFR 270.2, the definitions "Approved program or~~
1111 ~~approved State", "Director", "Final authorization", "Interim authorization", "Major facility",~~
1112 ~~"Permit", "State", and "State/EPA Agreement" shall be defined as in 40 CFR 270.2. The~~
1113 definition "Remedial Action Plan (RAP)" as defined in 40 CFR 270.2 is not adopted by the State.

1114 ~~_____ (v) For purposes of 40 CFR 270.2 "existing hazardous waste management~~
1115 ~~(HWM) facility" or "existing facility" shall be a facility that was in operation or for which~~
1116 ~~construction commenced on or before November 19, 1980. A facility has commenced~~
1117 ~~construction if the owner or operator has obtained the permits and approvals required under~~
1118 ~~federal, state or local statutes, regulations or ordinances necessary to begin physical~~
1119 ~~construction; and either:~~

1120 ~~_____ (A) A continuous on site, physical construction program has begun; or~~

1121 ~~_____ (B) The owner or operator has entered into contractual obligations~~
1122 ~~that cannot be cancelled or modified without substantial loss for physical construction of the~~
1123 ~~facility to be completed within a reasonable time.~~

1124 ~~_____ (vi) For purposes of 270.10(e)(3), the Administrator or the Director may, by~~
1125 ~~compliance order issued under W.S. 35-11-503(d); these rules, Articles 7 and 9 of the Act, or~~
1126 ~~RCRA Section 3008, extend the date by which the owner and operator of an existing HWMF~~
1127 ~~must submit Part A of their permit application.~~

1128 ~~_____ (vii) For purposes of 270.10(f)(2), the application for permits shall be~~
1129 ~~submitted to the Director.~~

1130 ~~_____ (viii) For purposes of 270.10(f)(3), notwithstanding 40 CFR 270.10(f)(1), a~~
1131 ~~person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an~~
1132 ~~approval issued by the Director under Article 2 of the Act and by the EPA Administrator under~~
1133 ~~Section 6(e) of the Toxic Substances Control Act and any person owning or operating such a~~
1134 ~~facility may, at any time after construction or operation of such facility has begun, file an~~
1135 ~~application for a State HWMF permit to incinerate hazardous waste authorizing such facility to~~
1136 ~~incinerate waste identified or listed under these rules.~~

1137 ~~_____ (ix) For purposes of 40 CFR 270.10(g)(1)(i) and (ii), if any owner or operator of~~
1138 ~~a hazardous waste management facility has filed Part A of a permit application and has not yet~~
1139 ~~filed Part B, the owner or operator shall file an amended Part A application with the Director~~
1140 ~~and the EPA Regional Administrator, within six (6) months after the promulgation of revised~~
1141 ~~federal regulations promulgated under HSWA listing or identifying additional hazardous wastes,~~
1142 ~~if the facility is treating, storing, or disposing of any of those newly listed or identified wastes.~~

1143 ~~_____ (ix) For purposes of 40 CFR 270.10(j)(1), any Part B permit application~~
1144 ~~submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous~~
1145 ~~waste in a surface impoundment, incinerator, burner, or a landfill must be accompanied by~~
1146 ~~information, reasonably ascertainable by the owner or operator, on the potential for the public~~
1147 ~~to be exposed to hazardous wastes or hazardous constituents through releases related to the~~
1148 ~~unit. At a minimum, such information must address:~~

1149 ~~(i) (A) Reasonably foreseeable potential releases from both normal~~
1150 ~~operations and accidents at the unit, including releases associated with transportation to or~~
1151 ~~from the unit;~~

1152 (ii) ~~(B)~~—The potential pathways of human exposure to hazardous wastes
1153 or constituents resulting from the releases described under Section 270(a)(x)(A) of this Chapter
1154 above; and

1155 (iii) ~~(C)~~—The potential magnitude and nature of the human exposure
1156 resulting from such releases.

1157 (x) For purposes of 40 CFR 270.10(l), the Director may require that the
1158 application demonstrate compliance with specific provisions of the Act, and specific designated
1159 rules of the Solid and Hazardous Waste, Water Quality, and Air Quality Divisions of the DEQ.

1160 (xi) For purposes of 40 CFR 270.11, all applications shall be signed under oath
1161 subject to a penalty of perjury.

1162 (xii) For purposes of 40 CFR 270.11(a), the term "responsible" shall be
1163 replaced by "principal".

1164 (xiii) For purposes of 40 CFR 270.12(a), any information submitted to the DEQ
1165 pursuant to these regulations may be claimed as confidential by the submitter. Any such claim
1166 must be asserted at the time of submission in the manner prescribed on the application form or
1167 instructions or, in the case of other submissions, by stamping the words "confidential business
1168 information" on each page containing such information. If no claim is made at the time of
1169 submission, the DEQ may make the information available to the public without further notice.
1170 Upon a showing satisfactory to the Director, confidential business information will not be made
1171 available to the public pursuant to the Wyoming Public Records Act, W.S. 16-4-201 et. seq.

1172 (xiv) For purposes of 40 CFR 270.14(b)(19)(v), the term "representative" shall
1173 be inserted before the term "wind rose".

1174 (xv) For purposes of 40 CFR 270.14(b)(20), applicants may be required to
1175 submit such information as may be necessary to enable the Director to carry out his or her
1176 duties under other aspects of the Act and other federal laws as required in 40 CFR 270.3.

1177 (xvi) For purposes of 40 CFR 270.28, "Regional Administrator" shall be
1178 replaced by "Director".

1179 (xvii) For purposes of 40 CFR 270.30 and 40 CFR 270.32(b), the Director shall
1180 specify any additional standards, together with the justification therefore, as the Director
1181 believes necessary to carry out the purposes of the Act.

