

# Important information from the Wyoming Department of Environmental Quality

*A new DEQ rule might impact your business, facilities or clients*

Please carefully read this information about Wyoming's **Voluntary Remediation Program** and a proposed rule requiring that your facility implement a Pollution Prevention (P2) Plan to be eligible for it.

The DEQ has three main goals for the following information. To ensure that:

1. You are aware of the *Voluntary Remediation Program* (VRP);
2. You are aware of a *proposed Rule* that could impact your eligibility to enter a facility or site into the VRP;
3. You understand your opportunities to *have input* on the proposed Rule.

## Introduction

The Wyoming Department of Environmental Quality (DEQ), Solid and Hazardous Waste Division is seeking input and public comments on a proposed rule titled: "*Pollution Prevention Plan Requirements for Eligibility in the Voluntary Remediation Program*" (P2 Plan Rule, or Rule).

**The goal** of the P2 Plan Rule is to minimize the likelihood of a *contaminant* release by encouraging businesses that generate, store or handle *contaminants* (as defined below) to implement P2 Plans.

This proposed Rule has been developed as directed by the Legislature through the Environmental Quality Act (EQA) § 35-11-1602(a)(ii). After the Environmental Quality Council (EQC) adopts the Rule and it becomes effective, facilities not implementing a P2 Plan, with few exceptions, *will no longer be eligible to apply to the VRP*. Facilities implementing P2 Plans when a contaminant release occurs will be eligible to apply to the VRP.

**Contaminant defined** - source: EQA § 35-11-103(g)(iii)

"*Contaminant* means any chemical, material, substance or waste:

- (a) which is regulated under any applicable federal, state or local law or regulation;
- (b) which is classified as hazardous or toxic under federal, state or local law or regulation; or
- (c) to which exposure is regulated under federal, state or local law or regulation."

For details on the VRP and how to obtain a copy of the proposed Rule, see below under the "**Contact Information**" and "**For More Information**" sections.

## Background and Summary of the Proposed Rule

The P2 Plan Rule has been developed as directed by the Legislature through the Environmental Quality Act (EQA) § 35-11-1602(a)(ii). The goal of the Rule is to encourage businesses that generate, store or handle *contaminants* [as defined below] to implement a P2 Plan to minimize the likelihood of a contaminant release. If a release occurs at a facility that is implementing a P2 plan, that facility will be eligible to apply to the VRP. After the Rule's adoption and effective date, facilities not implementing a P2 plan, with few exceptions, will no longer be eligible to apply to the VRP.

“*Contaminant*” means any chemical, material, substance or waste:

- (a) which is regulated under any applicable federal, state or local law or regulation;
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## How Does this Affect Your Business?

The proposed P2 Plan Rule establishes two categories of businesses (facilities) that are affected by its provisions:

**Category 1** facilities are those that meet U.S. Environmental Protection Agency thresholds for “large quantity generators,” or hazardous waste permitting requirements, toxic release inventory (TRI) requirements, spill prevention control or countermeasures, U.S. Department of Transportation emergency response requirements — or are subject to regulation by Wyoming’s EQA. Formal, written P2 Plans, as defined by the proposed Rule, will be required for *Category 1* facilities.

**Category 2** facilities are any other places of business where contaminants are generated, stored or used. The P2 Plan requirements are simpler for these facilities and are referred to as *Alternative Minimum Pollution Prevention Operating Standards*. These standards include such things as good housekeeping practices, preventative maintenance, segregation and proper storage of contaminants, and employee training.

## How Can You Get a Handle on This?

The VRP wants to ensure that facility owners and operators throughout the state are aware of and understand the proposed Rule. The VRP will:

- Provide fact sheets, updates and a *Frequently Asked Questions* (FAQ) page on the VRP website;
- Host several public meetings to provide details, guidance and answer questions;
- Coordinate outreach activities with industry associations and trade groups; and
- Develop *industry-specific* P2 Plan information and additional outreach activities once the Rule text has been finalized and adopted by the EQC.

You may also contact VRP staff directly via the contact information provided below.

## Benefits and Incentives: Why Implement a P2 Plan? Why the VRP?

- First and foremost, *implementing* a P2 Plan improves your proactive management of potentially harmful *contaminants* and reduces the likelihood of a release incident.
- Second, if you do have an incident, the P2 Plan will be a necessary criterion for eligibility to enter the VRP.

*Why the VRP?* The VRP offers advantages to facility owners not available through the DEQ's other corrective action processes (primarily Administrative Orders). These advantages are:

1. Written *liability assurance* from the DEQ once the site has been cleaned up to meet environmental standards;
2. The opportunity, under certain circumstances, to apply to local land-use officials for a restricted-use designation for the impacted area (i.e., a "Use Control Area" for soils);
3. The opportunity, under certain circumstances, to apply to the DEQ for a determination that current technology cannot feasibly be used to clean up soil contamination to established levels (i.e., a "Technical Impracticability Determination" for soil).

## Contact Information. We Want Your Input!

The DEQ/VRP wants your input on the proposed P2 Plan Rule *prior* to the EQC rule-making hearing on November 16, 2009 (check website for current information). *We want to hear your reactions, questions and suggestions.*

Primary contact for your input:

**Ben Way** — [bway@wyo.gov](mailto:bway@wyo.gov)

Ph: 307-777-6186

Fx: 307-777-5973

VRP Program Manager:

**Jerry Breed** — Ph: 307-777-5617

## For More Information ...

About the VRP and the Rule, start at the VRP's webpage:

**<http://deq.state.wy.us/volremedi/>**

Then, click on "**Pollution Prevention (P2)**" in the left frame under VRP to visit our P2 Planning Requirements webpage. Via this webpage you'll find:

- The text of the **Draft Proposed P2 Rules**;
- A link to the **EQC website** for information about the rule-making hearing;
- A link to the EQC's **Docket-P2Plan Rule**;
- An **email link to Ben Way** (or call) if you would like to receive information about the EQC hearing, or for other assistance.

*Be a part of protecting Wyoming's future and safeguarding our environment—and your business—by implementing a **Pollution Prevention Plan**.*