

Pugh

9

93 LSO 0672

SENATE FILE 0199,

SENATE FILE 0199,

Title:

AN ACT to amend W.S. 35-11-103 by creating a new subsection (g), 35-11-109(a)(iv) and (vi), 35-11-501 and 35-11-601(a); to amend and renumber W.S. 35-11-503 as 35-11-504; and to create W.S. 35-11-503, 35-11-505 and 35-11-506 relating to the department of environmental quality; establishing a system for management of hazardous wastes; providing for limited variances for hazardous waste requirements; specifying permitting and bonding requirements; granting rulemaking authority; providing for a study of generators of hazardous waste; authorizing two additional positions for the department of environmental quality; providing for an appropriation; and providing for an effective date.

Introduced by:

Jack W. Pugh *David R. Pugh*
Deanna Pugh

DATE	ACTION	DATE	ACTION
1-31-83	Introduced		PASSED
	Read first time	4-15-83	OVER 18 NOES 13-ENCASED 0-ADSENT 0
	Referred to Com. H 10		SENT TO HOUSE
	Delivered to P in no. 10	2-15-83	ENGROSSED
	Returned from P in no. 10		Sent to House
	Delivered to Com. H 10		
2-10-83	STANDING COMM. REPORT	FEB 11 1983	READ FIRST TIME
	AMEND AND DO PASS		REFERRED TO COM. NO. 9
			DELIVERED TO COM. NO. 9
2-16-83	RE-REFER TO COM. NO. 2	FEB 11 1983	RETURNED
2-16-83	STANDING COMM. REPORT		RECOMMENDED DO NOT PASS <i>Says</i>
	AMEND AND DO PASS		
2-14-83	CONSIDERED ON COM. OF WHOLE		
	STANDING COM. AMOT ADOPTED SF199551-A		
	DO PASS		
2-14-83	READ SECOND TIME		
	AMENDED AS FOLLOWS SF199521-A		
	AMENDED AS FOLLOWS SF199522-A		
	AMENDED AS FOLLOWS SF199523-A		
2-15-83	READ THIRD TIME		
	AMENDED AS FOLLOWS SF199531-A		
	AMENDED AS FOLLOWS SF199532-A		
	AMENDED AS FOLLOWS SF199533-A		
	AMENDED AS FOLLOWS SF199534-A		
	AMENDED AS FOLLOWS SF199535-A		

CONTINUED ON BACK

52199 36 Date 2/15/83

Roll Call of the Senate

of the FORTY-SEVENTH LEGISLATURE

of Wyoming

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BOYLE			✓	
CUNDALL				✓
DIXON				✓
EDDINS				✓
FRISBY				✓
GEIS				✓
HICKEY			✓	
KINNISON			✓	
LARSON, R.				✓
MAJHANOVICH			✓	
MOORE				
NICHOLAS			✓	
NORRIS			✓	
PARKS-GADDIS				✓
PECK			✓	
PREVEDEL			✓	
PROFFIT			✓	
PUGH			✓	
RECTOR			✓	
SCOTT			✓	
SEDAR			✓	
STAFFORD				✓
STROOCK				✓
TAGGART				✓
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
ZIMMER				✓
MR. PRESIDENT				✓

PRESENT	AYES	18
	NOES	12
	EXCUSED	0
	ABSENT	0
	TOTAL	30

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, ..February 23....., 19..83..

Mr. Speaker:

Your Committee No.....9..... on MINES, MINERALS AND IND. DEVELOPMENT.....
 to whom was referred S.F. No. 0199 ENGROSSED.....
 respectfully reports same back to the House with the recommendation that it DO PASS (Motion failed)

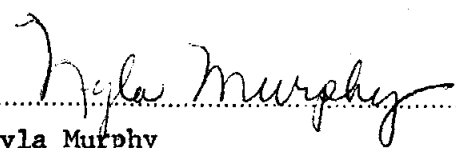
AYES

Arnold
 Blackwell
 Hendricks
 Strand
 Murphy

NOES

Barlow
 Getter
 Parker
 Urbigkit D.
 Weaver

EXCUSED


 Nyla Murphy

Chairman

1983

STATE OF WYOMING

83LSO-0678/eng

SENATE FILE NO. 0199

ENGROSSED

Hazardous waste program - 2.

Sponsored by: Senator(s) PUGH and NICHOLAS and
Representative(s) DOBOS

A BILL

for

1 AN ACT to amend W.S. 35-11-103 by creating a new subsec-
2 tion (g), 35-11-109(a)(iv) and (vi), 35-11-501 and
3 35-11-601(a); to amend and renumber W.S. 35-11-503 as
4 35-11-504; and to create W.S. 35-11-503, 35-11-505 and
5 35-11-506 relating to the department of environmental
6 quality; establishing a system for management of hazardous
7 wastes; providing for limited variances for hazardous
8 waste requirements; specifying permitting and bonding
9 requirements; granting rulemaking authority; providing for
10 a study of generators of hazardous waste; authorizing two
11 additional positions for the department of environmental

1 quality; providing for an appropriation; and providing for
2 an effective date.