1182 (xviii) For purposes of 40 CFR 270.42(g)(1)(i) ~~and (g)(1)(i)~~, the permittee is
1183 authorized to continue to manage wastes listed or identified as hazardous under 40 CFR Part
1184 261, or to continue to manage hazardous waste in units newly regulated as hazardous waste
1185 management units, if the unit was in existence and has a State permit issued under Articles 2, 3,
1186 4 or 5 of the Act as a hazardous waste facility with respect to the newly listed or characterized
1187 waste or newly regulated waste management unit on the effective date of the final rule listing
1188 or identifying the waste, or regulating the unit.

1189 (xix) For purposes of 40 CFR 270.42(j)(3), the Director shall respond to the
1190 request for a combustion facility hazardous waste permit modification within ~~(90)~~ninety days of
1191 receiving the request. The Director may, at his or her discretion, extend this ~~(90)~~ninety-day
1192 deadline one time for up to ~~(30)~~thirty days by notifying the facility owner or operator.

1193 (b) TRANSFER OF EXISTING HAZARDOUS WASTE MANAGEMENT PERMITS.

1194 (i) A permit may be transferred by the permittee to a new owner or
1195 operator only if the permit has been modified or revoked and reissued (under 40 CFR 270.40(b)
1196 or 270.41(b)(2)) to identify the new permittee and incorporate such other requirements as may
1197 be necessary under these rules. ~~[40 CFR 270.40(a)]~~

1198 (ii) Changes in the ownership or operational control of a facility may be
1199 made as a Class 1 modification with prior written approval of the Director in accordance with
1200 40 CFR 270.42 or as a routine change with prior approval under 40 CFR 124.213. The Director
1201 shall not approve transfer of ownership or operational control to any person unless the Director
1202 determines that such person meets the qualifications for owners and operators in Sections
1203 270(m) and 270(n) of these rules. The new owner or operator must submit a revised permit
1204 application no later than ninety days prior to the scheduled change. A written agreement
1205 containing a specific date for transfer of permit responsibility between the current and new
1206 permittees must also be submitted to the Director. The written agreement must also contain
1207 signed and notarized documentation from the new operator indicating that the new operator
1208 has agreed to accept and be bound by the provisions of the permit and any amendments,
1209 agreed to construct and operate the facility in accordance with the approved plan, and agreed
1210 to accept responsibility for the facility's compliance with the standards specified in the
1211 applicable sections of these rules, including the responsibility to perform corrective actions.
1212 When a transfer of ownership or operational control occurs, the old owner or operator shall
1213 comply with the requirements of 40 CFR 264, Subpart H (Financial Requirements) of these rules
1214 for permitted facilities until the new owner or operator has demonstrated that he or she is
1215 complying with the requirements of that Subpart. The new owner or operator must
1216 demonstrate compliance with Subpart H requirements within six (6) months of the date of the
1217 change in ownership or operational control of the facility. Upon demonstration to the Director
1218 by the new owner or operator of compliance with Subpart H, the Director shall notify the old
1219 owner or operator that he or she no longer needs to comply with Subpart H as of the date of
1220 demonstration. ~~[40 CFR 270.40(b)]~~

1221 (c) CONTENTS OF PART A OF THE PERMIT APPLICATION. ~~_____ (i) _____~~ Part A
1222 of the State HWMF permit application shall include the following information:

1223 (Ai) A listing of any civil, misdemeanor, or felony convictions within ~~(10)~~ten
1224 years prior to the date of application for any violations of any local, ~~State~~-state, or federal law
1225 relating to environmental quality or criminal racketeering by the owner, or the operator, and all
1226 entities related by ownership to the applicant whether by common ownership or by a parent or
1227 subsidiary relationship, either directly or indirectly. This includes any partners in a partnership

1228 or executive officers or corporate directors in any corporation, if the owner~~/or~~ operator is a
1229 partnership or corporation.

1230 ~~(B)ii~~ A topographic map (or other map if a topographic map is unavailable)
1231 extending one mile beyond the property boundaries of the source, depicting the facility and
1232 each of its intake and discharge structures, each of its hazardous waste treatment, storage, or
1233 disposal facilities, each well where fluids from the facility are injected underground, and those
1234 wells, springs, other surface water bodies, and drinking water wells listed in public records or
1235 otherwise known to the applicant within one ~~(1)~~ mile of the facility property boundary. ~~[40 CFR~~
1236 ~~270.13(i)]~~

1237 (d) CONTENTS OF PART B OF THE PERMIT APPLICATION. ~~—————(i)—————~~ Facility
1238 location information: [40 CFR 270.14(b)(11)]

1239 ~~(A)i~~ The application shall include information concerning the area in which
1240 the facility is to be located, including the political jurisdiction (e.g., county, township, or election
1241 district), sufficient to demonstrate compliance with all applicable location standards specified in
1242 Sections 264, 267, and 270 of these rules. ~~[40 CFR 270.14(b)(11)(i)]~~

1243 ~~(B)ii~~ If the facility is proposed to be located in an area listed in Appendix VI of
1244 40 CFR 264, the owner or operator shall demonstrate compliance with the seismic standard.
1245 This demonstration may be made using either published geologic data or data obtained from
1246 field investigations carried out by the applicant. The information provided must be of such
1247 quality to be acceptable to professional geologists experienced in identifying and evaluating
1248 seismic activity. ~~[40 CFR 270.14(b)(11)(ii)]~~

1249 ~~(C)iii~~ Owners and operators of all facilities shall provide an identification of
1250 whether the facility is located within a 100-year floodplain. This identification must indicate the
1251 source of data for such determination and include a copy of the relevant Federal Insurance
1252 Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is
1253 not available. Methods used to determine the 100-year floodplain must be approved by the
1254 Director. Information shall also be provided identifying the 100-year flood level and any other
1255 special flooding factors (e.g., wave action) that must be considered in designing, constructing,
1256 operating, or maintaining the facility to withstand washout from a 100-year flood. ~~[40 CFR~~
1257 ~~270.14(b)(11)(iii)]~~

1258 (e) CONDITIONS APPLICABLE TO ALL PERMITS.

