

## CHAPTER 10

### RECYCLING AND PROCESSING REQUIREMENTS FOR COMMERCIAL SOLID WASTE MANAGEMENT FACILITIES

#### Section 1. In General.

(a) Authority: The authority for the rules and regulations promulgated in this chapter is the Wyoming Environmental Quality Act, W.S. 35-11-101 et seq. Specific sections of the act that provide authority for this regulation include W.S. 35-11-102, 35-11-109, and Article 5, Solid Waste Management, 35-11-501 et seq.

(b) Applicability: The rules and regulations contained herein shall apply to any person who operates, or proposes to operate, any solid waste management facility receiving a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse. The rules and regulations shall apply to any new facility, or to any existing facility seeking a permit amendment to allow any increase in capacity such that a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse will be received for management or disposal. Facilities receiving a monthly average greater than five hundred (500) short tons per day shall be those facilities where the sum of the wastes received during any month, divided by the number of days wastes are received at the facility during that month, is greater than five hundred (500) short tons.

(c) Objectives: The objectives of these rules and regulations are to establish standards and requirements for commercial solid waste management facilities which minimize unnecessary use of the land for solid waste disposal, allow for effective state regulation, oversight, and inspection of solid wastes managed in the state, and conserve natural resources in accord with the policy and purpose of the Wyoming Environmental Quality Act, W.S. 35-11-102.

(d) Severability: If any section or provision of these regulations, or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Environmental Quality Council declares that it would

have adopted the valid portions and applications of these regulations without the invalid part, and to this end the provisions of these regulations are declared to be severable.

(e) Reserved

Section 2. Permit Requirements for Commercial Solid Waste Management Facilities.

(a) Permits required: Each new commercial solid waste management facility subject to the requirements of W.S. 35-11-508 and this chapter shall, prior to commencing construction, obtain all solid waste management facility permits required by the applicable chapters of these rules and regulations. Any existing solid waste management facility shall obtain amended permits allowing the receipt of five hundred (500) tons per day, prior to accepting wastes at such rates at the facility. At a minimum, each facility shall obtain the following permits, or amendments of existing permits:

(i) A sanitary landfill permit under Chapter 2;

(ii) A treatment, transfer, and storage permit under Chapter 4; and

(iii) If applicable, an incineration permit under Chapter 4.

(b) Permit consolidation: The department may consolidate applicable permits into a single commercial solid waste management facility permit.

(c) Special wastes: Each commercial solid waste management facility receiving any special waste shall demonstrate compliance with the requirements of Chapter 8.

(d) Financial assurance: Each commercial solid waste management facility shall demonstrate compliance with the financial assurance requirements of Chapter 7.

(e) Operating practices: The permit applications required in paragraph (a) of this section shall describe the operating practices that will be employed at the facility to assure compliance with the requirements and standards of this chapter.

(f) Other permits: The permit applications required in para-

graph (a) of this section shall describe other permits which may be required by the act as a condition of construction or operation of the facility.

Section 3. Permit Application Requirements.

(a) Description of waste stream sampling: The Chapter 6 permit application for each facility shall include a description of the proposed methodology for periodic monitoring and sampling of incoming wastes for the purpose of determining the weight of material in representative samples of unprocessed wastes. This weight, designated as  $UP_{wt}$  in Section 7(c) of this chapter, shall be determined initially for purposes of compliance with the test demonstration requirements of Section 4 of this chapter. For operating facilities, this weight shall be monitored by sampling representative wastes at least once per month.

(b) Other descriptions required: The Chapter 6 permit application for each facility shall include detailed descriptions of the systems, processes, equipment, personnel, and procedures to be used to comply with the waste screening, waste processing, and waste recovery requirements of this chapter. The descriptions shall include:

(i) Narrative discussions of the waste flows and routings including but not limited to procedures used to receive wastes, locations and routes for transfer of wastes from initial receipt of wastes to ultimate disposition of treatment residues, locations and methods for storage and removal of useful components of the waste stream, and other applicable waste handling practices or procedures planned for use at the facility.

(ii) Detailed design drawings of facility structures, roads, loading and unloading structures, environmental monitoring systems, and any other improvements associated with the facility.

(iii) Detailed design drawings, process flow information, and any available test results for equipment or systems used for waste screening, waste processing, and recovery of useful components of the waste stream. Information shall be of sufficient detail to allow department evaluation of the ability of the equipment or systems to perform as represented, and to comply with the standards of Sections 5, 6 and 7 of this chapter.

(iv) A description of the equipment used to sample in-

coming wastes, sampling procedure(s) to be used, the frequency of sampling or inspecting incoming wastes and a discussion of how such frequency will adequately detect prohibited wastes.

