

## CHAPTER 6

### TRANSFER, TREATMENT, AND STORAGE FACILITY REGULATIONS

#### 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.

(b) Applicability : This chapter governs facilities for the transfer, treatment, and storage of nonhazardous solid wastes.

(c) Objective : The objective of these rules and regulations is to set forth permit application requirements and to establish minimum standards for the location, design, construction, operation, monitoring, closure, and post-closure maintenance of treatment, transfer, and storage facilities.

(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 Application Requirements.

(a) Permit Transition : The following rules concerning permit application submittals under Chapter 1, Section 2 will apply.

(i) Existing facilities:

(A) Existing facilities that have received wastes after the effective date of these regulations:

(I) The operator of any facility with a complete application or a valid permit or an authorization that has not expired by the effective date of these regulations shall either:

(1) Submit a renewal application before the

existing permit or authorization expires; or

(2) Cease receipt of wastes before the existing permit or authorization expires and close in conformance with the closure standards in Section 7 of this chapter.

(II) The operator of any facility without a complete application or a permit or authorization that has expired by the effective date of these regulations shall either:

(1) Submit a renewal application after the effective date of these regulations, as specified by the administrator, but no later than six (6) months after the effective date of these regulations; or

(2) Cease receipt of wastes within six (6) months after the effective date of these regulations and close in conformance with the closure standards in Section 7 of this chapter.

(B) Existing facilities that have not received wastes after the effective date of these regulations: The operator may be required to submit a closure permit application upon request by the administrator. The administrator may request such an application whenever the administrator has reason to believe that health and safety hazards are present, there has been evidence of environmental contamination, or the facility does not comply with the location, monitoring or closure standards of this chapter.

(ii) New facilities: The operator of any new facility shall submit an application in accordance with the permit application procedures specified in Chapter 1, Section 2(b) and 2(c), or Section 2(j), and shall obtain a permit prior to construction;

(iii) Closing facilities:

(A) Anticipated closure: The operator of any facility with a valid permit on the effective date of these regulations or a valid permit or renewal permit issued under Chapter 1, Section 2(d), Section 2(f) or Section 2(j), shall submit a closure permit application to the administrator between 270 and 180 days prior to the anticipated facility closure;

(B) Unanticipated closure: In the event any facility ceases operation, as determined by nonreceipt of solid wastes for a continuous nine (9) month period or any continuous one (1) year period for petroleum-contaminated soils land treatment facilities and mobile transfer, treatment and storage facilities, the facility shall provide

written notification to the administrator no later than thirty days after the end of such nine (9) month or one (1) year period. This notification shall be accompanied by a closure permit application unless the administrator approves interim measures with the delayed final closure for good cause upon application by the operator;

(C) Mobile transfer, treatment and storage facility closure: The operator of any mobile facility with a valid permit or authorization shall provide written notification to the administrator if the facility operation is discontinued prior to the expiration of the permit or authorization. This notification does not require submission of a closure permit application.

(b) Permit application requirements for transfer, treatment and storage facilities :

(i) The permit application shall contain a completed permit application form. All permit application forms shall be signed by the operator, the landowner and any real property lien holder of public record. All applications shall be signed by the operator under oath subject to penalty of perjury. All persons signing the application shall be duly authorized agents. The following persons are considered duly authorized agents:

(A) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official;

(B) For corporations, at least two principal officers;

(C) For a sole proprietorship or partnership, a proprietor or general partner, respectively.

(ii) All permit applications shall be prepared under the supervision of a professional engineer registered in the State of Wyoming. All permit application forms shall be stamped, dated and signed by a professional engineer. In addition, all portions of the permit application which require geological services or work shall be stamped, signed and dated by a professional geologist.

(iii) A written report shall be submitted containing the following information:

(A) The name, address and telephone number of the operator of the facility to whom the permit would be issued, and a listing of any administrative order, civil or administrative penalty assessment, bond forfeiture, misdemeanor or felony conviction, or court proceeding, for any violations of any local, state or federal

law relating to environmental quality or criminal racketeering, in which the applicant (including any partners in a partnership or executive officers in any corporation, if the applicant is a partnership or corporation) has been or is currently involved;

(B) The name, address, and telephone number of the solid waste manager. A description of the basic training and examination program, to be used by the operator to assure compliance with the requirements of this chapter shall be included. The description shall include a specific listing of the training courses, and the required frequency of attendance of each course by the solid waste manager;

(C) The legal description of the property to be used as a transfer, treatment and storage facility. The complete legal description shall consist of a plat and legal description, monumented and signed in accordance with Wyoming statutes by a Wyoming licensed land surveyor;

(D) A brief narrative describing the facility, the type of waste transfer, treatment and storage that is planned, including but not limited to chemical, physical, biological, and thermal activities. A descriptive statement of the procedures and processes to be used, and the type, amount, and source of incoming waste shall be provided. The narrative shall also describe the service area of the facility;

(E) Information describing surface ownership of the site and all lands adjacent to the facility boundary;

(F) A demonstration that the facility meets the location standards specified under Section 3 of this chapter;

(G) Detailed information describing the site's hydrogeology may be required if the waste management occurs outside an enclosed building;

(H) An evaluation of the facility's potential to impact surface and ground water quality, based on the facility design and the site hydrogeologic setting;

(I) Any information known to the applicant that would limit the site's suitability as a transfer, treatment and storage facility;

(J) A detailed description of the facility design, construction and operating procedures, including the following information:

(I) The service area (source of wastes) and the type of wastes that will be managed at the facility;

(II) A description of the facility access controls;

(III) A description of the waste screening measures used to prevent the management of unauthorized wastes. The waste screening measures may include specific waste testing procedures to verify that only authorized wastes are accepted at the facility;

(IV) A description of the size, type and number and purpose of all solid waste management units and equipment. This information shall also include a description of the capacity of the solid waste management units and equipment in terms of how much waste can be transferred and treated per hour, day, month or year and the maximum quantity of wastes, both treated and untreated, that can be stored in each solid waste management unit;