1259 ~~—————(i)—————~~ Twenty-four ~~(24)~~ hour reporting: ~~[40 CFR 270.30(i)(6)]~~

1260 ~~—————(A)—————~~ The permittee shall report any noncompliance that may endanger
1261 health or the environment orally to the Director within twenty-four hours from the time the
1262 permittee becomes aware of the circumstances, including: ~~[40 CFR 270.30(i)(6)(i)]~~

1263 ~~—————(ii)—————~~ Information concerning release of any hazardous waste regardless
1264 of whether or not it may cause an endangerment to public drinking water supplies. ~~[40 CFR~~
1265 ~~270.30(i)(6)(ii)(A)]~~

1266 (ii) Any information of any release or discharge of hazardous waste or
1267 of any fire or explosion from the HWMF, regardless of whether or not it could threaten the
1268 environment or human health outside the facility. ~~{40 CFR 270.30(l)(6)(ii)(B)}~~

1269 (f) TERMINATION OF PERMITS.

1270
1271 (i) The following are causes for terminating a permit during its term, or for
1272 denying a permit renewal application: ~~{40 CFR 270.43(a)}~~

1273
1274 (A) Noncompliance by the permittee with any condition of the
1275 permit; ~~{40 CFR 270.43(a)(1)}~~

1276
1277 (B) The permittee's failure in the application or during the permit
1278 issuance process to fully disclose ~~fully~~ all relevant facts, or the permittee's misrepresentation of
1279 any relevant facts at any time; or ~~{40 CFR 270.43(a)(2)}~~

1280
1281 (C) A determination that the permitted activity endangers human
1282 health or the environment and can only be regulated to acceptable levels by permit
1283 modification or termination; or ~~{40 CFR 270.43(a)(3)}~~

1284
1285 (D) If the continued operation is inconsistent with the policy and
1286 purposes of the Act.

1287
1288 (ii) Procedures. The Director will follow the applicable procedures in 40 CFR
1289 124 in terminating any permit under 40 CFR 270.43. ~~{40 CFR 270.43(b)}~~

1290

1291 (g) PERMIT ISSUANCE.

1292 ~~—————(i)————~~ Nothing shall preclude the Director from reviewing and modifying a
1293 permit at any time during its term. Review of any application for a permit renewal shall
1294 consider improvements in the state of control and measurement technology as well as changes
1295 in applicable regulations. Each permit issued under ~~W.S. 35-11-503(d)~~ these rules and RCRA
1296 §Section 3005 shall contain terms and conditions as the Director determines necessary to
1297 protect human health and the environment.

1298 (h) QUALIFYING FOR INTERIM STATUS.

1299 ~~—————(i)————~~ Any person who owns or operates an 'existing HWM facility' or a facility
1300 in existence on the effective date of amendments to the Environmental Quality Act and 40 CFR
1301 Part 261 that render the facility subject to the requirement to have a HWMF permit shall be
1302 eligible to receive interim status and shall be treated as having been issued a permit under the
1303 Act, if the Director determines the owner or operator has: ~~{40 CFR 270.70(a)}~~

1304 (Ai) Complied with the requirements of RCRA §section 3010(a) ~~of RCRA~~ and
1305 ~~W.S. 35-11-503(d)~~ these rules pertaining to notification of hazardous waste activity; or ~~{40 CFR~~
1306 ~~270.70(a)(1)}~~

1307 (Bii) Complied with the requirements of 40 CFR 270.10 governing submission
1308 of Part A applications. ~~{40 CFR 270.70(a)(2)}~~

1309 (i) OPERATION DURING INTERIM STATUS.

1310 (i) During the interim status period the facility shall not: ~~{40 CFR 270.71(a)}~~

1311 (A) Treat, store, or dispose of hazardous waste not specified in Part A
1312 of the permit application; ~~{40 CFR 270.71(a)(1)}~~

1313 (B) Employ processes not specified in Part A of the permit
1314 application; ~~{40 CFR 270.71(a)(2)}~~

1315 (C) Exceed the design capacities specified in Part A of the permit
1316 application; or ~~{40 CFR 270.71(a)(3)}~~

1317 or

1318 (D) Operate in any manner that has not been previously authorized
1319 by a permit issued under Articles 2, 3, 4, ~~and/or~~ or 5 of the Act, if applicable.

1320 (ii) Interim status standards. During interim status, owners or operators
1321 shall comply with interim status standards in 40 CFR Part 265, and with applicable rules,
1322 regulations, or permits issued under Articles 2, 3, 4, ~~and/or~~ or 5 of the Act. ~~{40 CFR 270.71(b)}~~

1323
1324 ~~(j) PROFESSIONAL ENGINEER CERTIFICATION.~~

1325 ~~(i) Professional engineers shall be registered in Wyoming ("qualified~~
1326 ~~registered Professional Engineer") when referring to activities requiring Professional Engineer~~
1327 ~~certification.~~

1328 ~~(ii) Relevant sections: 40 CFR 270.14(a), 270.16(a), and 270.26(c)(15).~~

1329 ~~(k) PROFESSIONAL GEOLOGIST CERTIFICATION.~~

1330
1331 ~~(i) For purposes of 40 CFR 270.14(b)(11)(ii), the certifying geologists shall be~~
1332 ~~professional geologists registered in the State of Wyoming.~~

1333 (lj) HEALTH RISK ASSESSMENT.

1334
1335 (i) Owners and operators of all facilities shall provide a health risk
1336 assessment based on health risks associated with normal operation or failure of a HWMF
1337 pollution control or containment system, as specified in Section 270(j)(ii) of these rules. The
1338 normal operation or failure modes specified in Section 270(j)(ii) of these rules shall be used.
1339 This assessment must indicate the source of data for such determination. The health risk
1340 assessment must address the following standards:

1341 (A) The cancer risk shall be assessed considering projected pollutant
1342 release rates and assumed target intakes during normal operation conditions specified in
1343 Section 270(j)(ii) of these rules.