(v) Narrative plan describing the facility compliance monitoring systems used by the operator to continuously monitor, record, and report to the department the facility's compliance with the rules and regulations.

(vi) A description of the proposed test demonstration, which shall be conducted to comply with the requirements of Section 4 of this chapter. The test demonstration description shall address sampling and analysis protocols for wastes to be used in the demonstration, describe how the demonstration wastes are representative of wastes to be received at the facility when full-scale operations commence, and include an evaluation of the facility's ability to screen incoming waste shipments to detect prohibited wastes.

(vii) Procedures used to manage prohibited wastes removed from the wastes received at the facility. The application shall include documentation that the planned management methods for such prohibited wastes comply with applicable state and federal requirements.

(viii) Any other information needed by the department to evaluate compliance with the requirements of this chapter.

#### Section 4. Test Demonstration Requirements.

(a) Applicability: Any commercial solid waste management facility subject to the requirements of this chapter shall perform a test demonstration prior to commencing full-scale operations. The Chapter 6 permit issued by the department shall contain such conditions as may be necessary to assure the adequate performance of the test demonstration, and shall provide that the permit does not authorize full-scale receipt of solid wastes at the facility until the department has concurred that the test demonstration has met the requirements of this section.

(b) Objectives: The test demonstration shall be conducted by the facility operator to evaluate the ability of the facility to:

(i) Screen incoming waste shipments to assure that prohibited wastes are not received at the facility, in compliance with

the standards of Section 5 of this chapter.

(ii) Successfully process wastes as necessary to allow recovery of useful components of the waste stream as required by Section 6 of this chapter.

(iii) Recover amounts of useful components of the waste stream as required by the standards in Section 7 of this chapter and as described in the permit application.

(iv) Handle waste residues in compliance with applicable rules and regulations for treatment or disposal of residues.

(c) Test demonstration wastes: The test demonstration shall be conducted with an amount of solid wastes not to exceed five days' proposed capacity of the commercial solid waste management facility. Wastes to be used in the demonstration shall be shown by the applicant to be representative of wastes to be received at the facility under full-scale operations, including composition and any pretreatment that the wastes may receive prior to delivery to the facility.

(d) Test demonstration report: At the conclusion of the test demonstration, the applicant shall prepare and submit to the department a report documenting performance of the demonstration, including measurements taken during the demonstration, and evaluating the ability of the facility to perform in compliance with the standards in this chapter.

(e) Test demonstration approval: Within ninety (90) days of receipt of the test demonstration report, the department shall:

(i) Approve the demonstration report and allow full-scale operations to commence; or

(ii) Disapprove the demonstration report, and allow the applicant to perform an additional demonstration employing such modifications to equipment or operating procedures as may be proposed by the applicant to allow the facility to meet the requirements of this section; or

(iii) Disapprove the demonstration report. Any disapproval shall include the department's reasons and basis for disapproval, and shall describe the applicant's right to appeal the decision. Any decision to disapprove a demonstration report shall

be considered as a refusal to grant a permit, as provided in W.S. 35-11-802.

Section 5. Solid Waste Screening Standards.

(a) Screening mechanisms required: Each facility shall screen incoming wastes to detect and remove prohibited wastes received at the facility in violation of paragraph (b) of this section. The facility shall use the following mechanisms:

(i) Mandatory visual screening of all wastes received at the facility. This mandatory visual screening shall occur at the facility following receipt of wastes, but prior to processing by grinding, shredding, incineration, or composting. Baled or compacted wastes received at the facility shall be broken, separated, and visually inspected to comply with the mandatory visual screening requirement of this paragraph; and

(ii) Controls at the political jurisdiction where wastes are collected, so that prohibited wastes are not accepted for transport to the facility.

(b) Prohibited wastes: The following wastes are prohibited from receipt at the facility:

(i) Liquid wastes, excluding:

(A) Liquids which may be associated with containers of products which are typically used by households; or

(B) Liquid wastes or sludges which have been specifically approved for receipt at the facility by the Chapter 6 facility permit;

(ii) Polychlorinated biphenyls (PCBs) at concentrations greater than fifty (50) parts per million, or electrical equipment which may contain, or have contained, such PCBs;

(iii) Lead acid batteries;

(iv) Any special waste described in Chapter 8 of these rules and regulations, unless the Chapter 6 permit authorizes receipt of such special wastes;

(v) Wastes, which because of their appearance, chemical

or physical characteristics, and quantity, can reasonably be determined to be hazardous wastes generated by a business other than a conditionally-exempt small quantity generator;

(vi) Radioactive wastes; and

(vii) Any other waste which is determined by the department to pose such hazards to operation of the facility, its personnel, or to human health and the environment of the state, that requires the waste to be prohibited.