(V) A description of secondary containment systems and leak detection systems;

(VI) A description of any surface water structures;

(VII) A description of the on-site traffic control plan;

(VIII) A description of the fire and other emergency protection measures;

(IX) A description of the signs that will be posted to identify the facility, solid waste management units and equipment;

(X) A description of the litter control program, including the frequency of waste collection to prevent the site from becoming unsightly;

(XI) A description of the measures that will be taken at the site to control vectors and potential odors, dust, and noise that could occur as a result of the waste management activity;

(XII) A description of the characterization and disposal of any wastes generated from any waste management processes;

(XIII) A description of the methods used for

characterization and disposal of wastewaters generated from cleaning solid waste management units and equipment;

(XIV) A description of the confirmation sampling and analysis program used to verify that the wastes have been properly treated;

(XV) Any other information necessary to demonstrate compliance with the design, construction and operating standards specified in Sections 4 and 5 of this chapter.

(K) A detailed description of the environmental monitoring program including a description of the monitoring well location, design, construction and development. A description of the groundwater sampling program shall be provided including sampling frequency, test parameters, sampling procedures, test methods and quality control;

(L) A description of how the facility will be closed, including the following information:

(I) A description of the land use anticipated after closure;

(II) A detailed description of the tasks to be completed in order to properly close the facility, including but not limited to the removal and proper management of the maximum amount of wastes, both treated and untreated, which may be stored at the facility, cleaning of all solid waste management units and equipment, and reclamation of the site;

(III) A commitment to publish notice of closure to the public, if the facility is used by the general public;

(IV) A detailed description of the environmental monitoring program during closure and the method and schedule by which the environmental monitoring systems will be abandoned;

(V) The length of time that the closed facility will maintain access restrictions to prevent entry by the public and large animals;

(VI) Any other information requested by the administrator to verify that an adequate closure has been accomplished.

(iv) An original USGS map or aerial photograph of the area shall be submitted showing land ownership, land use and zoning within

one-half mile of the facility, unless there is an incinerator at the waste management site, in which case the map or aerial photograph shall show land ownership, land use and zoning within one mile of the facility. The map or photograph shall be of sufficient scale to show all city boundaries, occupied dwellings, schools, hospitals, industrial buildings, water wells, water courses, roads and other applicable details and shall indicate the general topography;

(v) A general facility plot plan at a scale not greater than 200 feet to the inch with five foot contour intervals, shall be submitted. If all waste management activities occur within a single building, a scaled floor plan can be used in lieu of a general facility plot plan. The general facility plot plan shall illustrate the following features:

(A) Facility boundaries, including any buffer zones and fire lanes proposed between the solid waste permit boundary and the property boundary;

(B) Points of access;

(C) Working area/perimeter fence location;

(D) Location of all solid waste management units and equipment;

(E) Locations of any buildings to house equipment or for other uses;

(F) The location of any surface water structures;

(G) The location of environmental monitoring devices;

(H) Any other facility features requested by the administrator.

(vi) Cross sections and drawing details may be requested with sufficient specifications to describe:

(A) The movement of wastes through the waste management facility, including the points at which process wastes are generated;

(B) Site access roads;

(C) Solid waste management units and equipment;

(D) Secondary containment structures and leak detection systems;

(E) Surface water structures;

(F) Environmental monitoring systems;

(G) Any other design and construction details requested by the administrator.

(vii) Blank copies of any logs, forms or reports used by the facility to comply with the recordkeeping requirements of Section 5 of this chapter, including a description of where these records will be located;

(viii) The information to verify compliance with Chapter 7, Financial Assurance, including an estimate of 3rd-party costs associated with facility closure tasks and an appropriate financial assurance mechanism;

(ix) Information describing compliance with standards for the transfer, treatment and storage of any special waste as provided in Chapter 8, Special Waste Management Standards;

(x) If any of the permit application requirements of this subsection are not applicable to the facility, the application shall contain a written explanation as to why the requirement is not applicable.

(c) Permit application requirements for low hazard and low volume transfer, treatment and storage facilities, excluding mobile transfer, treatment and storage facilities :

(i) The permit application shall contain a completed permit application form. All permit application forms shall be signed by the operator, the landowner and any real property lien holder of public record. All applications shall be signed by the operator under oath subject to penalty of perjury. All persons signing the application shall be duly authorized agents. The following persons are considered duly authorized agents:

(A) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official;

(B) For corporations, at least two principal officers;

(C) For a sole proprietorship or partnership, a pro-

prietor or general partner, respectively;

(ii) Reserved;

(iii) Reserved;

(iv) An original USGS map identifying the location of the facility. If the facility is located within a city or town, a map of the city or town may be used in lieu of an original USGS map;

(v) Reserved;

(vi) Reserved;

(vii) Reserved;

(viii) The information to verify compliance with Chapter 7, Financial Assurance, including an estimate of 3rd-party costs associated with facility closure tasks, and an appropriate financial assurance mechanism.

(d) Permit application requirements for mobile transfer, treatment and storage facilities :

(i) The permit application shall contain a completed permit application form. All permit application forms shall be signed by the operator. All applications shall be signed by the operator under oath subject to penalty of perjury. All persons signing the application shall be duly authorized agents. The following persons are considered duly authorized agents:

(A) For a municipality, state, federal or other public agency, by the head of the agency or ranking elected official;

(B) For corporations, at least two principal officers;

(C) For a sole proprietorship or partnership, a proprietor or general partner, respectively.