3 Be It Enacted by the Legislature of the State of Wyoming:

4 Section 1. W.S. 35-11-103 by creating a new subsec-
5 tion (g), 35-11-109(a)(iv) and (vi), 35-11-501 and
6 35-11-601(a) are amended to read:

7 35-11-103. Definitions.

8 (g) SPECIFIC DEFINITIONS APPLYING TO HAZARDOUS WASTE
9 MANAGEMENT:

10 (i) "HAZARDOUS WASTE" MEANS ANY LIQUID, SOLID,
11 SEMISOLID OR CONTAINED GASEOUS WASTE OR COMBINATION OF
12 THOSE WASTES WHICH BECAUSE OF QUANTITY, CONCENTRATION OR
13 PHYSICAL, CHEMICAL OR INFECTIOUS CHARACTERISTICS MAY CAUSE
14 OR SIGNIFICANTLY CONTRIBUTE TO DETRIMENTAL HUMAN HEALTH
15 EFFECTS, OR POSE A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD
16 TO HUMAN HEALTH OR THE ENVIRONMENT. IT DOES NOT INCLUDE
17 MINING OVERBURDEN, REJECT MINERAL OR MILL TAILINGS WHICH
18 HAVE PASSED THROUGH A PROCESSING PLANT PRIOR TO BEING
19 DEPOSITED ON AFFECTED LAND NOR DOES IT INCLUDE ANY MATE-
20 RIALS OR FLUIDS USED OR PRODUCED IN ANY EXPLORATION OR
21 PRODUCTION OPERATIONS SUPERVISED BY THE OIL AND GAS
22 CONSERVATION COMMISSION, OR MATERIALS OR FLUIDS PRODUCED

1 IN MINING OPERATIONS SUPERVISED BY THE LAND, AIR OR WATER
2 QUALITY DIVISIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUAL-
3 ITY. CRITERIA SETTING FORTH THRESHOLD CHARACTERISTICS
4 WHICH CAUSE A WASTE TO BE CLASSIFIED OR LISTED AS A
5 HAZARDOUS WASTE SHALL BE ESTABLISHED BY RULES AND REGULA-
6 TIONS PROMULGATED BY THE COUNCIL. THE TERM "HAZARDOUS
7 WASTE" DOES NOT INCLUDE THOSE MATERIALS EXEMPTED UNDER THE
8 RESOURCE CONSERVATION AND RECOVERY ACT, P.L. 94-580, OR
9 UNDER HAZARDOUS WASTE MANAGEMENT REGULATIONS OF THE UNITED
10 STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE PERIOD
11 EXEMPTED BY CONGRESSIONAL OR ADMINISTRATIVE ACTION.

12 35-11-109. Powers and duties of director.

13 (a) In addition to any other powers and duties
14 imposed by law, the director of the department shall:

15 (iv) (A) Conduct, encourage, request and par-
16 ticipate in, studies, surveys, investigations, research,
17 experiments, training and demonstrations by contract,
18 grant or otherwise;

19 (B) Prepare and require permittees OR
20 OTHER PERSONS SUBJECT TO THE PROVISIONS OF THIS CHAPTER to
21 prepare reports and install, use and maintain any
22 monitoring equipment or methods reasonably necessary for

1 compliance with the provisions of this act; and

2 (C) Collect information and disseminate
3 to the public such information as is deemed reasonable and
4 necessary for the proper enforcement of this ~~act~~, CHAPTER.

5 (vi) Designate authorized officers, employees
6 or representatives of the department to enter and inspect
7 any property, premise or place, except private residences,
8 on or at which an air, water or land pollution source is
9 located or is being constructed or installed, or any prem-
10 ises in which any records required to be maintained by a
11 surface coal mining permittee are located, - OR PREMISES
12 IN WHICH HAZARDOUS WASTES ARE GENERATED, STORED, TREATED,
13 DISPOSED OF OR TRANSPORTED. Persons so designated may
14 inspect and copy any records during normal office hours,
15 and inspect any monitoring equipment or method of oper-
16 ation required to be maintained pursuant to this act at
17 any reasonable time upon presentation of appropriate
18 credentials, and without delay, for the purpose of
19 investigating actual or potential sources of air, water or
20 land pollution and for determining compliance or noncom-
21 pliance with this act, and any rules, regulations, stan-
22 dards, permits or orders promulgated hereunder. For sur-
23 face coal mining operations, right of entry to or inspec-

