

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID AND HAZARDOUS WASTE DIVISION

VOLUNTARY REMEDIATION PROGRAM

CHAPTER 1

POLLUTION PREVENTION PLAN REQUIREMENTS FOR ELIGIBILITY  
IN THE VOLUNTARY REMEDIATION PROGRAM

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Section 1. **Authority and purpose.** This Chapter is being promulgated pursuant to the Wyoming Environmental Quality Act, W.S. 35-11-101 et seq., specifically W.S. 35-11-1602(a)(ii) in order to establish the pollution prevention plan requirements necessary for eligibility into the Voluntary Remediation Program. If an owner/operator of a facility anticipates ever wanting to enter that facility into the Voluntary Remediation Program, they will need to be implementing a pollution prevention plan, in accordance with the applicable requirements in this Chapter, at the time of a contaminant release in order to be considered for eligibility in the Voluntary Remediation Program.

Section 2. **Definitions.** For purposes of this Chapter:

“Contaminant” means as defined in W.S. 35-11-103(g)(iii).

“CFR” means the Code of Federal Regulations.

“Facility” means the specific type of site identified by Section 4(a) and (b), which is subject to pollution prevention plan requirements as a condition of eligibility for the VRP.

“Household do-it-yourselfer used oil” means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

“Household do-it-yourselfer used oil generator” means an individual who generates household do-it-yourselfer used oil.

"Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas).

“Pollution Prevention” means:

- (i) Source reduction and other practices or activities that reduce or

eliminate the volume or toxicity of contaminants used at or created by a facility. Examples of source reduction include use of less toxic raw materials; reformulation or redesign of products or processes to reduce the volume or toxicity of waste generated; improvements in work practices that prevent or reduce off-specification products; and better inventory control to reduce or prevent wastage;

(ii) Reducing or eliminating the volume or toxicity of contaminants from entering a waste stream, or otherwise being released to the environment; and

(iii) Practices or activities that prevent the accidental spillage of contaminants. Examples of such activities include installation of specialized spill containment equipment; operational controls to prevent spills; storing contaminants properly; utilizing employee programs to periodically conduct pipe pressure testing, pipeline pigging, equipment maintenance or inspections; replacement of process or transfer lines that do not meet specifications; installation of cathodic protection systems; raising product transfer lines above ground; and installation of overfill prevention apparatus.

“P2 Plan” means a Pollution Prevention Plan for purposes of W.S. 35-11-1602 (a)(ii).

“Release” means spilling, leaking, emitting, discharging, escaping, leaching or disposing of a contaminant into groundwater, surface water, surface or subsurface soils or other environmental media.

“Site” means as defined in W.S. 35-11-103(g)(x).

“Small quantity inventory” means that the total amount of all contaminants being used, stored or generated at the site or place of business at any one specific time is never greater than or equal to either 500 pounds or 55 gallons.

“VRP” means the Voluntary Remediation Program as created by Article 16 of the Environmental Quality Act, W.S. 35-11-1601 through 35-11-1613.

**Section 3. Do you need to implement a P2 Plan as a condition of VRP eligibility?** In accordance with the timing requirements specified in Section 5 of this Chapter, any owner or operator of a site or place of business that meets the specifications listed in Section 4(a) or (b) of this Chapter who may ever want to enter that facility into the VRP must have a P2 Plan in place at that facility in order to be eligible for consideration.

#### **Section 4. Applicability.**

(a) *Do you need a written P2 Plan to be eligible for the VRP?* The following sites shall be identified as facilities and shall be implementing the requirements of an

adopted, written P2 Plan as described in Section 6 of this Chapter in order to be considered for participation in the VRP:

- (i) Large quantity generators of hazardous waste subject to regulation under Chapter 8 of the Wyoming Hazardous Waste Management Rules and Regulations;
- (ii) Sites required to have a Spill Prevention Control and Countermeasure Plan under the requirements of the Environmental Protection Agency's Federal Oil Pollution Prevention Regulations found in Title 40, Part 112 of the CFR, as revised and published on July 1, 2006 and not including any later amendments or editions. This CFR is incorporated by reference under Section 8 of this Chapter;
- (iii) Sites required to have an Emergency and/or Response Plan under the requirements of the Department of Transportation's regulations found in Title 49, Parts 190 through 199 of the CFR, as revised and published on October 1, 2006 and not including any later amendments or editions. This CFR is incorporated by reference under Section 8 of this Chapter;
- (iv) Sites required to report under the Environmental Protection Agency's requirement for toxic chemical release reporting found in Title 40 Part 372 of the CFR, as revised and published on July 1, 2006 and effective as of August 7, 2006 and not including any later amendments or editions. This CFR is incorporated by reference under Section 8 of this Chapter;
- (v) Sites subject to regulation as an interim status or permitted hazardous waste treatment, storage or disposal facility under Chapters 10 or 11 of the Wyoming Hazardous Waste Management Rules and Regulations; and
- (vi) Sites subject to regulation under Article 14 (Storage Tanks) of the Wyoming Environmental Quality Act where releases have occurred from sources other than the regulated tanks.