(ii) Reserved;

(iii) A written report shall be submitted containing the following information:

(A) The name, address and telephone number of the operator of the facility to whom the permit would be issued, and a listing of any administrative order, civil or administrative penalty

assessment, bond forfeiture, misdemeanor or felony conviction, or court proceeding, for any violations of any local, state or federal law relating to environmental quality or criminal racketeering, in which the applicant (including any partners in a partnership or executive officers in any corporation, if the applicant is a partnership or corporation) has been or is currently involved;

(B) The name, address, and telephone number of the solid waste manager. A description of the basic training and examination program, to be used by the operator to assure compliance with the requirements of this chapter shall be included. The description shall include a specific listing of the training courses, and the required frequency of attendance of each course by the solid waste manager;

(C) A detailed description of the facility design, construction and operating procedures, including the following information:

(I) The service area (source of wastes) and the type of waste that will be managed at the facility;

(II) A description of how access to the facility will be controlled. If access control will be determined on a site-by-site basis, the application shall contain a commitment to comply with the applicable design and construction and operating standards;

(III) A description of the waste screening measures used to prevent the management of unauthorized wastes. The waste screening measures may include specific waste testing procedures to verify that only authorized wastes are accepted at the facility;

(IV) A description of the size, type, number and purpose of all solid waste management units and equipment. This information shall also include a description of the capacity of the solid waste management units and equipment in terms of how much waste can be transferred and treated per hour, day, month or year and the maximum quantity of wastes (treated and untreated) that can be stored in each solid waste management unit;

(V) A description of secondary containment structures and leak detection systems;

(VI) A description of the fire and other emergency protection measures;

(VII) A description of the signs that will be posted to identify the facility, solid waste management units and

equipment;

(VIII) A description of the litter control program, including the frequency of waste collection to prevent the site from becoming unsightly;

(IX) A description of the measures that will be taken at the site to control vectors and potential odors, dust, and noise that could occur as a result of the waste management activity;

(X) A description of the characterization and disposal of any wastes generated from any waste management processes, if the operator of the facility will be responsible for managing these wastes. If waste characterization and disposal procedures will be determined on a site-by-site basis, the application shall contain a commitment to comply with the applicable operating standard;

(XI) A description of the methods used for characterization and disposal of wastewaters generated from cleaning the facility, if the operator of the facility will be responsible for managing these wastes. If wastewater characterization and disposal procedures will be determined on a site-by-site basis, the application shall contain a commitment to comply with the applicable operating standard;

(XII) A description of the confirmation sampling and analysis program used to verify that the wastes have been properly treated, if the operator of the facility will be responsible for managing these wastes. If confirmation sampling and analysis procedures will be determined on a site-by-site basis, the application shall contain a commitment to comply with the applicable operating standard;

(XIII) Any other information requested by the administrator which is necessary to demonstrate compliance with the design, construction and operating standards specified in Sections 4 and 5 of this chapter.

(iv) Cross sections and drawing details may be requested with sufficient specifications to describe:

(A) The movement of wastes through the facility, including the points at which process wastes are generated;

(B) Solid waste management units and equipment;

(C) Secondary containment systems and leak detection systems;

(D) Any other design details requested by the adminis-

trator.

(vii) Blank copies of any logs, forms or reports used by the facility to comply with the recordkeeping requirements of Section 5 of this chapter, including a description of where these records will be located;

(viii) Reserved;

(ix) Information describing compliance with standards for the transfer, treatment and storage of any special waste as provided in Chapter 8, Special Waste Management Standards;

(x) If any of the permit application requirements of this subsection are not applicable to the facility, the application shall contain a written explanation as to why the requirement is not applicable.

(e) Renewal application requirement : Renewal applications shall be submitted as required in Chapter 1, Section 2(e) or (j), and shall contain the following information:

(i) Each renewal application submitted in accordance with the requirements of subsection (a) of this section shall include a compilation of any available previous permit application materials and supplemental information updated and revised as necessary to describe any minor and major amendments and fulfill the information requirements specified in subsection (b), (c), or (d) of this section, except for Sections 2(b)(iii)(E) [surface ownership], 2(b)(iii)(F) [location standards], and 2(c)(iii)(I) [site suitability]. The applicant shall have the option to submit copies of only the updated and revised portion of the previous application, if the revised and updated pages are appropriately numbered and dated to facilitate incorporation into the previous permit document;

(ii) Any necessary plan revisions for the upcoming permit renewal period. Any requests for approval of amendments which describe major changes in facility operation should be included;

(iii) If necessary, detailed construction and operation specifications for the upcoming permit period; and

(iv) A description of steps taken to mitigate or correct practices that have resulted in past operational deficiencies.

(f) Closure permit requirements :

(i) Closure applications shall be submitted as required in

Section 2(a) of this chapter and shall contain the following information:

(A) A permit application form signed in the manner described in Sections 2(b)(i) and 2(b)(ii) or 2(c)(i) of this chapter;

(B) A copy of the pertinent materials from the approved permit application or approved renewal permit application, revised and updated as necessary, may be used to fulfill these requirements:

(1) Environmental monitoring system information specified in subsection 2(b)(iii)(K);

(2) Closure information specified in subsection 2(b)(iii)(L) of this section.

(C) Information to verify compliance with Chapter 7, Financial Assurance, including an estimate of 3rd-party costs associated with the facility closure tasks and an appropriate financial assurance mechanism;

(D) Information verifying compliance with the standards for the transfer, treatment or disposal of any special waste as provided in Chapter 8, Special Waste Management Standards;

(E) If any of the closure permit application requirements of this subsection are not applicable to the facility, the application shall contain a written explanation as to why the requirement is not applicable.

(g) Permit terms :

(i) New permits will be issued for an eight (8) year term;

(ii) Renewal permits will be issued for an eight (8) year term;

(iii) All closure permits will be issued for a one (1) year term unless the administrator approves an extended closure period for good cause.

(h) Financial assurance requirement : Any operator of a transfer, treatment and storage facility or a low hazard and low volume transfer, treatment and storage facility subject to the financial assurance requirements of Chapter 7 shall provide and maintain adequate assurance of financial responsibility as specified therein,

prior to issuance of a permit by the director.

Section 3. Location Standards.