1 tion of any operation, premises, records or equipment
2 shall not require advance notice. The owner, occupant or
3 operator shall receive a duplicate copy of all PRELIMINARY
4 reports made as a result of such inspections AND A COM-
5 PLETE REPORT OF THE INSPECTIONS within thirty (30) days.
6 The department shall reimburse any operator for the
7 reasonable costs incurred in producing copies of the
8 records requested by the department under this section;

9 ARTICLE 5

10 SOLID AND HAZARDOUS WASTE MANAGEMENT

11 35-11-501. Other powers and duties of director. In
12 addition to the other powers and duties enumerated in this
13 act, the director of the department shall coordinate the
14 activities of all state agencies concerned with solid AND
15 HAZARDOUS waste management and disposal. In this capacity
16 the director shall advise and consult with any person or
17 municipality with respect to provisions of technical
18 assistance in solid AND HAZARDOUS waste management tech-
19 nology, including collection, storage and disposal.

20 35-11-601. Applications; authority to grant; hear-
21 ing; limitations; renewals; judicial review; emergencies;
22 variances.

1 (a) Any person who owns or is in control of any real
2 or personal property, any plant, building, structure,
3 process or equipment may apply to the administrator of the
4 appropriate division for a variance from any rule, regula-
5 tion, standard or permit promulgated under this act. NO
6 VARIANCE MAY BE GRANTED FROM ANY HAZARDOUS WASTE MANAGE-
7 MENT RULE, REGULATION, STANDARD OR PERMIT WHICH WOULD
8 RESULT IN REQUIREMENTS FOR HAZARDOUS WASTE MANAGEMENT LESS
9 STRINGENT THAN FEDERAL REQUIREMENTS. A variance may be
10 granted upon notice and hearing. The administrator shall
11 give public notice of the request for a variance in the
12 county in which such real or personal property, plant,
13 building, structure, process or equipment is in existence
14 for which the variance is sought. The notice shall desig-
15 nate who has applied for the variance and the nature of
16 the variance requested and the time and place of hearing
17 and shall be published in a newspaper of general circu-
18 lation in said county once a week for four (4) consecutive
19 weeks prior to the date of the hearing. The cost of
20 publication shall be paid by the person applying for the
21 variance. The administrator of the division shall promptly
22 investigate the request, consider the views of the persons
23 who may be affected by the grant of the variance, and all
24 facts bearing on the request, and make a decision with the

1 approval of the director within sixty (60) days from the
2 date the hearing for a variance is held.

3 Section 2. W.S. 35-11-503 is amended and renumbered
4 as 35-11-504 to read:

5 ~~35-11-503~~35-11-504. Council authorized to promul-
6 gate rules and regulations for operation of solid waste
7 disposal sites; and for management of hazardous waste.

8 (a) The director, after consultation with the land
9 advisory board, is authorized to ~~promulgate~~ RECOMMEND TO
10 THE COUNCIL THE PROMULGATION OF rules and regulations for
11 the operation of solid waste disposal sites. The director
12 is also authorized to promulgate guidelines, recommend
13 procedures and other technical information relevant to the
14 collection, storage, and management of solid wastes.

15 (b) THE DIRECTOR, AFTER CONSULTATION WITH THE LAND
16 ADVISORY BOARD, IS AUTHORIZED TO RECOMMEND TO THE COUNCIL
17 THE PROMULGATION OF RULES AND REGULATIONS FOR THE MANAGE-
18 MENT OF HAZARDOUS WASTES. THE REGULATIONS SHALL TO THE
19 MAXIMUM EXTENT PRACTICABLE, CONSIDER THE DEGREE AND DURA-
20 TION OF RISK POSED BY EACH WASTE TYPE OR CATEGORY OF WASTE
21 BEING REGULATED, CONSIDER ANY UNIQUE GEOLOGIC, HYDROLOGIC,
22 DEMOGRAPHIC OR OTHER FEATURES OF THE STATE, AND SHALL PRO-

1 VIDE FOR THE USE OF BEST ENGINEERING AND BIOLOGICAL
2 JUDGMENT IN DETERMINING PERMIT STANDARDS AND OTHER APPLI-
3 CABLE REQUIREMENTS. THE REGULATIONS SHALL INCLUDE, BUT
4 NOT BE LIMITED TO, PROVISIONS:

5 (i) ESTABLISHING PERFORMANCE STANDARDS AND
6 PROCEDURES FOR THE IDENTIFICATION, TREATMENT, STORAGE,
7 TRANSPORTATION AND DISPOSAL OF HAZARDOUS WASTES AND
8 POST-CLOSURE CARE;

9 (ii) GOVERNING LOCATION, DESIGN, CONSTRUCTION,
10 OPERATION, MAINTENANCE AND CLOSURE OF ALL HAZARDOUS WASTE
11 TREATMENT, STORAGE OR DISPOSAL FACILITIES, INCLUDING BUT
12 NOT LIMITED TO CONTINGENCY PLANS TO MINIMIZE UNANTICIPATED
13 DAMAGE TO PUBLIC HEALTH OR THE ENVIRONMENT FROM THOSE
14 FACILITIES, QUALIFICATIONS AS TO OWNERSHIP, PERSONNEL
15 TRAINING AND CONTINUITY OF OPERATION AND FINANCIAL
16 RESPONSIBILITY; AND

17 (iii) PROVIDING FOR A PERMIT PROGRAM TO ASSURE
18 COMPLIANCE WITH THE LAWS AND REGULATIONS GOVERNING HAZARD-
19 OUS WASTE STORAGE, TREATMENT AND DISPOSAL.