(b) *Do you need to implement alternative minimum pollution prevention operating standards to fulfill the P2 Plan requirement in order to be considered for participation in the VRP?* The owner or operator of any place of business or site not listed in Section 4(a) of this Chapter, which stores, uses or generates contaminants must demonstrate to the satisfaction of the Administrator that the alternative minimum pollution prevention operating standards, as described in Section 7 of this Chapter, are being implemented at the place of business or site in order to be considered for participation in the VRP. Such places of business or sites shall be identified as facilities for the purposes of this Chapter.

(c) For any place of business or site identified as a facility in Section 4(a) or (b) of this Chapter to which any of the following conditions apply to the release in question, upon certifying the existence of the condition to the satisfaction of the

Administrator, the owner or operator shall have met the P2 Plan requirements for VRP eligibility.

(i) Release of contaminants was solely the result of an in-transit incident which occurred during air, rail or truck transportation caused by an entity other than the owner or operator of the place of business or site, the cause of the release was identified and measures were taken to prevent a recurrence;

(ii) Only a small quantity inventory of contaminants are used, stored or generated at the place of business or site and this is demonstrated to the satisfaction of the Administrator by providing written records clearly documenting that the volume and disposition of these contaminants meets the requirements as defined in Section 2 of this Chapter; or

(iii) The owner or operator of a place of business or site meets the definition of an innocent owner as defined in W.S. 35-11-1801.

(d) If the owner of a site can certify to the satisfaction of the Administrator that all activities and waste derived from those activities meet the definitions for household waste and/or household do-it-yourselfer used oil created by a household do-it-yourselfer used oil generator as presented in Section 2 of this Chapter, the owner of the site shall have met the P2 Plan requirement in order for the site to be eligible for the VRP.

**Section 5. Pertinent time frames regarding the requirement for a P2 Plan as a condition of VRP eligibility.**

(a) For facilities identified in Section 4(a) of this Chapter:

(i) For all releases of contaminants that occur after January 1, 2011, in order for the facility to be considered for participation in the VRP, it must be demonstrated in accordance with Section 6(b) of this Chapter that at the time of the release, the facility was implementing a written P2 Plan which meets the requirements of Section 6(c), (d) and (e) of this Chapter.

(ii) For releases of contaminants that occurred after March 10, 2000, but before January 1, 2011, and for which application to the VRP is made after January 1, 2011, in order for the facility to be considered for participation in the VRP it must be demonstrated in accordance with Section 6(b) of this Chapter that at the time of VRP application, the facility is implementing a written P2 Plan which meets the requirements of Section 6(c), (d) and (e) of this Chapter.

(iii) For releases of contaminants where the date of the release is unknown and for which application to the VRP is made after January 1, 2011, the following shall be met in order to be considered for participation in the VRP:

(A) The Administrator must accept as relevant and legitimate the written documentation provided by the applicant describing why the date of the release is unknown (e.g., the applicant has/had no way of knowing the date of release because it occurred under prior ownership); and

(B) It must be demonstrated in accordance with Section 6 of this Chapter that at the time of VRP application, the facility is in compliance with the written P2 Plan requirements described in Section 6(c) of this Chapter.

(b) For facilities identified in Section 4(b):

(i) For all releases of contaminants that occur after January 1, 2011, to be considered for participation in the VRP it must be demonstrated in accordance with Section 7(b) of this Chapter that at the time of the release, the facility was in compliance with the alternative minimum pollution prevention operating standards described in Section 7(c) of this Chapter.

(ii) For releases of contaminants that occurred after March 10, 2000, but before January 1, 2011, and for which application to the VRP is made after January 1, 2011, in order for the facility to be considered for participation in the VRP it must be demonstrated in accordance with Section 7(b) of this Chapter, that at the time of VRP application, the facility is in compliance with the alternative minimum pollution prevention operating standards described in Section 7(c) of this Chapter.