(a) New transfer, treatment and storage facilities: New transfer, treatment and storage facilities shall not be located in violation of the standards described in this section:

(i) Facility locations shall not be in conflict with local zoning ordinances or land use plans that have been adopted by a county commission or municipality;

(ii) Facilities shall not be located in an area where the administrator, after investigation by the applicant, finds there is a reasonable probability the solid waste management facility will have a detrimental effect on surface water or groundwater quality;

(iii) Facilities shall not be located within the boundaries of a 100-year floodplain;

(iv) Facilities shall not be located in an area where there is a potential, as determined by the administrator, for the facility to present a dust or odor problem, or public nuisance, unless the facility operating plans specifically address appropriate control of the potential problems;

(v) The following standards apply only to outdoor facilities where the solid waste management activities are not being conducted inside an enclosed building, a tank or a container:

(A) Facilities shall not be located within 1,000 feet of any occupied dwelling house, school or hospital;

(B) Facilities shall not be located within 1,000 feet of any interstate or primary highway right-of-way, unless the facility is screened from view by natural objects, plantings, fences or other appropriate means, and is authorized by the state highway commission in accord with provisions of the Junkyard Control Act, W.S. 33-19-103 et seq.;

(C) Facilities shall not be located within 1,000 feet of any public park or recreation area unless the facility is screened from view by natural objects, plantings, fences or other appropriate means;

(D) Distance to surface waters:

(I) Facilities shall not be located within 1,000 feet of any perennial lake or pond which is either naturally occurring, or which contains water used for any purpose not directly related to an industrial process;

(II) Facilities shall not be located within 300 feet of any industrial process water or storm water management pond;

(III) Facilities shall not be located within 300 feet of any perennial river or stream.

(E) Facility locations shall not diminish the scenic, recreational and fish and wildlife values for any section of river designated for protection under the Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq., and implementing regulations;

(F) Facilities shall not be located in areas where they may pose a threat to an irreplaceable historic or archeological site listed pursuant to the National Historic Preservation Act, 16 U.S.C. 470 et seq. and implementing regulations, or to a natural landmark designated by the National Park Service;

(G) Facilities shall not be located within a critical habitat of an endangered or threatened species listed pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., and implementing regulations, where the facility may cause destruction or adverse modification of the critical habitat, may jeopardize the continued existence of endangered or threatened species or contribute to the taking of such species;

(H) Facilities shall not be located within critical winter ranges for big game or breeding grounds for grouse unless, after consultation with the Wyoming Game and Fish Department, the administrator determines that facility development would not conflict with the conservation of Wyoming's wildlife resources;

(I) Facilities shall not be located in wetlands as defined in Chapter 1, Section 1(e).

(vi) The following standards apply to incinerators used for management of wastes generated by persons other than the owner of the incinerator:

(A) Except upon a variance granted by the director in accord with W.S. 35-11-502(c), no facility greater than one (1) acre in size shall be located between 1,000 feet and one (1) mile of a public school except with the written consent of the school district

board of trustees, or between 1,000 feet and one (1) mile of an occupied dwelling house except with the written consent of the owner. Additionally, facilities of any size shall not be located within 300 feet of any building unless provisions have been made for protection from methane gas accumulation;

(B) Except upon a variance granted by the director in accord with W.S. 35-11-502(c), no facility greater than one (1) acre in size shall be located between 1,000 feet and one-half (½) mile of the center line of the right-of-way of a state or federal highway unless screened from view as approved by the administrator. Additionally, facilities of any size shall not be located within 1,000 feet of any interstate or primary highway right-of-way, unless the facility is screened from view by natural objects, plantings, fences or other appropriate means, and is authorized by the state highway commission in accord with provisions of the Junkyard Control Act, W.S. 33-19-103 et seq.

(C) Facilities shall not be located within 1,000 feet of any public park or recreation area unless the facility is screened from view by natural objects, plantings, fences or other appropriate means;

(D) Facility locations shall not diminish the scenic, recreational and fish and wildlife values for any section of river designated for protection under the Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq., and implementing regulations;

(E) Facilities shall not be located in areas where they may pose a threat to an irreplaceable historic or archeological site listed pursuant to the National Historic Preservation Act, 16 U.S.C. 470 et seq. and implementing regulations, or to a natural landmark designated by the National Park Service;

(F) Facilities shall not be located within a critical habitat of an endangered or threatened species listed pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., and implementing regulations, where the facility may cause destruction or adverse modification of the critical habitat, may jeopardize the continued existence of endangered or threatened species or contribute to the taking of such species;

(G) Facilities shall not be located within critical winter ranges for big game or breeding grounds for grouse, unless after consultation with the Wyoming Game and Fish Department, the administrator determines that facility development would not conflict with the conservation of Wyoming's wildlife resources;

(H) Except upon a variance granted by the director in accord with W.S. 35-11-502(c), no facility greater than one (1) acre in size shall be located within one (1) mile of the boundaries of an incorporated city or town;

(vii) Any facility used for the management of a special waste regulated under Chapter 8, Special Waste Management Standards, shall also comply with applicable location standards established under Chapter 8.

(b) New low hazard and low volume transfer, treatment and storage facilities : New low hazard and low volume transfer, treatment and storage facilities, excluding mobile transfer, treatment and storage facilities, shall not be located in violation of the standards described in this section:

(i) Facility locations shall not be in conflict with local zoning ordinances or land use plans that have been adopted by a county commission or municipality;

(ii) Facilities shall not be located in an area where the administrator, after investigation by the applicant, finds there is a reasonable probability the solid waste management facility will have a detrimental effect on surface water or groundwater quality;

(iii) Facilities shall not be located within the boundaries of a 100-year floodplain;

(iv) Facilities shall not be located in an area where there is a potential, as determined by the administrator, for the facility to present a dust or odor problem, or public nuisance, unless the facility operating plans specifically address appropriate control of the potential problems;

(v) The following standards apply only to outdoor facilities where the solid waste management activities are not being conducted inside an enclosed building, a tank or a container:

