

Title 11: Mississippi Department of Environmental Quality

Part 3: Hazardous Waste Management Regulations

Part 3, Chapter 4: Mississippi Environmental Quality Permit Board Commercial Hazardous Waste Management Facility Demonstration of Need Regulations, (Adopted October 22, 1991, Effective November 25, 1991)

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Rule 4.1 Scope and Authority. This regulation is promulgated by the Mississippi Environmental Quality Permit Board under the authority of Mississippi Code Annotated Sections 49-17-17, 49-17-29, and 17-17-151 (Supp. 1991). Other regulations will apply to applicants seeking permits to establish or expand a commercial hazardous waste management facility.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-151, 49-17-17, 49-17-29, 49-2-1, et seq. and 49-17-1, et seq.

Rule 4.2 Definitions. For the purpose of this regulation, all words and phrases shall have the meanings ascribed to them in Section 17-17-3 of the Mississippi Code unless the context clearly indicates otherwise. Terms not defined therein shall have their ordinary meaning within the hazardous waste field. Terms having such a specialized meaning are to be given that specialized meaning unless otherwise defined in Section 17-17-3 of the Mississippi Code.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-151, 49-17-17, 49-17-29, 49-2-1, et seq. and 49-17-1, et seq.

Rule 4.3 Demonstration of Need. Each application for a permit to establish or expand a commercial hazardous waste management facility shall be accompanied by a written demonstration of need for such facility in the anticipated service area. The demonstration of need shall be specific as to the types of hazardous waste to be managed and shall include, as a minimum, the following:

- A. A description of the service area for the proposed facility with an explanation of the economics of hazardous waste collection, transportation, treatment, storage and disposal as these relate to the proposed service area.
- B. Documentation of the available capacity at existing commercial hazardous waste management facilities in the area to be served by the facility.
- C. Documentation of the current quantity of hazardous waste generated and the quantity of hazardous waste reasonably expected to be generated during the next twenty (20) years within the anticipated service area, including documentation of the anticipated quantity of hazardous waste suitable for treatment, storage or disposal at the proposed facility.
- D. Documentation of the extent to which the proposed facility is needed to replace other facilities in the proposed service area.
- E. A description of any additional factors, such as physical limitation on the transportation of the hazardous waste or the existence of additional capacity outside the area to be served, which may satisfy the projected need.
- F. Documentation of the extent to which the proposed commercial hazardous waste management facility is in conformance with the Mississippi Capacity Assurance Plan and any interstate or regional agreements associated therewith.
- G. Additional information as the Permit Board may require.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-151, 49-17-17, 49-17-29, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 4.4 Evaluation Criteria. The Mississippi Environmental Quality Permit Board shall consider the following criteria in evaluating the need for the proposed commercial hazardous waste management facility:

- A. The extent to which the proposed commercial hazardous waste management facility is in conformance with the Mississippi Capacity Assurance Plan and any interstate or regional agreements.
- B. An approximate service area for the proposed facility which takes into account the economics of the hazardous waste collection, transportation, treatment, storage and disposal.
- C. The quantity of hazardous waste generated within the anticipated service area suitable for treatment, storage or disposal at the proposed facility.
- D. The design capacity of existing commercial hazardous waste management facilities located within the anticipated service area of the proposed facility.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-151, 49-17-17, 49-17-29, 49-2-1, et seq. and 49-17-1, et seq.

Rule 4.5 Permit Board Authority. If the Permit Board determines that a proposed commercial hazardous waste management facility is inconsistent with or contradictory to the factors set forth in Rule 4.4, the Permit Board may deny any permit for such facility.

- A. The extent to which the proposed facility is needed to replace other facilities, if the need for a proposed commercial hazardous waste management facility cannot be established under Rule 4.4 A-D through Rule 4.5 A.
- B. The extent to which the proposed facility will result in a proliferation of necessary facilities in the county where the proposed facility is located.

Source: §§ 17-17-1, et seq., 17-17-151, 49-17-17, 49-17-29, 49-2-1, et seq. and 49-17-1, et seq.

Rule 4.6 Permit Board

If the Permit Board determines that a proposed commercial hazardous waste management facility is inconsistent with or contradictory to the factors set forth in Rule 4.4, the Permit Board may deny any permit for such facility.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-151, 49-17-17, 49-17-29, 49-2-1, et seq. and 49-17-1, et seq.