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For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

2. In § 261.32, add the following waste streams to the subgroup 'Organic Chemicals':

§ 261.32 Hazardous wastes from specific sources.

Industry and EPA hazardous waste No.	Hazardous	Hazard code
K107.....	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.	(C, T)
K108.....	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.	(I, T)
K109.....	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.	(T)
K110.....	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazines (UDMH) from carboxylic acid hydrazines.	(T)

3. Add the following entries in numerical order to Appendix VII of Part 261:

Appendix VII—Basis for Listing Hazardous Waste

EPA hazardous waste No.	Hazardous constituents for which listed
K107.....	1,1-Dimethylhydrazine (UDMH).
K108.....	1,1-Dimethylhydrazine (UDMH).
K109.....	1,1-Dimethylhydrazine (UDMH).
K110.....	1,1-Dimethylhydrazine (UDMH).

[FR Doc. 84-33125 Filed 12-19-84; 8:45 am]

BILLING CODE 6560-50-M

Register

Thursday
December 20, 1984

Part VI

Environmental Protection Agency

40 CFR Part 261

**Hazardous Waste Management System;
Identification and Listing of Hazardous
Waste; Proposed Rule and Request for
Comments**

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL-2693-4]

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to amend its regulations under the Resource Conservation and Recovery Act (RCRA) by listing as hazardous four wastes generated during the production and formulation of ethylenedisithiocarbamic acid (EBDC) and its salts. The effect of this proposed regulation would be to subject these wastes to the hazardous waste management standards contained in 40 CFR Parts 262-266, Part 124, and the requirements of Parts 270 and 271.

DATES: EPA will accept public comments on this proposed rule until February 4, 1985. Any person may request a hearing on this amendment by filling a request with Eileen B. Claussen, whose address appears below, by January 4, 1985.

ADDRESSES: Comments should be sent to the RCRA Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. Comments should identify the regulatory docket "Listing EBDC." Requests for a hearing should be addressed to Eileen B. Claussen, Director, Characterization and Assessment Division, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public docket for this amendment is located in Room S-212A, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424-9346 or at (202) 382-3000. For technical information contact Dr. Howard Fribush, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460, (202) 475-6678.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, as part of its final and interim final regulations

implementing Section 3001 of RCRA, EPA published a list of hazardous wastes generated from specific sources. This list has been amended several times, and is published in 40 CFR 261.32. EPA proposes to add to the list four wastes from the production of ethylenedisithiocarbamic acid (EBDC) and its salts.¹ These wastes are (1) aqueous wastes from product purification (K123), (2) reactor vent scrubber water (K124), (3) purification solids from filtration, evaporation, and centrifugation operations (K125), and (4) baghouse dust and floor sweepings in milling and packaging operations (K126) from the production or formulation of EBDC and its salts.

The hazardous constituent in these wastes, ethylene thiourea (ETU), is a carcinogen in animals, a potential carcinogen in humans, a teratogen, a mutagen, and also causes thyroid effects. ETU is a contaminant, a degradation product, and a metabolite of EBDC and its salts. The Agency has previously listed as hazardous discarded commercial chemical products, off-specification species, container residues, and spill residues containing ETU, under 40 CFR 261.33(f) (EPA Hazardous Waste No. U116, Ethylene thiourea). In addition, ETU appears in Appendix VIII.

ETU typically is present in high concentrations in each waste stream. This constituent also is mobile and persistent, and can reach environmental receptors in harmful concentrations if these wastes are mismanaged. The reactor vent scrubber water also is corrosive because it has a pH greater than 12.5. Evaluated against the criteria for listing hazardous wastes (40 CFR 261.11(a)(3)), EPA has determined that these wastes are hazardous because they are capable of posing a substantial present or potential threat to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

II. Summary of the Regulation

A. List of Wastes

This proposed regulation would list as hazardous four wastes generated during the production and formulation of EBDC and its salts.²

¹ The Agency currently is evaluating other wastes from the production of carbamates and may propose to list additional wastes in the near future.