1344 (B) The chronic toxic effect, which shall be assessed considering
1345 projected pollutant release rates and assumed target intakes during normal operation or failure
1346 conditions specified in Section 270(j)(ii) of these rules.

1347 (C) The subchronic and acute toxic effect shall be assessed
1348 considering projected pollutant release rates and assumed target intakes during failure
1349 conditions specified in Section 270(j)(ii) of these rules.

1350
1351 (ii) For the purpose of assessment of health risks associated with normal
1352 operation or failure of a HWMF pollution control or containment system, the following normal
1353 operation or failure modes shall be used:

1354 (A) For hazardous waste storage facilities that are tanks or vessels,
1355 normal operation modes shall include operation of the facility as designed; failure modes shall
1356 include tank rupture, the effects of inadvertent mixing of incompatible wastes, failure of
1357 primary and secondary containment systems or liners, and releases of toxic or hazardous air
1358 pollutants from tank ruptures or during fires;

1359 (B) For hazardous waste storage facilities that are impoundments,
1360 normal operation modes shall include operation of the facility as designed; failure modes shall
1361 include failure of primary or secondary containment systems or liners, dike failure, and releases
1362 of toxic or hazardous air pollutants during fires or from inadvertent mixing of incompatible
1363 wastes such as strong acids or bases with wastes stored in the impoundment;

1364 (C) For hazardous waste storage facilities that are waste piles, normal
1365 operation modes shall include operation of the facility as designed; failure modes shall include
1366 failure of primary and secondary containment systems or liners, failure of primary systems to
1367 control releases of wastes during high winds, and releases during fires;

1368 (D) For hazardous waste landfills and treatment facilities, normal
1369 operation modes shall include operation of the facility as designed; failure modes shall include
1370 failure of primary and secondary containment systems or liners, releases of toxic or hazardous
1371 air pollutants from inadvertent mixing of incompatible wastes and releases during fires;

1372 (E) For hazardous waste incinerators and other treatment facilities
1373 for the burning, thermal treatment, or combustion of hazardous wastes, normal operation
1374 modes shall include operation of the facility as designed; failure modes shall include failure of
1375 primary air pollution control systems, failure of any automatic or manual waste feed cutoff
1376 system, operation of the facility under conditions of waste temperature and residence time to
1377 be expected during upset, startup or shutdown conditions, and inadvertent combustion or
1378 treatment of wastes containing chlorinated hazardous wastes, dioxins, arsenic, antimony,
1379 barium, beryllium, cadmium, chromium, lead, mercury, silver, and thallium; and

1380 (F) For other hazardous waste storage, treatment, or disposal
1381 facilities, normal operation or failure modes shall be specified by the Director.

1382 (iii) For the purpose of conducting the health risk assessment required by
1383 Section 264(m)(v) of this Chapter, the following protocols (or most recent edition) shall be
1384 used by the applicant, unless alternate protocols are approved by the DEQ:

1385 (A) "Exposure Factors Handbook", 2011, U.S. Environmental
1386 Protection Agency, EPA 600/R-090/052F;₂

1387 (B) "Guidance for Data Useability in Risk Assessment, Part A and B",
1388 1992, U.S. Environmental Protection Agency;₂

1389 (C) "Guidelines for Human Exposure Assessment ", U.S.
1390 Environmental Protection Agency, Draft January 7, 2016;₂

1391 (D) "Risk Assessment Guidance for Superfund Volume I, Human
1392 Health Evaluation Manual (Part A)", 1989, U.S. Environmental Protection Agency, EPA 540/1-
1393 89/002;₂

1394 (E) "Risk Assessment Guidelines", U.S. Environmental Protection
1395 Agency, <https://www.epa.gov/risk/risk-assessment-guidelines> Numerous guidelines dated 1986-
1396 2015;₂

1397 (F) "Risk Assessment Guidance for Superfund, Volume 1: Human
1398 Health Evaluation Manual, Supplemental Guidance, Standard Default Exposure Factors, Interim
1399 Final", 1991, U.S. Environmental Protection Agency, OSWER Directive 9285.6-03;₂ and

1400 (G) "Superfund Exposure Assessment Manual", 1988, U.S.
1401 Environmental Protection Agency, EPA 540/1-88/001.

1402 (iv) For the purpose of conducting the health risk assessment required by
1403 Section 264(m)(v) of this Chapter, toxicological data contained in the following publications
1404 shall be used unless alternate data sources are approved by the DEQ:

1405 (A) Integrated Risk Information System (IRIS), U.S. Environmental
1406 Protection Agency, <https://www.epa.gov/iris>;

1407 (B) "Health Effects Assessment Summary Tables", Office of Research
1408 and Development, Office of Emergency and Remedial Response, U.S. Environmental Protection
1409 Agency, OERR 9200.6-303 (94-1); and

1410 (C) Data provided by a qualified EPA toxicologist, if approved by the
1411 DEQ.

1412 (m) MANAGEMENT AND TECHNICAL CAPABILITIES OF THE OWNER AND OPERATOR.
1413 The applicant shall possess demonstrated acceptable experience in operating hazardous waste
1414 treatment, storage, and disposal facilities in a manner that does not demonstrate a disregard

1415 for human health and the environment. The Director shall consider the applicant to have
1416 demonstrated acceptable experience if:

1417 (i) The applicant is currently operating an existing facility permitted under
1418 these rules and that facility is currently in substantial compliance with all rules, regulations, and
1419 permit conditions adopted under the Environmental Quality Act and applicable federal
1420 regulations; or

1421 (ii) If not currently operating a facility in this State, the applicant has
1422 experience operating hazardous waste treatment, storage, and disposal facilities in other states
1423 and has operated such facilities in substantial compliance with applicable ~~State~~ state and federal
1424 regulations and permit requirements. Applicants who do not have an operating history in this
1425 State shall submit the following information to the Director:

1426 (A) A listing of all permits for hazardous waste treatment, storage,
1427 and disposal facilities held by the applicant within the last ten ~~(10)~~ years;

1428 (B) A listing of such permits revoked for cause;

1429 (C) A listing of hazardous waste treatment, storage, or disposal
1430 facilities owned or operated by the applicant that are currently not in substantial compliance
1431 with applicable ~~State~~ state or federal regulations or permit requirements as officially
1432 determined by a ~~State~~ state or federal regulatory agency; and

1433 (D) A description of all criminal and civil penalties assessed against
1434 the applicant resulting from violations of ~~State~~ state or federal environmental laws within
1435 the last five ~~(5)~~ years.