(A) Facilities shall not be located within 1,000 feet of any occupied dwelling house, school or hospital unless the facility is screened from view by natural objects, plantings, fences or other appropriate means;

(B) Facilities shall not be located within 1,000 feet of any interstate or primary highway right-of-way, unless the facility is screened from view by natural objects, plantings, fences or other appropriate means, and is authorized by the state highway commission

in accord with provisions of the Junkyard Control Act, W.S. 33-19-103 et seq.;

(C) Facilities shall not be located within 1,000 feet of any public park or recreation area unless the facility is screened from view by natural objects, plantings, fences or other appropriate means;

(D) Distance to surface waters:

(I) Facilities shall not be located within 1,000 feet of any perennial lake or pond which is either naturally occurring, or which contains water used for any purpose not directly related to an industrial process;

(II) Facilities shall not be located within 300 feet of any industrial process water or storm water management pond;

(III) Facilities shall not be located within 300 feet of any perennial river or stream.

(E) Facilities shall not be located in wetlands as defined in Chapter 1, Section 1(e).

(c) Mobile transfer, treatment and storage facilities : Mobile transfer, treatment and storage facilities shall not be located in violation of the standards described in this section.

(i) Facilities shall not be located in wetlands as defined in Chapter 1, Section 1(e);

(ii) Any facility used for the management of a special waste regulated under Chapter 8, Special Waste Management Standards, shall also comply with applicable location standards established under Chapter 8.

#### Section 4. Design and Construction Standards.

(a) Transfer, treatment and storage facilities : All transfer, treatment and storage facilities shall be designed and constructed in compliance with the standards listed in this section.

(i) Each facility shall be fenced and equipped with a gate which can be locked to discourage the public, livestock or wildlife from entering if hazardous constituents or conditions are present. Facilities do not need to be fenced and equipped with a gate which can be locked if the facility is located in a remote or industrial area

which already has adequate access control features in place to meet the intent of this standard;

(ii) Each point of access shall be identified by a sign which shall be easily readable, maintained in good condition, and contain, at a minimum, the following information:

(A) The facility name;

(B) The name and phone number of the responsible person to contact in the event of emergencies;

(C) The hours of operation if the facility is open to the public;

(D) Depending on the particular waste type, additional information describing the particular hazards of the waste may also be required.

(iii) Each facility shall have signs to direct traffic to the proper waste management area, if the facility is open to the public;

(iv) As approved by the administrator, solid waste management units and equipment used to manage treated or untreated waste shall be identified by a sign or label which shall be easily readable, maintained in good condition and identify the name of the solid waste management unit or equipment and the waste type contained in the solid waste management unit;

(v) Facility access roads shall be constructed to enable use under inclement weather conditions;

(vi) For those facilities where any waste management occurs outdoors, the facility shall have a fire lane constructed around all active solid waste management units and equipment or within the site perimeter fence. The width of the fire lane shall be a minimum of ten (10) feet, but may be wider depending on the specific waste type and the ability of fire fighting equipment to properly operate within the facility;

(vii) For those facilities where any waste management occurs outdoors, the facility shall have a buffer zone around the solid waste management units and equipment or within the site perimeter fence. The width of the buffer shall be a minimum of ten (10) feet, but may be wider depending on the specific waste type and the ability of monitoring equipment to be properly constructed and operated within the facility;

(viii) For those facilities where any waste management occurs outdoors, the facility shall have surface water structures to control surface water run-on and run-off. Surface water structures shall be designed and constructed as follows:

(A) Temporary structures anticipated to be used for periods less than five (5) years shall accommodate a 25-year, 24-hour precipitation event;

(B) Permanent structures and temporary structures anticipated to be used for five (5) years or longer shall accommodate a 100-year, 24-hour precipitation event;

(C) Sediment control structures shall be designed and constructed in accordance with Chapter 11 of the Water Quality Rules and Regulations.

(ix) All solid waste management units shall be designed and constructed to contain the wastes within the unit and prevent the migration of contaminants. Solid waste management units which manage liquid waste shall also meet the following standards:

(A) Above ground tanks and containers shall be equipped with low-permeability secondary containment systems which are capable of containing 110% of the volume of the largest tank or container within the unit;

(B) Below ground tanks or containers shall be designed and constructed with leak detection systems;

(C) Ponds shall be designed and constructed in accordance with Chapter 11 of the Water Quality Rules and Regulations.

(D) Open-topped tanks, containers and ponds which contain wastes which are either petroleum-based or have a pH less than 3 or greater than 10 shall be designed and constructed with netting which is adequate to prevent access by migratory birds.

(x) Any facility used for the management of a special waste regulated under Chapter 8, Special Waste Management Standards, shall also comply with applicable design and construction standards established under Chapter 8.

(b) Low hazard and low volume transfer, treatment and storage facilities : All low hazard and low volume transfer, treatment and storage facilities, excluding mobile transfer, treatment and storage

facilities, shall be designed and constructed in compliance with the standards listed in this section.

(i) Each point of access shall be identified by a sign which shall be easily readable, maintained in good condition, and contain, at a minimum, the following information:

(A) The facility name;

(B) The name and phone number of the responsible person to contact in the event of emergencies;

(C) The hours of operation if the facility is open to the public;

(D) Depending on the particular waste type, additional information describing the particular hazards of the waste may also be required.

(ii) As approved by the administrator, all solid waste management units and equipment used to manage treated or untreated waste shall be identified by a sign or label which shall be easily readable, maintained in good condition and identify the name of the solid waste management unit or equipment and the waste type contained in the solid waste management unit;

(iii) For those facilities where any waste management occurs outdoors, the facility shall have a fire lane constructed around all active solid waste management units and equipment or within the site perimeter fence. The width of the fire lane shall be a minimum of ten (10) feet, but may be wider depending on the specific waste type and the ability of fire fighting equipment to properly operate within the facility;

(iv) All solid waste management units shall be designed and constructed to contain the wastes within the unit and prevent the migration of contaminants. Solid waste management units which manage liquid waste shall also meet the following standards:

(A) Above ground tanks and containers shall be equipped with low-permeability secondary containment systems which are capable of containing 110% of the volume of the largest tank or container within the unit.

