

NOTICE OF RULE ADOPTION—FINAL RULE



STATE OF MISSISSIPPI
Commission on Environmental Quality
Department of Environmental Quality

Mississippi Commission on Environmental
Quality
c/o Ted Lampton, Senior Attorney
Department of Environmental Quality
Post Office Box 2261
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Date Rule Proposed: June 25, 2008

Specific Legal Authority Authorizing the promulgation of
Rule:
Miss. Code Ann. 49-2-9(1)(b) Rev. 2003
Reference to Rules repealed, amended or suspended by the
Proposed Rule: Mississippi Hazardous Waste Management
Regulations (HW-1)

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: This proposed rule will amend the present Mississippi Hazardous Waste Management Regulations by incorporating by reference certain final federal regulations promulgated on June 16, 2005, June 29, 2007, January 2, 2008, April 8, 2008, and June 4, 2008, that will correct typographical errors in the final rule on February 24, 2005 regarding nonwastewaters generated from the production of certain dyes, pigments, and FD&C colorants, correct definitions in the universal waste rule, promote recycling of oil-bearing hazardous secondary materials generated by the petroleum refining industry, finalize amendments to the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors, and amend the list of hazardous wastes from non-specific sources by modifying the scope of EPA Hazardous Waste F019 to exempt wastewater treatment sludges from zinc phosphating, when zinc phosphating is used in the motor vehicle manufacturing process, provided certain conditions are met. This will continue to assure that Mississippi's Hazardous Waste Management Regulations are equivalent to the federal regulations and assure the continued delegation of the enforcement and compliance of the hazardous waste program to the Mississippi Department of Environmental Quality by the U.S. Environmental Protection Agency.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date: Tuesday, August 19, 2008
Time: 1:30 PM
Place: Commission Hearing Room, 515 East Amite Street, Jackson, MS 39201

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted
response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could
be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Adopted: August 28, 2008

Effective Date of Rule: September 29, 2008


Theodore D. Lampton III
Senior Attorney, Mississippi Department of Environmental Quality