1436 ~~(F)~~ THE APPLICANT SHALL DEMONSTRATE FITNESS TO COMPLY WITH THE ACT AND
1437 THESE RULES. The past performance of the applicant, or any partners, executive officers, or
1438 corporate directors, based on the record before the Director, ~~constitutes~~ shall constitute
1439 evidence that the applicant will comply with provisions of the Act and these rules and is fit to
1440 obtain a permit.

1441 (i) The Director may determine that the applicant is not fit to obtain a
1442 permit if the applicant, or any partners, executive officers, or corporate directors have:

1443 (A) Misrepresented or concealed any material fact in the permit
1444 application;

1445 ~~Obtained a permit from the Director by misrepresentation or~~
1446 ~~concealment of a material fact;~~

1447 ~~(E)~~ Been convicted of a felony or pleaded guilty to a felony for
1448 violations of environmental quality or criminal racketeering laws or regulations within the ~~(5)~~
1449 five years preceding the application for the permit, which in the judgment of the Director
1450 constitutes evidence that the applicant cannot be relied upon to conduct the operations
1451 described in the application in compliance with the Act and these rules; or

1452 (C) Been adjudicated in contempt of any order of any court enforcing
1453 laws of any state or the federal government within five years preceding the application for a
1454 permit.

1455 (ii) In determining whether the applicant is fit under Sections 270(m) and
1456 270(n) of this Chapter, the Director shall consider:

1457 (A) The relevance of the offense to the business for which a permit is
1458 issued;

1459 (B) The nature and seriousness of the offense;

1460 (C) The circumstances under which the offense occurred;

1461 (D) The date of the offense;

1462 (E) The ownership and management structure in place at the time of
1463 the offense; and

1464 (F) Evidence of rehabilitation including the applicant's record of
1465 implementing corrective action, the applicant's cooperation with governmental entities,
1466 implementation of formal policies and procedures to prevent recurrence, and the discharge of
1467 individuals or severance of affiliation with parties responsible for the offense.

1468 (em) INTERIM STATUS CORRECTIVE ACTION ORDERS.

1469 (i) Whenever on the basis of any information the Director determines that
1470 there is or has been a release of hazardous waste into the environment from a facility
1471 authorized under 40 CFR 270.70, the Director may issue an order requiring corrective action or
1472 such other response measure as the Director deems necessary to protect human health or the
1473 environment or the State may commence a civil action under the Act. ~~[RCRA §3008(h)(1)]~~

1474 (ii) Any order issued under Section 270(p) of this Chapter may include a
1475 suspension or revocation of authorization to operate under 40 CFR 270.70, shall state with
1476 reasonable specificity the nature of the required corrective action or other response measure,
1477 and shall specify a time for compliance. If any person named in an order fails to comply with
1478 the order, the State may initiate a civil action under the Act. ~~[RCRA §3008(h)(2)]~~

1479 (en) IMMEDIATE HAZARD.

1480 ~~(i)~~ Notwithstanding any other provision of the Act, upon receipt of evidence
1481 that the past or present handling, storage, treatment, transportation or disposal of any waste
1482 material or hazardous waste may present an imminent and substantial endangerment to public
1483 health or the environment, the ~~Attorney General~~ Director may request the Attorney General
1484 ~~to~~ may bring suit on behalf of the people of the State of Wyoming against any person (including
1485 any past or present generator, past or present transporter, or past or present owner or
1486 operator of a treatment, storage or disposal facility) who has contributed or who is contributing
1487 to such handling, storage, treatment, transportation, or disposal to restrain such person from

1488 such handling, storage, treatment, transportation, or disposal, to order such person to take
1489 such other action as may be necessary, or both. A transporter shall not be deemed to have
1490 contributed or to be contributing to such handling, storage, treatment, or disposal taking place
1491 after such waste material or hazardous waste has left the possession or control of such
1492 transporter if the transportation of such waste was under a sole contractual arrangement
1493 arising from a published tariff and acceptance for carriage by common carrier by rail and such
1494 transporter has exercised due care in the past or present handling, storage, treatment,
1495 transportation, and disposal of such waste. The Director may also take other action under
1496 Section 270(p) of this Chapter including, but not limited to, issuing such orders as may be
1497 necessary to protect public health and the environment. ~~[RCRA §7003(a)]~~

1498
1499 ~~(q)~~ MONITORING, ANALYSIS AND TESTING.

1500
1501 (i) Authority of the Director. The Director may issue an order requiring an
1502 owner or operator to conduct such monitoring, testing, analysis, and reporting as the Director
1503 deems reasonable to ascertain the nature and extent of a hazard, if the Director determines,
1504 upon receipt of any information, that ~~[RCRA §3013(a)]~~

1505 ~~_____ (A) _____ The the presence of any hazardous waste at a facility or site at~~
1506 ~~which hazardous waste is, or has been, stored, treated, or disposed of or~~ ~~[RCRA §3013(a)(1)]~~

1507 ~~_____ (B) _____ The the release of any such waste from such facility or site may~~
1508 ~~present a substantial hazard to human health or the environment, the Director may issue an~~
1509 ~~order requiring the owner or operator of such facility or site to conduct such monitoring,~~
1510 ~~testing, analysis, and reporting with respect to such facility or site, as the Director deems~~
1511 ~~reasonable to ascertain the nature and extent of such hazard.~~ ~~[RCRA §3013(a)(2)]~~