(c) Compliance with approved application plan: The waste screening program shall be carried out as described in the application at all times wastes are being received at the facility.

(d) Non-compliance: Failure of any waste screening program to detect and remove prohibited wastes, as determined by inspection by the department, shall be cause for the department to order cessation of receipt of wastes by the facility, in accord with W.S. 35-11-508(a)(i). The cessation order shall be issued by the department, and shall be reviewed and approved, modified, or revoked by the council in accord with the provisions of W.S. 35-11-701(c). If approved by the council, the facility shall cease receipt of wastes until a revised waste screening program is approved by the director. This paragraph shall not be construed as limiting the powers of the director to issue emergency orders under W.S. 35-11-115, or of the department to pursue remedies under Article 9 of the act.

#### Section 6. Solid Waste Processing Standards.

(a) Allowable facility processing methods: Each facility shall process wastes at the facility using any of the following processes required to separate, prepare, or condition the wastes to meet the recovery standards of Section 7 of this chapter:

(i) Shredding;

(ii) Grinding;

(iii) Size classification;

(iv) Density classification;

(v) Compaction or densification;

(vi) Liquids removal; or

(vii) Incineration, provided that incineration may not be used as a means to recover energy from wastes received at the facility until the solid waste recovery standards of Section 7 of this chapter for metals, glass, household batteries, and plastics have been met.

(b) Alternate methods: The department may authorize alternate solid waste processing methods as part of the Chapter 6 permit for any facility, provided that such alternate processing methods are necessary for the facility to meet the recovery standards of Section 7 of this chapter.

#### Section 7. Solid Waste Recovery Standards.

(a) Recovery of materials; amounts: Each facility shall recover, at the facility, useful components of the solid waste stream as specified by the Chapter 6 permit. In issuing any Chapter 6 permit the department shall establish minimum acceptable recovery amounts, expressed as pounds of component per ton of wastes received, for useful components of the solid waste stream, as required by this section.

(b) Recovery rates: For facilities receiving unprocessed household refuse, or mixed household and industrial refuse, excluding sludges and incinerator ash, each facility shall recover useful components of the solid waste stream in amounts at least equal to those specified by this paragraph:

(i) Eighty (80) percent for aluminum;

(ii) Forty (40) percent for all glass;

(iii) Sixty (60) percent for plastics;

(iv) Ninety (90) percent for ferrous metals;

(v) Twenty (20) percent for mixed paper including corrugated paper products, unless paper is treated under paragraph (f) of this section; and

(vi) Ninety (90) percent for household batteries.

(c) Calculation of recovery amounts: Recovery amounts shall be calculated as follows:

$$(\text{RECOVER}_{\text{wt}} / \text{UP}_{\text{wt}}) \times 100, \text{ where}$$

$\text{UP}_{\text{wt}}$  = total weight of material (e.g. aluminum) in a representative ton of unprocessed wastes; and

$\text{RECOVER}_{\text{wt}}$  = weight of material (e.g. aluminum) recovered at the facility from a ton of unprocessed wastes by processing and recovery equipment or practices.

(d) Modification of recovery amounts: Recovery amounts shall be initially established by the department after review of the test demonstration data required by Section 4 of this chapter. Recovery amounts may be modified by the department for any operating facility where the composition of wastes received at the facility has changed, as demonstrated by the monthly sampling and analysis required in Section 3(a) of this chapter.

(e) Sludge or incinerator ash: For facilities receiving sludges or incinerator ash, each facility shall recover useful components of the sludge or incinerator ash in amounts determined by the department as a part of the Chapter 6 permit for the facility. The department shall establish recovery amounts based on analysis of the chemical composition of the wastes and assessment of the feasibility of recovering useful components from such wastes.

(f) Treatment of organic residues: The department shall require any facility to treat remaining organic residues following recovery of useful components of the waste stream. Such treatment may be required to:

(i) Recover energy from any organic waste fractions, including components recovered as specified in paragraph (b)(v) of this section, remaining after treatment and recovery of paragraph (b) components; or

(ii) Produce usable materials, by composting or other processes, from any organic waste fractions, including components recovered as specified in paragraph (b)(v) of this section, remaining after treatment and recovery of paragraph (b) components.

(g) Disposal ban: Useful components recovered from solid

wastes delivered to a facility, as required in paragraph (b) or (f)(ii) of this section, shall not be disposed in the state. Such useful components shall be stored prior to shipment from any facility in compliance with storage requirements established by the facility's Chapter 6 permit.