20 (c) ANY REGULATION PROMULGATED UNDER SUBSECTION (b)
21 OF THIS SECTION SHALL BE NO MORE STRINGENT THAN ITS COR-
22 RESPONDING UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1 REGULATION, UNLESS THE COUNCIL FINDS THAT THE REGULATION
2 GOVERNS HAZARDOUS WASTES AT COMMERCIAL OR MUNICIPAL
3 HAZARDOUS WASTE SITES.

4 Section 3. W.S. 35-11-503, 35-11-505 and 35-11-506
5 are created to read:

6 35-11-503. Hazardous waste management requirements.

7 (a) Except as provided in subsections (c) and (d) of
8 this section, no person may treat, store or dispose of any
9 hazardous wastes unless authorized by a valid permit
10 issued under this section.

11 (b) Any person who owns or operates a facility
12 required to have a permit under this section, which facil-
13 ity was in existence on November 19, 1980, who has filed
14 an application for a permit within the time provided by
15 federal law, containing the information required by fed-
16 eral regulations, and who complies with those regulations
17 shall be treated as having been issued the permit until
18 such time as final administrative disposition of the
19 application is made.

20 (c) Any permit issued pursuant to the federal
21 hazardous waste program shall be valid.

1 (d) No permit shall be required for treatment, stor-
2 age or disposal of hazardous waste in quantities of less
3 than one hundred (100) kilograms per month. The depart-
4 ment may require persons to cease and desist from partic-
5 ular treatment, storage or disposal practices involving
6 quantities of less than one hundred (100) kilograms per
7 month if the department demonstrates that the practice
8 constitutes a clear and present danger to public health.

9 35-11-505. Bonding for hazardous waste facilities.

10 (a) The purpose of any bond, trust or other evidence
11 of financial responsibility required to be filed with the
12 director by generators of hazardous waste or operators of
13 hazardous waste treatment, storage or disposal facilities
14 shall be to assure:

15 (i) Compliance with this article and regula-
16 tions consistent with the degree and duration of risks
17 associated with the treatment, storage or disposal of
18 specified hazardous wastes;

19 (ii) During the operation of the facility, the
20 owner or operator has and maintains proof of financial
21 responsibility for claims arising out of injury to persons
22 or property from sudden, accidental, gradual or

1 steady-state releases or escapes of hazardous wastes into
2 the environment;

3 (iii) Upon facility closure, there are suffi-
4 cient funds available to provide for closing the facility
5 in a manner which renders the facility nonhazardous or
6 which otherwise assures the protection of the public
7 health and environment; and

8 (iv) Following facility closure, there are
9 sufficient funds available to monitor and maintain the
10 facility for any period of time determined to be necessary
11 to protect the public health and environment.

12 (b) All bonds shall be signed by the owner or oper-
13 ator as principal, by a good and sufficient corporate
14 surety licensed to do business in the state, and be made
15 payable to the state of Wyoming. Trust accounts, if pro-
16 vided for by regulations of the council, shall be estab-
17 lished by the facility owner or operator in a licensed
18 financial institution in the state and shall require the
19 concurrence of the director for withdrawal of funds.

20 (c) The requirements of W.S. 35-11-420 and 35-11-421
21 apply to bonds filed under this section. If the forfeited
22 bond or the proceeds from any trust or other assurance of

1 financial responsibility is inadequate to cover the costs
2 for which it was intended, the attorney general shall
3 bring suit to recover the costs if recovery is deemed pos-
4 sible. The director shall reclaim or otherwise render
5 nonhazardous any affected hazardous waste treatment, stor-
6 age or disposal facility with respect to which a perfor-
7 mance bond has been forfeited.

8 (d) Any bond, trust or other evidence of financial
9 responsibility filed under this section may be released
10 only after ninety (90) days written notice to the director
11 and upon receipt of the director's written consent, which
12 may be granted only when the requirements of financial
13 assurance have been fulfilled.