1512
1513 (ii) Previous Owners and Operators. In the case of any facility or site not in
1514 operation at the time a determination is made under Section 270(q)(i) of this Chapter with
1515 respect to facility or site, if the Director finds that the current owner of such facilities could not
1516 reasonably be expected to have actual knowledge of the presence of hazardous waste at such
1517 facility or site and of its potential for release, the Director may issue an order requiring the
1518 most recent previous owner or operator of such facility or site who could reasonably be
1519 expected to have such actual knowledge to carry out the actions referred to in Section 270(q)(i)
1520 of this Chapter. ~~[RCRA §3013(b)]~~

1521
1522 (iii) Proposal. An order under Section 270(q)(i) or Section 270(q)(ii) of this
1523 Chapter shall require the person to whom such order is issued to submit to the Director within
1524 ~~30~~thirty days from the issuance of such order a proposal for carrying out the required
1525 monitoring, testing, analysis, and reporting. The terms of this proposal shall become
1526 enforceable upon approval by the Director.

1527 ~~— The Director may, after providing such person with an opportunity to confer with the Director~~
1528 ~~respecting such proposal, require such person to carry out such monitoring, testing, analysis,~~

1529 ~~and reporting in accordance with such proposal, and such modifications in such proposal as the~~
1530 ~~Director deems reasonable to ascertain the nature and extent of the hazard. [RCRA §3013(c)]~~

1531 (iv) Monitoring, testing, or analysis carried out by the Director. ~~[RCRA~~
1532 ~~§3013(d)]~~

1533
1534 (A) If the Director determines that no owner or operator referred to
1535 in Section 270(q)(i) or Section 270(q)(ii) of this Chapter is able to conduct satisfactory
1536 monitoring, testing, analysis, or reporting ~~satisfactory to the Director, or that if the director~~
1537 ~~deems~~ any such action carried out by an owner or operator is ~~to be~~ unsatisfactory, or if the
1538 Director cannot initially determine that there is an owner or operator referred to in Section
1539 270(q)(i) or Section 270(q)(ii) of this Chapter who is able to conduct such monitoring, testing,
1540 analysis, or reporting, the Director may: ~~[RCRA §3013(d)(1)]~~

1541
1542 (I) Conduct monitoring, testing, or analysis (or any
1543 combination thereof) that the Director deems reasonable to ascertain the nature and extent of
1544 the hazard associated with the site concerned, or ~~[RCRA §3013(d)(1)(A)]~~

1545
1546 (II) Authorize a local authority or other person to carry out
1547 any such action. ~~[RCRA §3013(d)(1)(B)]~~

1548
1549 (B) For purposes of carrying out Section 270(q)(iv) of this Chapter, the
1550 Director or any authority or other person authorized under Section 270(q)(i)(A) of this Chapter,
1551 may exercise the authorities set forth in ~~W.S. 35-11-109(a) and W.S. 35-11-110(a)~~ RCRA
1552 §3007(a). ~~[RCRA §3013(d)(3)]~~

1553
1554 (v) Enforcement. The Director may request the Attorney General to
1555 commence a civil action against any person who fails or refuses to comply with any order issued
1556 under Section 270(q)(iv) of this Chapter. Such action shall be brought under Article 9 of the Act.
1557 ~~[RCRA §3013(e)]~~

1558 **Sections 271-272. RESERVED.**

1559
1560 **Section 273. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.**

1561 ~~_____ (a) _____~~ IBR. 40 CFR Part 273 and all Subparts are herein incorporated by reference ~~as~~
1562 ~~provided in 40 CFR.~~

1563
1564 ~~_____ (ia) _____~~ For purposes of 40 CFR 273.32(a)(3), "EPA" shall be defined as the U.S.
1565 Environmental Protection Agency.

1566
1567 ~~_____ (ib) _____~~ For purposes of 40 CFR 273.15(c)(2), the term "lamp" shall be inserted
1568 after "battery,".

1569

1570 **Sections 274-278. RESERVED.**

1571

1572 **Section 279. STANDARDS FOR THE MANAGEMENT OF USED OIL.**

1573 ~~————(a)————~~IBR. 40 CFR Part 279 and all Subparts are herein incorporated by reference ~~as~~
1574 ~~provided in 40 CFR.~~

1575 (ia) For purposes of 40 CFR 279.1, "Existing tank" shall be a tank that is used for the
1576 storage or processing of used oil and that is in operation, or for which installation has
1577 commenced on or prior to the effective date of the authorized used oil program for the state in
1578 which the tank is located. Installation will be considered to have commenced if the owner or
1579 operator has obtained all permits and approvals required under federal, state or local statutes,
1580 regulations or ordinances necessary to begin installation of the tank and if either (1) a
1581 continuous on-site installation program has begun, or (2) the owner or operator has entered
1582 into contractual obligations that cannot be cancelled or modified without substantial loss for
1583 installation of the tank to be completed within a reasonable time.

1584 (ib) For purposes of 40 CFR 279.43(c)(3)(ii), "Director" shall be defined as the
1585 Director, U.S. DOT Office of Hazardous Materials Regulation.

1586 (iii) For purposes of 40 CFR 279.82(a), the use of used oil as a dust suppressant is
1587 prohibited.

