

Missouri Department of
Natural Resources

**Missouri Hazardous Waste
Management Commission**

Finding of Necessity
October 18, 2012

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Statutory Background

- Finding of necessity required by section 536.016 RSMo for all rules (next slide)
- Rule must be necessary to carry out purposes of statute
- Rulemaking based upon reasonably available empirical data and assessment of the effectiveness and cost of the rules

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Statutory Background

- 536.016. 1. Any state agency shall propose rules based upon substantial evidence on the record and a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority.

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Statutory Background

- Department rulemaking procedures documented in Administrative Rulemakings Policy and Guidance Manual
- Procedures include documentation of all aspects of need for new, amended or rescinded rules, as well as public participation and other aspects

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Why are these amendments necessary?

- Current regulations incorporate federal rules through July 1, 2010
- Since then, EPA has adopted new rules and amended existing rules
- State rules must be amended to pick up new and amended federal rules

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What are amendments?

- Thirteen amendments to Title 10, Division 25 of Code of State Regulations
- Adoption of 4 federal rules

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Federal rules proposed for adoption

- Removal of Saccharin and its Salts from the Lists of Hazardous Wastes
- Corrections to the Academic Laboratories Generator Standards
- Revision of the Treatment Standards for Carbamate Wastes
- Hazardous Waste Technical Corrections and Clarifications

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What is supporting evidence?

- Each federal rule includes a preamble which discusses the cost and justification for the rule, among other things.

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Recommendation

- To approve finding of necessity to allow Department to file thirteen amendments to Title 10, Division 25.
