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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

January 5, 2006

Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Regulation #7-393 (IRRC #2451)
Environmental Quality Board
Hazardous Waste Management System; Proposed Exclusion for Identification and Listing
Hazardous Waste

Dear Chairperson McGinty:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

John R. McGinley Jr., Esq.
Chairman
wbg
Enclosure

cc: Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy
Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and
Energy Committee
Honorable William F. Adolph, Jr., Majority Chairman, House Environmental Resources and
Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources and
Energy Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held January 5, 2006

John R. McGinley Jr., Esq., Chairman
Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
John F. Mizner, Esq., by Phone
Murray Ufberg, Esq.

Regulation No. 7-393
Environmental Quality Board
Hazardous Waste Management System;
Proposed Exclusion for Identification and
Listing Hazardous Waste

On November 22, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code § 261a.32. The proposed regulation was published in the December 4, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 23, 2005.

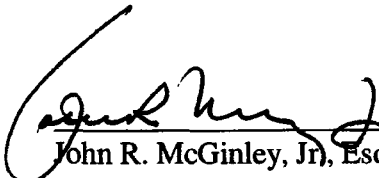
This regulation will conditionally exclude Electric Arc Furnace Dust (EAFD) waste from the list of hazardous wastes in 40 CFR Part 261 for MAX Environmental Technologies, Inc. located in Yukon, Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P.S. § 6018.105) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





John R. McGinley, Jr., Esq., Chairman