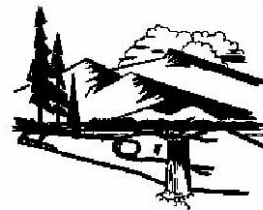




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor



Todd Parfitt, Director

TO: John Corra, Chairman, Environmental Quality Council
FROM: Todd Parfitt, Director, Department of Environmental Quality
DATE: April 7, 2022
SUBJECT: Hearing Request for Solid Waste Management Chapter 18

The Department of Environmental Quality (Department), Solid and Hazardous Waste Division is proposing Solid Waste Management Chapter 18, Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments and is requesting the Environmental Quality Council review the proposal and consider adoption of these rules at your June 14, 2022 hearing.

Solid and Hazardous Waste Division presented the proposed rule to the Water and Waste Advisory Board (WWAB) at the June 19, 2019 meeting as follows:

- The June 19, 2019 discussion focused on the following topics:
 - non-coal combustion residuals industrial waste disposal and
 - minor grammatical errors.
- The WWAB advised the Solid and Hazardous Waste Division to include a reference to Solid Waste Management Chapter 3: Industrial Landfill Regulations, minor grammatical edits, and complete an additional public comment period.

Solid and Hazardous Waste Division presented the proposed rule to the WWAB at the October 17, 2019 meeting as follows:

- The October 17, 2019 discussion focused on the following topics:
 - location standards;
 - groundwater monitoring; and
 - minor grammatical errors.
- The WWAB advised the Solid and Hazardous Waste Division to revise the distance to other surface waters language, clarify when additional groundwater monitoring constituents would be required, clarify when facilities must show compliance with Solid Waste Management Chapter 3: Industrial Landfill Regulations, and minor grammatical edits.

Solid and Hazardous Waste Division presented the proposed rule to the WWAB at the December 21, 2021 meeting as follows:

- The December 21, 2021 discussion focused on the following topics:
 - location standards;
 - exemption language; and
 - minor grammatical errors.

- The WWAB advised the Solid and Hazardous Waste Division to make additional minor edits.
- WWAB voted unanimously (5-0) to advise the Solid and Hazardous Waste Division to proceed with rulemaking.
- The WWAB recommendations are included in the enclosed document, “Responses to comments received during the December 21, 2021 WWAB meeting and Public comment Period” for your reference.

The Department sought and was granted approval by the Governor's Office to proceed with the proposed rule on March 15, 2022.

The enclosed statement of principal reasons and public notice summarize the nature of the revisions. We have enclosed one hard copy of the rule package including:

- Solid Waste Management Chapter 18, clean copy;
- Solid Waste Management Chapter 18, strike and underline copy;
- Statement of Principal Reasons for Adoption;
- Governor Gordon’s permission to proceed memo signed March 15, 2022;
- Notice of Intent to Adopt Rules;
- Takings Checklist and accompanying analysis;
- Attorney General’s Statutory Authority Review signed February 28, 2022;
- June 25, 2019 WWAB Meeting transcript;
- October 17, 2019 WWAB Meeting transcript;
- December 21, 2022 WWAB Meeting transcript;
- Responses to comments received at the June 25, 2019 WWAB meeting;
- Responses to comments received at the October 17, 2019 WWAB meeting; and
- Responses to comments received at the December 21, 2022 WWAB meeting.

cc: Suzanne Engels, SHWD Administrator
Jody Weikart, SHWD SWPCA Program Manager

Enclosures