14 35-11-506. Permit revocation. If the director deter-
15 mines that a facility holding a permit under W.S.
16 35-11-503 is not in compliance with the requirements of
17 this article or rules and regulations promulgated under
18 it, he shall provide the facility owner or operator with a
19 written notice of the intent to revoke the permit, includ-
20 ing the reasons for permit revocation, or take such other
21 action as he deems appropriate and necessary. The revoca-
22 tion shall be effective twenty (20) days from the date of
23 receipt of the written notice, unless within that time the

1 facility owner or operator requests a hearing before the
2 council.

3 Section 4. The director of the department of envi-
4 ronmental quality shall conduct a study of hazardous waste
5 generated in quantities less than one thousand (1,000)
6 kilograms per month. The study shall include a detailed
7 characterization of the number and type of the generators,
8 the quantity and characteristics of hazardous waste gener-
9 ated, the waste management practices and the threat to the
10 public health and the environment posed by the hazardous
11 wastes or management practices. The director may require
12 reports from such generators to provide the information
13 required for this study. Results of the study shall be
14 provided to the legislature by January 8, 1985. This
15 section does not apply to any generator with respect to
16 waste or used oil or solvent if such waste or used oil or
17 solvent is recycled or recovered.

18 Section 5. There are authorized two (2) additional
19 full-time positions within the department of environmental
20 quality. There is appropriated from the general fund to
21 the department of environmental quality fifty thousand
22 dollars (\$50,000.00) or as much thereof as necessary to
23 carry out the purposes of this act. The department is

1 authorized to receive and expend all federal funds avail-
2 able for the state hazardous waste program.

3 Section 6. This act is effective upon authorization
4 of the state hazardous waste program by the United States
5 Environmental Protection Agency under Section 3006(b) of
6 the Resource Conservation and Recovery Act of 1976, as
7 amended, P.L. 94-580 except that Sections 4 and 5 are
8 effective May 27, 1983.

9 (END)

House of Intro
 To Com No. _____
 Stand Report Do ☐ Amd ☐ Not ☐
 Com Whole Do ☐ Amd ☐ Not ☐
 2nd Reading Amd ☐
 3rd Reading Amd ☐ Pass ☐ Fail ☐

Second House
 To Com No. _____
 Stand Report Do ☐ Amd ☐ Not ☐
 Com Whole Do ☐ Amd ☐ Not ☐
 2nd Reading Amd ☐
 3rd Reading Amd ☐ Pass ☐ Fail ☐

INTRODUCED

1983

STATE OF WYOMING

83LSO-0678.01

SENATE FILE NO. 0199

Hazardous waste program - 2.

Sponsored by:

Senator(s) PUGH and NICHOLAS and
 Representative(s) DOBOS

A BILL

for

1 AN ACT to amend W.S. 35-11-103 by creating a new subsec-
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7 (g) SPECIFIC DEFINITIONS APPLYING TO HAZARDOUS WASTE
8 MANAGEMENT:

9 (i) "HAZARDOUS WASTE" MEANS ANY LIQUID, SOLID,
10 SEMISOLID OR CONTAINED GASEOUS WASTE OR COMBINATION OF
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19 ACTERISTICS WHICH CAUSE A WASTE TO BE CLASSIFIED OR LISTED
20 AS A HAZARDOUS WASTE SHALL BE ESTABLISHED BY RULES AND
21 REGULATIONS PROMULGATED BY THE COUNCIL.

1 35-11-109. Powers and duties of director.

2 (a) In addition to any other powers and duties
3 imposed by law, the director of the department shall:

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5 ticipate in, studies, surveys, investigations, research,
6 experiments, training and demonstrations by contract,
7 grant or otherwise;

8 (B) Prepare and require permittees OR
9 OTHER PERSONS SUBJECT TO THE PROVISIONS OF THIS CHAPTER to
10 prepare reports and install, use and maintain any
11 monitoring equipment or methods reasonably necessary for
12 compliance with the provisions of this act; and

13 (C) Collect information and disseminate
14 to the public such information as is deemed reasonable and
15 necessary for the proper enforcement of this ~~act~~, CHAPTER.

16 (vi) Designate authorized officers, employees
17 or representatives of the department to enter and inspect
18 any property, premise or place, except private residences,
19 on or at which an air, water or land pollution source is
20 located or is being constructed or installed, or any prem-
21 ises in which any records required to be maintained by a
22 surface coal mining permittee are located, ~~+~~ OR PREMISES

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4 and inspect any monitoring equipment or method of oper-
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7 credentials, and without delay, for the purpose of
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15 operator shall receive a duplicate copy of all reports
16 made as a result of such inspections within thirty (30)
17 days. The department shall reimburse any operator for the
18 reasonable costs incurred in producing copies of the
19 records requested by the department under this section;

20

ARTICLE 5

21

SOLID AND HAZARDOUS WASTE MANAGEMENT

22

35-11-501. Other powers and duties of director. In

1 addition to the other powers and duties enumerated in this
2 act, the director of the department shall coordinate the
3 activities of all state agencies concerned with solid AND
4 HAZARDOUS waste management and disposal. In this capacity
5 the director shall advise and consult with any person or
6 municipality with respect to provisions of technical
7 assistance in solid AND HAZARDOUS waste management tech-
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11 variances.