(iii) For releases of contaminants where the date of the release is unknown and for which application to the VRP is made after January 1, 2011, the following shall be met in order to be considered for participation on the VRP:

(A) The Administrator must accept as relevant and legitimate the written documentation provided by the applicant describing why the date of the release is unknown (e.g., the applicant has/had no way of knowing the date of release because it occurred under prior ownership); and

(B) It must be demonstrated in accordance with Section 7(b) of this Chapter that at the time of VRP application, the facility is in compliance with the alternative minimum pollution prevention operating standards described in Section 7(c) of this Chapter.

(c) This Chapter does not require written P2 Plans or implementation of alternative minimum pollution prevention operating standards as a condition of eligibility for participation in the VRP when application to the VRP was submitted before January 1, 2011 or when the release occurred prior to March 10, 2000.

**Date of Contaminant Release, Date of Application for the VRP and  
P2 Plan Requirements for VRP Eligibility**

Types of Sites	Date of contaminant release	VRP application date	P2 standards	P2 Plan implementation requirements	When the Volunteer must be implementing the P2 Plan
All Sites	Before Jan. 1, 2011	Before Jan. 1, 2011	None	None	None
All Sites	Before March 10, 2000	At any time	None	None	None
Facilities Identified in Section 4(a)	After Jan. 1, 2011	After Jan. 1, 2011	Section 6	Section 5(a)(i)	At the time of the release
	After March 10, 2000 but before Jan. 1, 2011	After Jan. 1, 2011	Section 6	Section 5(a)(ii)	At the time of VRP application
	Unknown	After Jan. 1, 2011	Section 6	Section 5(a)(iii)	At the time of VRP application
Facilities Identified in Section 4(b)	After Jan. 1, 2011	After Jan. 1, 2011	Section 7	Section 5(b)(i)	At the time of the release
	After March 10, 2000 but before Jan. 1, 2011	After Jan. 1, 2011	Section 7	Section 5(b)(ii)	At the time of VRP application
	Unknown	After Jan. 1, 2011	Section 7	Section 5(b)(iii)	At the time of VRP application

**Section 6. Requirements for written P2 Plans.**

(a) Facilities identified in Section 4(a) of this Chapter and where applicable according to Section 5 of this Chapter, shall be implementing a written P2 Plan.

(b) The copy of the most recent written P2 Plan shall:

(i) Be maintained at each facility and be available for review by an authorized representative of the Wyoming Department of Environmental Quality during any facility inspection; and

(ii) Contain evidence documenting that the P2 Plan is being implemented (e.g., training records, written procedures, inspection logs, etc.).

(c) All written P2 Plans shall:

(i) Specify the facility, facilities, or portions thereof that are covered by the P2 Plan. A P2 Plan may cover all or any portion of a specific geographic location, an entire company, or a division of a company. In order to satisfy VRP eligibility requirements, a P2 Plan shall apply to the entire facility where a release being proposed for the VRP has occurred;

(ii) Include a written policy statement expressing management and corporate (if applicable) support for the P2 Plan and a commitment to implement planned activities. This statement shall be signed by the person in charge of or responsible for the facility;

(iii) List, by name or title, officers or employees:

(A) Responsible for writing and updating the P2 Plan; and

(B) Responsible for implementing the P2 Plan. Officers or employees responsible for implementing the P2 Plan should include member(s) of management as well as line or other personnel responsible for day to day operation of the systems required under the P2 Plan;

(iv) Describe the purpose of and activities conducted at the facility, products made, products transported and/or services provided, processes used in production or service activities, and an estimate of the volume of products and/or services produced each year. A schematic drawing and/or facility map shall be provided;

(v) Identify and describe by type and volume, the contaminants used in facility processes and/or service activities. Include the purposes that the contaminants serve (e.g., degreasing), and information on how and where the contaminants are received, stored, and managed at the facility;

(vi) Evaluate facility processes and/or service activities that involve use, management or storage of contaminants and identify changes to these processes and/or service activities that have the potential to:

(A) Reduce or eliminate the volume or toxicity of contaminants used at a facility, entering a waste stream, or otherwise released to the environment; and practices or activities that otherwise reduce the volume or toxicity of any waste stream; and

(B) Prevent releases from accidental spillage through proper management of contaminants.