(B) Below ground tanks or containers shall be designed and constructed with leak detection systems;

(C) Ponds shall be designed and constructed in accordance with Chapter 11 of the Water Quality Rules and Regulations.

(c) Mobile transfer, treatment and storage facilities : All mobile transfer, treatment and storage facilities, shall be designed and constructed in compliance with the standards listed in this section.

(i) Each facility shall be fenced and equipped with a gate which can be locked to discourage the public, livestock or wildlife from entering if hazardous constituents or conditions are present. Facilities do not need to be fenced and equipped with a gate which can be locked if the facility is located in a remote or industrial area which already has adequate access control features in place to meet the intent of this standard;

(ii) Each point of access shall be identified by a sign which shall be easily readable, maintained in good condition, and contain, at a minimum, the following information:

(A) The facility name;

(B) The name and phone number of the responsible person to contact in the event of emergencies;

(C) The hours of operation if the facility is open to the public;

(D) Depending on the particular waste type, additional information describing the particular hazards of the waste may also be required.

(iii) For those facilities where any waste management occurs outdoors, the facility shall have a fire lane constructed around the solid waste management units and equipment or within the site perimeter fence. The width of the fire lane shall be a minimum of ten (10) feet, but may be wider depending on the specific waste type and the ability of fire fighting equipment to properly operate within the facility;

(iv) For those facilities where any waste management occurs outdoors, the facility shall have surface water structures to control surface water run-on and run-off;

(v) All solid waste management units shall be designed and constructed to contain the wastes within the unit and prevent the migration of contaminants. Solid waste management units which manage

liquid waste shall be equipped with secondary containment systems which are capable of containing 100% of the volume of the largest tank or container within the unit and have a minimum of one (1) foot of freeboard;

(vi) Any facility used for the management of a special waste regulated under Chapter 8, Special Waste Management Standards, shall also comply with applicable design and construction standards established under Chapter 8.

Section 5. Operating Standards.

(a) Transfer, treatment and storage facilities : All transfer, treatment and storage facilities shall be operated in accordance with the standards described in this section.

(i) Each facility shall be managed by a qualified solid waste manager. In the event that a qualified solid waste manager terminates employment for any reason, a new solid waste manager shall be designated within three (3) months of such termination. For any facility which is constructed, operated and monitored in compliance, the solid waste manager's qualifications shall be presumed to be adequate. For any facility which is not being constructed, operated, or monitored in compliance, the solid waste manager may be required to complete additional training and/or demonstrate his or her qualifications by written or oral examination. A qualified solid waste manager shall:

(A) Possess a complete working knowledge of the facility construction, operating and monitoring procedures, as specified in the permit application and the permit letter issued by the director;

(B) Attend the classroom or field training program described in the approved permit application;

(C) Attend any training course sponsored by the administrator, which the administrator requires to provide training on changes to state or federal solid waste rules or guidelines. For any such mandatory training course, the administrator shall provide each operator with a minimum of ninety (90) days notice prior to the scheduled training course;

(D) Comply with the requirements of this subsection:

(I) No later than six (6) months following assumption of responsibility for operating a facility, for a new solid waste manager; or

(II) No later than six (6) months following the date the facility is permitted under this chapter, for an existing solid waste manager;

(ii) Access shall be controlled to prevent the public, livestock or wildlife from being exposed to hazardous constituents or conditions. Access does not need to be controlled if the facility is located in a remote or industrial area which already has adequate access control features in place to meet the intent of this standard;

(iii) Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities;

(iv) Hazardous waste shall not be managed unless the administrator provides specific written authorization;

(v) All wastes shall be confined to solid waste management units and equipment as specified in the permit;

(vi) Surface water run-on shall not be allowed to enter waste management areas;

(vii) Wastes shall not be placed in contact with groundwater;

(viii) All facilities shall be equipped with at least one working portable fire extinguisher and a communication system for contacting local emergency management agencies. Depending on the particular waste type or management method, additional fire protection and emergency management equipment may be required;

(ix) Each facility shall have an effective litter collection program to contain litter within the facility and to prevent the facility from becoming unsightly, if the facility manages wastes which are susceptible to blowing;

(x) Onsite populations of disease vectors shall be prevented or controlled using techniques appropriate for the protection of human health and the environment;

(xi) Adequate measures shall be taken to minimize dust and odors;

(xii) Scavenging shall be prohibited at all facilities;

(xiii) In the event of extended mechanical breakdown, all untreated wastes shall be removed from the facility to an approved alternate facility before the wastes create a public nuisance, health hazard, fire hazard, odors or vector habitat;

(xiv) All wastes generated from any waste management processes shall be characterized and managed in accordance with applicable department standards;

(xv) All wastewaters generated from cleaning solid waste management units and equipment shall be characterized and managed in accordance with applicable department standards;

(xvi) Facilities shall be operated so that they are not in violation of the Water Quality Standards;

(xvii) Facilities shall be operated so that they are not in violation of the Air Quality Standards;

(xviii) The following records shall be maintained at the facility or an approved alternative location and available for inspection and copying as specified by Chapter 1, Section 1(g):

(A) A copy of the approved permit application;

(B) A copy of the department permit letter;

(C) Records of training and examinations completed by the solid waste manager;

(D) Records of litter collection activities, including dates and areas of litter collection;

(E) Records of the source, volume and characteristics of wastes received by the facility;

(F) Records of the destination, volume and characteristics of wastes removed from the facility;

(G) Records of monitoring activities and copies of monitoring data;

(H) Records of any problems causing operations to cease, including but not limited to fire or equipment failure;

(xix) Any facility used for the management of a special

waste regulated under Chapter 8, Special Waste Management Standards, shall also comply with the applicable operating standards established under Chapter 8;

(b) Low hazard and low volume transfer, treatment and storage facilities : All low hazard and low volume transfer, treatment and storage facilities, excluding mobile transfer, treatment and storage facilities, shall be operated in accordance with the standards described in this section.