12 (a) Any person who owns or is in control of any real
13 or personal property, any plant, building, structure,
14 process or equipment may apply to the administrator of the
15 appropriate division for a variance from any rule, regula-
16 tion, standard or permit promulgated under this act EXCEPT
17 THOSE REGARDING HAZARDOUS WASTES. A variance may be
18 granted upon notice and hearing. The administrator shall
19 give public notice of the request for a variance in the
20 county in which such real or personal property, plant,
21 building, structure, process or equipment is in existence
22 for which the variance is sought. The notice shall desig-
23 nate who has applied for the variance and the nature of

1 the variance requested and the time and place of hearing
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3 lation in said county once a week for four (4) consecutive
4 weeks prior to the date of the hearing. The cost of
5 publication shall be paid by the person applying for the
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8 who may be affected by the grant of the variance, and all
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17 (a) The director, after consultation with the land
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22 procedures and other technical information relevant to the
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6 TION OF RISK POSED BY EACH WASTE TYPE OR CATEGORY OF WASTE
7 BEING REGULATED, CONSIDER ANY UNIQUE GEOLOGIC, HYDROLOGIC,
8 DEMOGRAPHIC OR OTHER FEATURES OF THE STATE, AND SHALL PRO-
9 VIDE FOR THE USE OF BEST ENGINEERING JUDGMENT IN
10 DETERMINING PERMIT STANDARDS AND OTHER APPLICABLE REQUIRE-
11 MENTS. THE REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED
12 TO, PROVISIONS:

13 **(i)** ESTABLISHING PERFORMANCE STANDARDS AND
14 PROCEDURES FOR THE GENERATION, IDENTIFICATION, TREATMENT,
15 STORAGE, TRANSPORTATION AND DISPOSAL OF HAZARDOUS WASTES
16 AND POST-CLOSURE CARE;

17 **(ii)** GOVERNING LOCATION, DESIGN, CONSTRUCTION,
18 OPERATION, MAINTENANCE AND CLOSURE OF ALL HAZARDOUS WASTE
19 TREATMENT, STORAGE OR DISPOSAL FACILITIES, INCLUDING BUT
20 NOT LIMITED TO CONTINGENCY PLANS TO MINIMIZE UNANTICIPATED
21 DAMAGE TO PUBLIC HEALTH OR THE ENVIRONMENT FROM THOSE
22 FACILITIES, QUALIFICATIONS AS TO OWNERSHIP, PERSONNEL
23 TRAINING AND CONTINUITY OF OPERATION AND FINANCIAL

1 RESPONSIBILITY; AND

2 (iii) PROVIDING FOR A PERMIT PROGRAM TO ASSURE
3 COMPLIANCE WITH THE LAWS AND REGULATIONS GOVERNING HAZARD-
4 OUS WASTE STORAGE, TREATMENT, DISPOSAL OR OTHER MANAGEMENT
5 PRACTICES.

6 (c) ANY REGULATION PROMULGATED UNDER SUBSECTION (b)
7 OF THIS SECTION SHALL BE NO MORE STRINGENT THAN ITS COR-
8 RESPONDING UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 REGULATION, UNLESS THE COUNCIL FINDS THAT:

10 (i) THE REGULATION OF THE ENVIRONMENTAL PRO-
11 TECTION AGENCY IS INADEQUATE TO PROTECT THE PUBLIC HEALTH
12 OR SAFETY, OR THE ENVIRONMENT OF THE STATE;

13 (ii) THE REGULATION ADDRESSES AREA-SPECIFIC
14 FEATURES OR NEEDS OF THE STATE WHICH DO NOT EXIST NATION-
15 WIDE, AND THE REGULATION DOES NOT POSE AN UNREASONABLE,
16 INCREMENTAL BURDEN ABOVE THAT IMPOSED BY THE ENVIRONMENTAL
17 PROTECTION AGENCY ON THE REGULATED PERSON; OR

18 (iii) THE REGULATION GOVERNS HAZARDOUS WASTES
19 AT COMMERCIAL OR MUNICIPAL HAZARDOUS WASTE SITES.

20 Section 3. W.S. 35-11-503, 35-11-505 and 35-11-506
21 are created to read:

1 35-11-503. Hazardous waste management requirements.

2 (a) Except as provided in subsection (c) of this
3 section, no person may treat, store or dispose of any
4 hazardous wastes unless authorized by a valid permit
5 issued under this section.