(d) Based on the evaluation carried out under (c)(vi) of this Section, and the minimum pollution prevention operating standards presented in Section 7 of this Chapter, all written P2 Plans shall:

(i) Identify and describe the pollution prevention activities that will be implemented at the facility, and specify a schedule for implementation including key milestones leading towards completion of each pollution prevention activity and goals for when each activity will be fully implemented;

(ii) Describe the efforts that will be made to increase employee awareness of and/or training on pollution prevention, including: initial pollution prevention training, orientation practices for new employees and appropriate refresher training; and

(iii) Describe the documentation and records that will be maintained to facilitate evaluation and quantification of pollution prevention activities.

(e) Plan maintenance, evaluation and modification. Each written P2 Plan shall include procedures and schedules to:

(i) Evaluate the degree of P2 Plan implementation;

(ii) Quantify the success of pollution prevention activities; and

(iii) Modify the plan as needed.

(f) Other documents, such as Spill Prevention Control and Countermeasure Plans and/or Emergency Response Plans may satisfy the requirement for a written P2 Plan to the extent that such documents fulfill the requirements and meet the standards of this Section, as determined by the Administrator.

**Section 7. Alternative Minimum Pollution Prevention Operating Standards.**

(a) Facilities identified in Section 4(b) of this Chapter and where applicable according to Section 5 of this Chapter, shall be implementing alternative minimum pollution prevention operating standards.

(b) Written documentation shall be available to the Administrator which describes the actions taken to implement each element of the alternative minimum pollution prevention operating standards including evidence of such implementation.

(c) The alternative minimum pollution prevention standards shall include:

- (i) Implementation of pollution prevention practices as defined in Section 2 of this Chapter;
- (ii) Good housekeeping practices which include, but are not limited to:
  - (A) Proper management of contaminants to prevent releases by adopting operational controls; and
  - (B) Employing spill and leak prevention measures.
- (iii) Cleaning up all spills or leaks immediately;
- (iv) Maintaining release prevention supplies or materials such as absorbent pads or booms;
- (v) Keeping processing areas organized and free from clutter;
- (vi) Labeling transfer containers with contents and hazard recognition information;
- (vii) Keeping all containers closed when not in use;
- (viii) Preventative maintenance practices. Such practices include, but are not limited to:
  - (A) Efforts to prevent releases of contaminants through equipment maintenance or inspection;
  - (B) Maintaining a master preventative maintenance schedule;
  - (C) Keeping vendor supplied maintenance manuals for all process equipment;
  - (D) Maintaining records of repairs and service;
  - (E) Implementing an inspection or monitoring program of potential release sources; and
  - (F) Maintaining a corrosion prevention program for all equipment in contact with soil.
- (ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(A) Preventing the mixing of hazardous and nonhazardous wastes;

(B) Storing materials in compatible groups to prevent adverse reactions in the event of a spill;

(C) Segregating different solvents;

(D) Isolating liquid wastes from solid wastes;

(E) Maintaining good labeling practices; and

(F) Storing contaminants on impermeable, bermed pads.

(x) Employee involvement, training and awareness programs. Such activities include, but are not limited to the following:

(A) Encouraging employees to reduce/eliminate spills;

(B) Training employees regarding release prevention;

(C) Training employees on awareness and understanding of the pollution prevention operating standards;

(D) Reviewing instances where pollution prevention operating standards have prevented releases; and

(E) Recommending and implementing actions to reduce spills and releases.

**Section 8. Federal CFRs incorporated by reference in Section 4 of this Chapter.** The following provisions apply to all such references in this Chapter:

(a) In all cases, the referenced CFRs are lengthy documents in and of themselves. Inserting the entire text of these documents into this Chapter would be unduly cumbersome and expensive;

(b) The references to the CFRs in this Chapter fully identify the material by title, location, and date;

(c) Copies of the CFR can be purchased at cost from the publisher; the U.S. Government Printing Office, 732 N. Capitol St., NW, Washington, DC 20401 or viewed at <http://www.gpoaccess.gov/cfr/index.html>; and

(d) Copies of the CFRs referenced in this Chapter are also available for public inspection and copies can be obtained at cost from the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division, 122 West 25th Street, 4<sup>th</sup> Floor West, Cheyenne, WY 82002 or viewed on the Department's web page at <http://deq.state.wy.us/shwd/>.