1588

1589 **Sections 280-300. RESERVED.**

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
CLOSURE	HWRR 264(a)(vii): Wyoming is more stringent because it requires that owner/operators at closure will take, and continue to take, all steps to prevent threats to human health and the environment.	264.112(d)(2)(i)
CORRECTIVE ACTION MANAGEMENT UNITS (CAMUs)	HWRR 260(a), 264(e): Wyoming is more stringent for the definitions of "facility" and "remediation waste management site" because facilities not subject to 40 CFR 264.101 are not eligible for the less stringent management standards of the Corrective Action Management Unit (CAMU) program. Wyoming does not adopt the definition of "remediation waste management site", or the third part of the definition for "facility". Also, Wyoming is broader-in-scope because it makes the CAMU requirements available to participants in the State of Wyoming Voluntary Remediation Program implementing corrective action pursuant to a remedy agreement developed under Wyoming Statute W.S. 35-11-1607.	260.10, 264.1(j), 264.73(b)(17), 264.101(d), 264.551(a), 264.552(a), 264.552(e), and 264.553(a)
EMERGENCY REPORTING	HWRR 263(a)(iv): Wyoming is more stringent in that it requires an air, rail, highway, or water transporter to report discharged hazardous waste to the Director in addition to the National Response Center and DOT.	263.30(c)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
EMERGENCY REPORTING	HWRR 262(a)(v)(e), 264(a)(v), 265(a)(iv), 267(a)(iii): Wyoming is more stringent because the State requires the emergency coordinator to also report their findings to the Wyoming Department of Environmental Quality (307-777-7501) in addition to the National Response Center (800-424-8802).	262.16(b)(9)(iv)(C), 262.265(d)(2), 264.56(d)(2), 265.56(d)(2), and 267.56(c)(2)
EMERGENCY REPORTING	HWRR 270(e)(i): Wyoming is more stringent because the State requires the permittee to report any release or discharges of hazardous waste regardless of whether or not it may cause an endangerment to the public water supplies.	270.30(l)(6)(i)(A) and (B)
FITNESS OF THE APPLICANT	HWRR 270(n): Wyoming is broader-in-scope because the State requires the applicant to demonstrate his/her fitness to meet the requirements for a hazardous waste permit.	No federal analog
HEALTH RISK ASSESSMENT	HWRR 270(a)(x): Wyoming is more stringent in that it requires provisions more stringent than the Federal exposure assessment requirements.	270.10(j)(1)
INTERIM STATUS	HWRR 270(h)(i): Wyoming is more stringent because it uses the phrase "shall be eligible to receive interim status" versus the federal phrase "shall have interim status." Additionally, Wyoming also states that the Director determines if the owner or operator has complied with the necessary requirement. This makes Wyoming more stringent as receiving interim status is not as "automatic" as it is under federal requirements.	270.70(a)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
LANDFILLS	HWRR 264(a)(x), 265(a)(x): Wyoming is more stringent because it does not adopt the option for the landfill owner or operator to make a demonstration to the Director in order to allow the placement of liquids that are not hazardous wastes in the landfill.	264.314(e), 264.314(e)(1) and (2), 265.314(f), 265.314(f)(1) and (2)
LANDFILLS	HWRR 264(a)(xi): Wyoming is more stringent because it deletes the phrase "or a demonstration is made pursuant to § 264.314(e)".	264.552(a)(3)(iii)
LOCATION STANDARDS	HWRR 264(a)(iv), 267(a)(ii): Wyoming is more stringent because it prohibits new facilities from locating within the boundaries of a 100-year floodplain.	264.18(b)(1), 267.18(b)
LOCATION STANDARDS	HWRR 270(c)(ii)(ii): Wyoming is more stringent in that it requires a one-mile (versus 1/4-mile in the federal code) boundary for the locations of wells, springs, surface water, etc. shown on the topographic map submitted under Part A of the application.	270.13(l)
LOCATION STANDARDS	HWRR 270(d)(i), 270(i): Wyoming is more stringent in that it adds additional provisions requiring a health risk assessment based on health risks associated with normal operation or failure of a HWMF pollution control or containment system.	270.14(b)(11)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
LOCATION STANDARDS	HWRR 270(d)(i)(A): Wyoming is more stringent in that it requires additional information concerning the facility location "sufficient to demonstrate compliance with all of the more stringent applicable location standards specified in Sections 264, 267, and 270 of these rules." The federal code only requires that political jurisdiction be identified, so that the applicability of the seismic standard can be determined.	270.14(b)(11)(i)
LOCATION STANDARDS	HWRR 270(d)(i)(B)(ii): Wyoming is more stringent in that it requires that the information provided to demonstrate compliance with the seismic standard must be acceptable to professional geologists. The federal code only states that this information must be acceptable to geologists.	270.14(b)(11)(ii)
LOCATION STANDARDS	HWRR 270(d)(i)(C)(ii): Wyoming is more stringent in that the methods used to determine the 100-year floodplain must be approved by the Director. Information shall also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.	270.14(b)(11)(iii)
MILITARY MUNITIONS	HWRR 266(b)(i): Wyoming is more stringent in that the State requires that the operator of the range must "notify the Director in writing" if remedial action is infeasible.	266.202(d)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
MILITARY MUNITIONS	HWRR 266(b)(iv): Wyoming is more stringent in that Wyoming limits the conditional exemption for storage to waste generated by the facility storing the waste unless "...storage of waste military munitions from another facility is the result of an inability to transport the waste military munitions for treatment or disposal due to inclement weather or other circumstance as approved in writing by the Director."	266.205(a)(1)
MILITARY MUNITIONS	HWRR 266(b)(ii), 266(b)(vi): Wyoming is more stringent in that it does not allow a default reinstatement if the Director does not take action on the application within 60 days.	266.203(b), 266.205(c)
MILITARY MUNITIONS	HWRR 266(b)(iii), 266(b)(viii): Wyoming is more stringent in that any amendments to the effective date of the Department of Defense shipping controls or DDESB storage standards are not effective until approved by the Director.	266.203(c), 266.205(e)
NOTIFICATION	HWRR 261(a)(iii): Wyoming is more stringent in that it requires a copy of the notification be sent to the Director.	261.41(a)
PERMIT APPLICATIONS	HWRR 270(c)(i)(A): Wyoming is more stringent because the State requires under Part A of the permit application that the applicant provide information regarding the applicant's history of convictions relating to environmental or racketeering charges. There is no direct federal analog for this requirement.	270.13