6 (b) Any person who owns or operates a facility
7 required to have a permit under this section, which facil-
8 ity was in existence on November 19, 1980, who has filed
9 an application for a permit within the time, containing
10 the information required by the regulations, and who com-
11 plies with those regulations shall be treated as having
12 been issued the permit until such time as final adminis-
13 trative disposition of the application is made.

14 (c) Any permit issued pursuant to the federal
15 hazardous waste program shall be valid but reviewable
16 under this section. The director shall review such
17 permits to determine that the requirements of W.S.
18 35-11-501 through 35-11-506 are not violated. If the
19 director determines any permit to have been granted con-
20 trary to the requirements of W.S. 35-11-501 through
21 35-11-506, he shall so advise the permittee and provide
22 him:

1 (i) An opportunity for hearing;

2 (ii) A reasonable opportunity to submit a new
3 application; and

4 (iii) Reasonable time to conform ongoing oper-
5 ations to the requirements of W.S. 35-11-501 through
6 35-11-506.

7 35-11-505. Bonding for hazardous waste facilities.

8 (a) The purpose of any bond, trust or other evidence
9 of financial responsibility required to be filed with the
10 director by generators of hazardous waste or operators of
11 hazardous waste treatment, storage or disposal facilities
12 shall be to assure:

13 (i) Compliance with this article and regula-
14 tions consistent with the degree and duration of risks
15 associated with the treatment, storage or disposal of
16 specified hazardous wastes;

17 (ii) During the operation of the facility, the
18 owner or operator has and maintains proof of financial
19 responsibility for claims arising out of injury to persons
20 or property from sudden, accidental, gradual or
21 steady-state releases or escapes of hazardous wastes into

1 the environment;

2 (iii) Upon facility closure, there are suffi-
3 cient funds available to provide for closing the facility
4 in a manner which renders the facility nonhazardous or
5 which otherwise assures the protection of the public
6 health and environment; and

7 (iv) Following facility closure, there are
8 sufficient funds available to monitor and maintain the
9 facility for any period of time determined to be necessary
10 to protect the public health and environment.

11 (b) All bonds shall be signed by the owner or oper-
12 ator as principal, by a good and sufficient corporate
13 surety licensed to do business in the state, and be made
14 payable to the state of Wyoming. Trust accounts, if pro-
15 vided for by regulations of the council, shall be estab-
16 lished by the facility owner or operator in a licensed
17 financial institution in the state and shall require the
18 concurrence of the director for withdrawal of funds.

19 (c) The requirements of W.S. 35-11-420 and 35-11-421
20 apply to bonds filed under this section. If the forfeited
21 bond or the proceeds from any trust or other assurance of
22 financial responsibility is inadequate to cover the costs

1 for which it was intended, the attorney general shall
2 bring suit to recover the costs if recovery is deemed pos-
3 sible. The director shall reclaim or otherwise render
4 nonhazardous any affected hazardous waste treatment, stor-
5 age or disposal facility with respect to which a
6 performance bond has been forfeited.

7 (d) Any bond, trust or other evidence of financial
8 responsibility filed under this section may be released
9 only after ninety (90) days written notice to the director
10 and upon receipt of the director's written consent, which
11 may be granted only when the requirements of financial
12 assurance have been fulfilled.

13 35-11-506. Permit revocation. If the director deter-
14 mines that a facility holding a permit under W.S.
15 35-11-503 is not in compliance with the requirements of
16 this article or rules and regulations promulgated under
17 it, he shall provide the facility owner or operator with a
18 written notice of the intent to revoke the permit, includ-
19 ing the reasons for permit revocation, or take such other
20 action as he deems appropriate and necessary. The revoca-
21 tion shall be effective twenty (20) days from the date of
22 receipt of the written notice, unless within that time the
23 facility owner or operator requests a hearing before the

1 council.

2 Section 4. The director of the department of envi-
3 ronmental quality shall conduct a study of hazardous waste
4 generated in quantities less than one thousand (1,000)
5 kilograms per month. The study shall include a detailed
6 characterization of the number and type of the generators,
7 the quantity and characteristics of hazardous waste gener-
8 ated, the waste management practices and the threat to the
9 public health and the environment posed by the hazardous
10 wastes or management practices. The director may require
11 reports from such generators to provide the information
12 required for this study. This section does not apply to
13 any generator with respect to waste or used oil or solvent
14 if such waste or used oil or solvent is recycled or re-
15 covered.

16 Section 5. There is authorized two (2) additional
17 full-time positions within the department of environmental
18 quality. There is appropriated from the general fund to
19 the department of environmental quality fifty thousand
20 dollars (\$50,000.00) or as much thereof as necessary to
21 carry out the purposes of this act. The department is
22 authorized to receive and expend all federal funds avail-
23 able for the state hazardous waste program.

1 Section 6. This act is effective upon authorization
2 of the state hazardous waste program by the United States
3 Environmental Protection Agency under Section 3006(b) of
4 the Resource Conservation and Recovery Act of 1976, as
5 amended, P.L. 94-580 except that Section 4 is effective
6 May 27, 1983.