(i) Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities;

(ii) Hazardous waste shall not be managed unless the administrator provides specific written authorization;

(iii) All wastes shall be confined to solid waste management units and equipment as specified in the permit;

(iv) All facilities shall be equipped with at least one working portable fire extinguisher and a communication system for contacting local emergency management agencies. Depending on the particular waste type or management method, additional fire protection and emergency management equipment may be required;

(v) Each facility shall have an effective litter collection program to contain litter within the facility and to prevent the facility from becoming unsightly, if the facility manages wastes which are susceptible to blowing;

(vi) Adequate measures shall be taken to minimize dust and odors;

(vii) The following records shall be maintained at the facility or an approved alternative location and available for inspection and copying as specified by Chapter 1, Section 1(g):

(A) A copy of the approved permit application;

(B) A copy of the department permit letter;

(c) Mobile transfer, treatment and storage facilities : All mobile transfer, treatment and storage facilities shall be operated in accordance with the standards described in this section.

(i) Each facility shall be managed by a qualified solid waste manager. In the event that a qualified solid waste manager terminates employment for any reason, a new solid waste manager shall be designated within three (3) months of such termination. For any facility which is constructed, operated and monitored in compliance, the solid waste manager's qualifications shall be presumed to be adequate. For any facility which is not being constructed, operated, or monitored in compliance, the solid waste manager may be required to complete additional training and/or demonstrate his or her qualifications by written or oral examination. A qualified solid waste manager shall:

(A) Possess a complete working knowledge of the facility construction, operating and monitoring procedures, as specified in the permit application and the permit letter issued by the director;

(B) Attend the classroom or field training program described in the approved permit application;

(C) Attend any training course sponsored by the administrator, which the administrator requires to provide training on changes to state or federal solid waste rules or guidelines. For any such mandatory training course, the administrator shall provide each operator with a minimum of ninety (90) days notice prior to the scheduled training course;

(D) Comply with the requirements of this subsection:

(I) No later than six months following assumption of responsibility for operating a facility, for a new solid waste manager; or

(II) No later than six months following the date the facility is permitted under this chapter, for an existing solid waste manager;

(ii) Access shall be controlled to prevent the public, livestock or wildlife from being exposed to hazardous constituents or conditions. Access does not need to be controlled if the facility is located in a remote or industrial area which already has adequate access control features in place to meet the intent of this standard;

(iii) Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities;

(iv) Hazardous waste shall not be managed unless the administrator provides specific written authorization;

(v) All wastes shall be confined to solid waste management units and equipment as specified in the permit;

(vi) Surface water run-on shall not be allowed to enter waste management areas;

(vii) Wastes shall not be placed in contact with groundwater;

(viii) All facilities shall be equipped with at least one working portable fire extinguisher and a communication system for contacting local emergency management agencies. Depending on the particular waste type or management method, additional fire protection and emergency management equipment may be required;

(ix) Each facility shall have an effective litter collection program to contain litter within the facility and to prevent the facility from becoming unsightly, if the facility manages wastes which are susceptible to blowing;

(x) Onsite populations of disease vectors shall be prevented or controlled using techniques appropriate for the protection of human health and the environment;

(xi) Adequate measures shall be taken to minimize dust and odors;

(xii) Scavenging shall be prohibited at all facilities;

(xiii) In the event of extended mechanical breakdown, all untreated wastes shall be removed from the facility to an approved alternate facility before the wastes create a public nuisance, health hazard, fire hazard, odors or vector habitat;

(xiv) All wastes generated from any waste management processes shall be characterized and managed in accordance with applicable department standards;

(xv) All wastewaters generated from cleaning solid waste management units and equipment shall be characterized and managed in accordance with applicable department standards;

(xvi) Facilities shall be operated so that they are not in violation of the Water Quality Standards;

(xvii) Facilities shall be operated so that they are not in violation of the Air Quality Standards;

(xviii) The following records shall be provided to the administrator prior to mobilization, on a form provided by the administrator. Copies of these records shall be maintained at the facility or an approved alternative location and available for inspection and copying as specified by Chapter 1, Section 1(g):

(A) The name, address and telephone number of the generator at each location at which the facility will operate;

(B) The location or street address of each location at which the facility will operate;

(C) Records demonstrating that each location at which the facility will operate meets the location standards specified in Section 3 of this chapter;

(D) Estimated dates of mobilization to and demobilization from each location at which the facility will operate;

(E) Records of the source, volume and characteristics of wastes which will be managed by the facility.

(xix) The following records shall be maintained at the facility or an approved alternative location and available for inspection and copying as specified by Chapter 1, Section 1(g):

(A) A copy of the approved permit application;

(B) A copy of the department permit letter;

(C) Records of training and examinations completed by the solid waste manager;

(D) Records of litter collection activities, including dates and areas of litter collection, if the facility manages wastes which are susceptible to blowing;

(E) Records of the volume, characteristics and destination (if known) of wastes removed from the facility;

(F) Records of any problems causing operations to cease, including but not limited to fire or equipment failure.

(xx) Any facility used for the management of a special

waste regulated under Chapter 8, Special Waste Management Standards, shall also comply with the applicable operating standards established under Chapter 8;

(xxi) Facilities shall not be operated in a single location for more than one (1) year, unless the administrator provides specific written authorization;

(xxii) At the completion of each mobile transfer, treatment and storage facility operation at a specific location, all waste management units and equipment shall be properly cleaned, decontaminated, dismantled and removed from the site.

Section 6. Monitoring Standards. All facilities required to institute monitoring shall meet the standards described in this section.

(a) Collection and management of samples : Groundwater, soil, and decomposition gas samples shall be collected and managed in accordance with department guidance or equivalent methods approved by the administrator.