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
PERMIT APPLICATIONS	HWRR 270(b)(ii): Wyoming is more stringent in that it adds the requirement that any person who gains ownership or operational control of a facility through a transfer, must have the Director's approval that they meet the qualifications for owners and operators under Sections 270(m) and 270(n) of this Chapter. The State also requires a written agreement between the current owner and the new owner specifying the date of transfer of responsibility, however, Wyoming requires that the written agreement contain signed and notarized documentation that the new owner will be bound to, and responsible for, the permit provisions.	270.40(b)
PERMIT MODIFICATIONS	HWRR 270(a)(xx): Wyoming is more stringent because Wyoming requires the Director to provide a response to a permit modification request within 90 <u>ninety</u> days ("Combustion facility changes to meet part 63 MACT standards"). Unlike the federal rules, the regulated community may not rely on an absence of an approval after 90 <u>ninety</u> days have elapsed as being a tacit approval under the State's regulation.	270.42(j)(3)
PERMIT TERMINATION	HWRR 124(a)(vii <u>viii</u>): Wyoming is more stringent because it adds a provision stating that the Director may order facility closure following permit termination. The federal rules do not give the Director this authority.	124.5

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
PROFESSIONAL ENGINEER CERTIFICATION	HWRR 264(h), 265(e), 267(b), 270(j) 3(f) : Wyoming is more stringent because it requires professional engineers to be registered in Wyoming (" qualified registered Professional Engineer ") when referring to activities requiring Professional Engineer certification. This differs from the EPA phrase "qualified Professional Engineer".	264.115, 264.120, 264.143(i), 264.145(i), 264.147(e), 264.191(a), 264.191(b)(5)(ii), 264.192(a), 264.192(b), 264.193(i)(2), 264.196(f), 264.280(b), 264.554(c)(2), 264.571(a), (b), and (c), 264.573(a)(4)(ii), 264.573(g), 264.574(a), 264.1101(c)(2), 265.115, 265.120, 265.143(h), 265.145(h), 265.147(e), 265.191(a), 265.191(b)(5)(ii), 265.192(a) and (b), 265.193(i)(2), 265.196(f), 265.280(e), 265.441(a), (b), and (c), 265.443(a)(4)(ii), 265.443(g), 265.444(a), 265.1101(c)(2), 267.117, 267.147(e), 267.191, 267.192(a), 267.200(f), 270.14(a), 270.16(a), and 270.26(c)(15)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
PROFESSIONAL GEOLOGIST CERTIFICATION	HWRR 3(g) : 264(i) , 265(f) , 270(k) : Wyoming is more stringent because it requires that the certifying geologist be a professional geologist registered in the State of Wyoming. This differs from the EPA phrases "qualified geologist" or "geologists".	264.90(b)(4), 265.90(c), 265.90(d)(1), 265.93(d)(2), and 270.14(b)(11)(ii)
PUBLIC NOTICE	HWRR 124(dc)(i): Wyoming is more stringent because it requires public notice within 15 days of the preparation of a draft permit.	124.10(b)(1)
PUBLIC NOTICE	HWRR 124(dc)(ii): Wyoming is more stringent because it requires publication of a notice for all RCRA permits once a week for two consecutive weeks, versus one notice required by federal regulation.	124.10(c)(2)(ii)
PUBLIC NOTICE	HWRR 124(e)(iii): Wyoming is more stringent in that it requires a hearing to be scheduled within 20 days after the close of the public comment period unless a different schedule is deemed necessary by the Council. Wyoming is also more stringent in that it requires a public notice published once a week for two consecutive weeks immediately prior to the hearing in the county where the applicant plans to locate the facility.	124.12(a)(3) and (4)
REMEDIAL ACTION PLANS (RAPs)	HWRR 264(a): Wyoming is more stringent because it does not adopt the less stringent Remedial Action Plan (RAP) alternate permit for remediation waste management sites.	264.554(l)(2)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
REMEDIAL ACTION PLANS (RAPs)	HWRR 270(a): Wyoming is more stringent because it has chosen not to adopt the November 30, 1998 final rules provisions of 40 CFR 270.11(d)(2), which were considered to be less stringent relative to signatures on certification documents (Revision Checklist 175, 63 FR 65874).	270.11(d)(2)
REMEDIAL ACTION PLANS (RAPs)	HWRR 270(a), 270(a)(iv): Wyoming is more stringent because it does not adopt the less stringent Remedial Action Plan alternate permit for remediation waste management sites.	270.2, 270.11(d)(2), 270.68, 270.73(a), 270.79 - 270.230
REPORTING REQUIREMENTS	HWRR 265(a)(v): Wyoming is more stringent because it requires ground-water monitoring plans and reports to be submitted to the Director.	265.90(d)(1) and (3), 265.93(d)(2)
REPORTING REQUIREMENTS	HWRR 265(a)(vi): Wyoming is more stringent in that it requires the owner/operator to submit a written report to the Director 15 days after the assessment of ground-water quality is completed.	265.93(d)(5)
REQUIREMENTS FOR RECYCLABLE MATERIALS	HWRR 261(b): Wyoming is more stringent in that it has adopted requirements for management of sham recycling activities.	261.6
RESPONSE ACTION PLANS	HWRR 265(a)(ix): Wyoming is more stringent because it requires the surface impoundment response action plan to be submitted to the Director.	265.224(a)
RESPONSE ACTION PLANS	HWRR 265(a)(ix): Wyoming is more stringent because it requires that the waste pile response action plan be submitted to the Director.	265.259(a)

APPENDIX A:

**TABLE 1-1
More Stringent and Broader in Scope Provisions Relative to 40 CFR**

RCRA TOPIC	STATE CITATION AND EXPLANATION	RELEVANT 40 CFR REFERENCES
RESPONSE ACTION PLANS	HWRR 265(a)(ix): Wyoming is more stringent because it requires that the landfill response action plan be submitted to the Director.	265.303(a)
TRAINING REQUIREMENTS	HWRR 270(m): Wyoming is more stringent in that it requires information concerning the management and technical capabilities of the owner and operator in addition to the training requirements in the Federal provisions.	264.16, 270.14(b)(12)