7 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

1. The bill carries a \$50,000 General Fund appropriation.
2. The bill authorizes two additional full-time positions.

S.F. 199

SF0199SS1/A ✓

- ✓ Page 2-line 18 After "FORTH" insert "THRESHOLD".
✓ Page 2-line 21 After "." insert:

MATERIALS

THE TERM "HAZARDOUS WASTE" DOES NOT INCLUDE THOSE HAZARDOUS WASTES EXEMPTED UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT, P.L. 94-580, OR UNDER HAZARDOUS WASTE MANAGEMENT REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE PERIOD EXEMPTED BY CONGRESSIONAL OR ADMINISTRATIVE ACTION.

amended by 523/A

- ✓ Page 4-line 15 After "all" insert "PRELIMINARY".
✓ Page 7-line 9 After "ENGINEERING" insert "AND BIOLOGICAL".
✓ Page 7-line 14 Delete "GENERATION,".
✓ Page 8-line 9 Delete ":".
✓ Page 8-lines 10 through 17 Delete entirely.
✓ Page 8-line 18 Delete "(iii)". -STAFFORD

SF0199S21/A ✓

- ✓ Page 2-line 18 After "LAND" insert "NOR DOES IT INCLUDE ANY MATERIALS OR FLUIDS USED OR PRODUCED IN ANY EXPLORATION OR PRODUCTION OPERATIONS SUPERVISED BY THE OIL AND GAS CONSERVATION COMMISSION". -STROOCK

SF0199S22/A ✓

- ✓ Page 13-line 12 After "." insert "Results of the study shall be provided to the legislature by January 8, 1985."
✓ Page 13-line 16 Delete "is" and insert "are".
✓ Page 14-line 5 Delete "Section" and insert "Sections"; delete "is" and insert "and 5 are".
-NICHOLAS

SF0199S23/A ✓

- ✓ Page 2-line 21 In the Standing Committee Amendment (SF0199SS1/A) to this line in the first line after "THOSE" delete "HAZARDOUS"; in the second line delete "WASTES" and insert "MATERIALS".
✓ Page 4-line 16 After "inspections" insert "AND A COMPLETE REPORT OF THE INSPECTIONS".
✓ Page 8-line 4 Delete "OR OTHER MANAGEMENT".
✓ Page 8-line 5 Delete "PRACTICES" and insert ", RECYCLING OR REUSE". -PUGH

deleted by 535/A

1

SF0199S31/A ✓

✓ Page 9-line 2 Delete "subsection" and insert "subsections"; after "(c)" insert "and (d)".

✓ Page 10-After line 6 insert:

(d) No permit shall be required for treatment, storage or disposal of hazardous waste in quantities of less than one hundred (100) kilograms per month. The department may require persons to cease and desist from particular treatment, storage or disposal practices involving quantities of less than one hundred (100) kilograms per month if the department demonstrates that the practice constitutes a clear and present danger to public health.

-SCOTT

SF0199S32/A ✓

✓ Page 1-line 7 After "wastes;" insert "providing for limited variances for hazardous waste requirements;".

✓ Page 5-line 16 Delete "EXCEPT".

✓ Page 5-line 17 Delete "THOSE REGARDING HAZARDOUS WASTES"; after "." insert:

NO VARIANCE MAY BE GRANTED FROM ANY HAZARDOUS WASTE MANAGEMENT RULE, REGULATION, STANDARD OR PERMIT WHICH WOULD RESULT IN REQUIREMENTS FOR HAZARDOUS WASTE MANAGEMENT LESS STRINGENT THAN FEDERAL REQUIREMENTS.

✓ Page 9-line 9 After "time" insert "provided by federal law".

✓ Page 9-line 10 Delete the second "the" and insert "federal". -NICHOLAS

SF0199S33/A ✓

✓ Page 2-line 18 In the Stroock Second Reading Amendment (SF0199S21/A) to this line, after "COMMISSION" insert:

✓ OR MATERIALS OR FLUIDS PRODUCED IN MINING OPERATIONS SUPERVISED BY THE LAND, AIR OR WATER QUALITY DIVISIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

-PUGH

SF0199S34/A ✓

✓ Page 9-line 15 After "valid" insert "."; delete "but reviewable".

(2)

✓ Page 9-lines 16 through 22 Delete entirely.

✓ Page 10 lines 1 through 6 Delete entirely. -NICHOLAS

SF0199S35/A ✓

✓ Page 8-line 4 After "TREATMENT" delete "," and insert "AND".

✓ Page 8-line 5 / Delete the Pugh Second Reading Amendment (SF0199S23/A) to this line. Further amend as follows: delete "PRACTICES". -NICHOLAS