(b) Groundwater :

(i) Well placement: All facilities required to install monitoring wells shall place them in accordance with the department's requirements. Following initial placement of the wells, the operator shall confirm that the wells are capable of measuring groundwater quality that is representative of conditions hydraulically upgradient and downgradient of the solid waste disposal facility;

(ii) Well design, construction/installation and abandonment: All wells shall be designed, constructed and installed in accordance with the Water Quality Division Chapter 11 requirements. All abandoned monitoring wells shall be plugged and sealed in accordance with the Water Quality Division Chapter 11 requirements;

(iii) Permits required: Prior to well installation, the monitoring well design, construction and location specifications shall be approved by the administrator. A construction permit under Chapter 3 of the Water Quality Division rules and regulations is not required. All monitoring wells shall be permitted by the Wyoming State Engineer's Office;

(iv) Analyses:

(A) Baseline monitoring: The initial samples acquired

in a monitoring program shall be analyzed for pH, Total Dissolved Solids (TDS), Chemical Oxygen Demand (COD), Total Organic Carbon (TOC), Ammonia as N, Nitrate as N, Bicarbonate, Carbonate, Chloride, Fluoride, Calcium, Magnesium, Potassium, Sodium, Sulfate, Copper, Iron, Manganese, Nickel, Zinc, Arsenic, Barium, Cadmium, Chromium, Cyanide, Lead, Mercury, Selenium, and Silver. Water temperature, specific conductance, pH, and static water level measurements shall also be taken in the field during each monitoring event. The length of this initial monitoring period shall not exceed one (1) year; samples acquired during this period shall be taken at least quarterly;

(B) Detection monitoring: Following the initial baseline monitoring period, the administrator may specify a reduced set of sampling parameters to be analyzed at least semi-annually. The reduced set of parameters shall include, at a minimum: Total Dissolved Solids (TDS), Chlorides, Ammonia (as N), Iron, Hardness, and Total Organic Carbon (TOC). Water temperature, specific conductance, pH, and static water level measurements shall also be taken in the field during each monitoring event;

(C) Assessment monitoring: Should groundwater monitoring data indicate that the facility is impacting groundwater quality, additional wells, a revised set of sampling parameters and revised sampling schedule may be required by the administrator to define the nature and extent of contamination;

(D) The administrator may specify alternative or additional water quality parameters for analyses, including organic chemical constituents, based on its review of the wastes likely to be disposed at any specific solid waste disposal facility.

(v) Corrective actions: Whenever there is a release of contamination which adversely impacts groundwater quality, the operator shall institute corrective actions approved by the administrator;

(vi) If designated by the administrator, operators of facilities which have three (3) or more groundwater wells designated for monitoring potential impacts from the facility may be required to submit groundwater monitoring data on magnetic media or electronically transmitted files in the computer spreadsheet format which is specified by the administrator. Alternatively, these operators may submit hard copies of these data in tabular format which is approved by the administrator in order to facilitate electronic scanning by the department.

(c) Air : Air monitoring, if required, shall be conducted in accord with Air Quality Division regulations.

(d) Soil core : Soil core monitoring, if required, shall be conducted in accord with a plan approved by the administrator.

(e) Vadose zone : Vadose zone monitoring, if required, shall be conducted in accord with a plan approved by the administrator.

(f) Interpretation and statistical analysis of monitoring data : On an annual basis the operator shall supply the administrator with copies of all required environmental monitoring data and an interpretation of the data. The administrator may require the operator to present monitoring data in a graphical format (charts and/or maps), in addition to tabular format. Any statistical analysis of monitoring data shall be done in accord with methods approved by the administrator.

#### Section 7. Closure Standards.

(a) Transfer, treatment and storage facilities : All transfer, treatment and storage facilities shall be closed in accordance with the standards described in this section, as well as the requirements of Chapter 1, Section 2(g).

(i) Closure activities as specified in the approved facility permit application, shall commence at a time no later than nine (9) months following the time the facility ceases to receive solid wastes. Closure shall be promptly completed within twelve (12) months following commencement of such closure activities unless the administrator approves an extended closure period for good cause;

(ii) If the facility is open to the public, the operator shall arrange for notice of closure to be published in an area newspaper as well as posted at all facility access points;

(iii) All remaining treated and untreated wastes shall be removed from the facility and transported to a permitted facility for treatment, storage, or disposal. No wastes shall be allowed to remain at the facility for a period longer than thirty (30) days after closure has commenced;

(iv) All solid waste management units and equipment shall be properly cleaned, decontaminated, dismantled and removed from the facility;

(v) Perimeter fences, gates and any other restrictions shall be maintained until the facility has been satisfactorily closed, as determined by the administrator;

(vi) Surface water structures shall be maintained until the facility has been satisfactorily closed, as determined by the administrator;

(vii) Environmental monitoring systems shall be maintained until the facility has been satisfactorily closed, as determined by the administrator, at which time they shall be properly abandoned;

(viii) Each facility shall be returned to the use specified in the permit, unless an alternative use is approved by the administrator.

(b) Low hazard and low volume transfer, treatment and storage facilities : All low hazard and low volume transfer, treatment and storage facilities, excluding mobile transfer, treatment and storage facilities, shall be closed in accordance with the standards described in this section, as well as the requirements of Chapter 1, Section 2(g);

(i) Closure activities as specified in the approved facility permit application, shall commence at a time no later than nine (9) months following the time the facility ceases to receive solid wastes. Closure shall be promptly completed within twelve (12) months following commencement of such closure activities unless the administrator approves an extended closure period for good cause;

(ii) All remaining treated and untreated wastes shall be removed from the facility transported to a permitted facility for treatment, storage, or disposal. No wastes shall be allowed to remain at the facility for a period longer than thirty (30) days after closure has commenced;

(iii) All solid waste management units and equipment shall be properly cleaned, decontaminated, dismantled and removed from the facility.

(c) Reserved.