



WYOMING DEPARTMENT OF
ENVIRONMENTAL
QUALITY

WSWRA



WYOMING

Solid Waste Updates
August 24th 2016

Solid Waste Rule Changes

- ◆ Revising:
 - Chapter 1, General Provisions
 - Chapter 2, Municipal Solid Waste Landfill Regulations
- ◆ Eliminating:
 - Chapter 9, Suspension of Permits for New Commercial Solid Waste Management Facilities
 - Chapter 15, Solid Waste Management Rules and Regulations (1975)

Solid Waste Rule Changes

Why?

- ◆ Governor's directive to:
 - Reduce number and length of rules
 - Eliminate obsolete, unnecessary and duplicative rules
 - Clear the clutter
- ◆ Updates needed to rules that date back to the early 1990s

Solid Waste Rule Changes

- ◆ Informal Outreach July 22 – October 15, 2015
- ◆ January 22, 2016 WWAB recommended changes
- ◆ July 20, 2016 WWAB recommended taking revised rule to the EQC
- ◆ Expect Final Rule to the EQC November 17, 2016

Chapter 1 Changes

- ◆ Unnecessary and outdated text removed
- ◆ Removed terms defined in statute or not needed
- ◆ Added definitions experience says we need
- ◆ Numbered definitions so they are easier to find

Chapter 1 Changes

- ◆ Expanded acreage limits for LH/LV transfer stations (from 5 to 10 acres) and exempt MSW and recycling transfer stations (from 1 to 5 acres)
- ◆ Differentiated between CRTs and other e-waste to improve recycling
- ◆ Simplified and streamlined the permit amendment process, reducing the number of items considered major amendments

Chapter 1 Changes

- ◆ Removed MSWLF classifications (Type I and II) to regulate all consistently
- ◆ Clarified the variance process
- ◆ Defined and clarified the process for terminating operating and closure permits

Chapter 2 Changes

- ◆ Reorganized – consolidated similar information to a single section
- ◆ Revised location standards to match W.S. 35-11-502(c) for facilities and 40 CFR part 258 for disposal units

Chapter 2 Changes

- ◆ Eliminated differing regulations for Type I and II landfills
- ◆ Increased methane limit at the facility boundary from 25% to 100% of the LEL
- ◆ Removed the requirement for leak detection in units greater than 1,000,000 cy and leak detection will no longer be mandatory

Chapter 2 Changes

- ◆ Consolidated closure standards and closure application contents (to define what “pertinent materials” means)
- ◆ Reduced the thickness of the final cover barrier layer from 2 feet to 18 inches (consistent with 40 CFR 258.60)
- ◆ Notification and documentation of unit closure submitted after each unit closes

Chapter 2 Changes

- ◆ Moved former Type II landfill monitoring constituents (“indicator parameters”) to Appendix C and shortened the list from 29 to 17 constituents
- ◆ All landfills will monitor for the same Appendix A and C constituents

Chapter 2 Changes

- ◆ Separate procedures when an Appendix A or Appendix C “indicator parameter” exceeds background in a downgradient well
 - Appendix A above background WILL continue to trigger assessment monitoring with Appendix B analysis
 - Appendix C above background will NO LONGER trigger assessment monitoring with Appendix B analysis

Chapter 2 Changes

◆ Appendix C monitoring

■ Reduced list to:

- 9 constituents that have class of use based limits or MCLs
 - ◆ Increase over background will only trigger groundwater classification and a comparison to the class of use limit or MCL (no Appendix B sampling)
- 8 cations/anions
 - ◆ Nothing triggered by an increase over background
 - ◆ Used to classify natural water quality and identify natural variability

Landfill Gas

- ◆ EPA lowered threshold from 50 to 34 metric tons of non-methane organic compounds
 - Install and operate a gas collection control system sooner

- ◆ Same volume limits and same landfills already affected by the current rule
 - 2.5 million metric tons and 2.5 million cubic meters of waste or more

Other

- ◆ Considering updates to Guidelines
- ◆ Considering changes to other chapters of the SWRR
- ◆ No decision yet on rulemaking for Coal Combustion Residuals (CCR)

Landfill Remediation Program 2016 Report

- Started 112 Landfills Studied
 - 83 Had GPS Exceedances
 - 73% of those had VOC's Indicators
- 13 Needed More Info.
- 16 Determined not to have release
- Estimated Clean-up Cost \$226M

Landfill Remediation Program

High Priority Sites

- ◆ Casper, Sheridan⁽²⁾, and Campbell County⁽²⁾
- ◆ Written Agreements Completed
- ◆ 2 Operator Led, 1 DEQ Led
- ◆ Status of Each Entity Update

Cease and Transfer Program

- ◆ 16 Projects Funded to Date
- ◆ 9 Transfer Stations
- ◆ 7 Closure Projects
- ◆ \$27M in Funding Provided Grants/Loans

- ◆ \$9.5M Grant Funding Remaining for Biennium
- ◆ \$7.3M Loan Funding Remaining for Biennium

C&T 2016 Program Adjustments

- ◆ Financial Hardship Demonstration
 - “Upon a showing...” What’s that mean?
- ◆ Application Narrative
- ◆ Audit Review
- ◆ User Accounts
- ◆ Rate Increases, etc.

- ◆ Project Reviews – Sizing, Appropriate Option

C&T 2016 Program Adjustments

- ◆ OSLI – Rule Changes
 - Closure vs. Transfer Station vs. Direct Haul Options (Loan Terms)

- ◆ Legislative Funding
 - \$17M Transferred from Remediation Account
 - WSWRA Key Role in that Funding
 - No Future Funding Guarantee

C&T 2016 Program Adjustments

- ◆ Going Forward
- ◆ October 2016 Report
- ◆ Contact Me Regarding Schedule to Apply
 - Date Coming In and/or Engineer Estimate
 - Bright Spot – Dirt Work Down

Cease & Transfer Reimbursement Process and Lessons Learned

◆ Contracts

- Change orders – Must be approved by DEQ,
 - Force Account
- Interest bearing retainage,
- Preference ad for Wyoming products,
- Preference for resident contractors,
- Payment
 - Reimbursement
 - No down payments
 - Stored materials – Must have receipts.

C & T Reimbursement Cont'd.

◆ GDRs

- Send draft GDR w/invoices,
- Send signed original to SLIB,
- Carefully track all costs,
- Val Lewkowski – (307) 777-6645.

C & T Reimbursement Cont'd.

- ◆ Engineering Invoices
 - Backup - dates, rates, hours, activities,
 - No markups,
 - IRS mileage rates,
 - Per diem - \$51.00/meals, \$89.00/lodging,
 - Subcontractor Invoices – same standards apply,
 - No lump sums.

C & T Reimbursement Cont'd.

- ◆ Contractor's Application for Payment
 - EJCDC C-620,
 - Materials presently stored,
 - Must be signed off by contractor, owner, & engineer of record.

Financial Assurance

- ◆ Recalculation Year – 2017
- ◆ Adjust for Inflation
- ◆ Acreage Closure Calculation

Closing Comments – SHWD Administrator

- ◆ Program Directives
- ◆ Future Legislation