² We considered listing as hazardous wastes the following streams: (1) Spent carbon from the pretreatment or treatment of the wastewater, (2) still bottoms from the stream stripping of the wastewater, (3) sludges from the metals precipitation or separation of the wastewater, and (4) sludges from the biological treatment systems. However, because these waste streams are derived

These residual wastes are:

- K123—Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisithiocarbamic acid and its salts.
- K124—Reactor vent scrubber water from the production of ethylenedisithiocarbamic acid and its salts.
- K125—Purification solids (including filtration, evaporation, and centrifugation solids) from the production of ethylenedisithiocarbamic acid and its salts.
- K126—Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenedisithiocarbamic acid and its salts.

In 1982, four domestic companies were producing EBDC at four locations, with a total annual production capacity of 26,090 kkg (57.4 million pounds). For fungicide use, EBDC compounds are principally sold either as the sodium salt (nabam), the manganese salt (maneb), the zinc salt (zineb), as a mixture of the manganese and zinc salts (mancozeb), as the diammonium salt (amobam), or as the mixed ammonium-zinc salt (metiram, polyram). Production of EBDCs totalled 12,000 kkg (27 million pounds) in 1977, and 9,000 kkg (20 million pounds) in 1982. The total volume of the organic residual wastes from production of EBDC and its salts by the process described here at nameplate capacity is approximately 92,400 kkg (203 million pounds) of process wastewater (EPA Hazardous Waste No. K123), 4,120 kkg (9.06 million pounds) of reactor vent scrubber water (EPA Hazardous Waste No. K124), 1,300 kkg (2.86 million pounds) of purification solids (EPA Hazardous Waste No. K125), and 39 kkg (86,000 pounds) of baghouse dust and floor sweepings (EPA Hazardous Waste No. K126).

EBDC and its salts typically are produced by reacting ethylenediamine with carbon disulfide in the presence of a base (usually sodium hydroxide or ammonium hydroxide), and then adding the desired metal to precipitate the EBDC product. The wastes that are being listed from this operation are formed as residuals at several points in the production of EBDC and its salts. Waste K123 includes any of a collection of aqueous wastes and is formed from either of the following operations: (1) Separation of the aqueous supernate generated after the precipitation of the insoluble EBDC product (formed as either a transition metal salt and/or its thiuramsulfide), (2) concentration of this aqueous supernate in the evaporator, resulting in the formation of an aqueous

from the waste streams being listed, they are automatically considered hazardous wastes.

waste, and (3) the washing of the product, also producing process wastewater. Waste K124 is formed from the passage of reactor vent gases through a scrubber, typically generating a caustic aqueous waste. Due to the high (greater than 50%) concentration of sodium hydroxide in waste K124, this waste has a pH greater than 12.5. This waste, therefore, meets the corrosivity characteristic specified in 40 CFR 261.22. Waste K125 is the purification solids, formed from the evaporation of water from the mother liquor and from the filtration and centrifugation of the EBDC salt during wastewater treatment. Waste K126 is dust and floor sweepings from milling and packaging operations.

Our proposal to list these wastes is based on the similarity of the production processes employed by the facilities manufacturing EBDC and its salts. The Listing Background Document and the sources cited there describe these production processes in detail.

As derived from both questionnaires and sampling analyses, these wastes typically contain significant concentrations of ETU, a side reactant contaminant and major degradation product of EBDC.^{3,4}

EPA hazardous waste Nos.	Estimated concentration of ETU	
	ppm	Percent
K123	50 to 2,500	0.005 to 0.25
K124	1,000 to 2,000	0.1 to 0.2
K125	1,000 to 10,000	0.1 to 1.0
K126	200 to 2,500	0.02 to 0.25

In addition, these wastes typically contain other potentially toxic constituents, such as ethylenebisisothiocyanate and carbon disulfide. Ethylenebisisothiocyanate also is a degradation product of EBDC. However, the Agency does not have sufficient toxicity data to propose including these additional compounds as hazardous constituents at the present time. When more information is available, we will determine whether they should be added.

³ These wastes also contain EBDC at significant concentrations. EBDC, although toxic, is not very persistent (e.g., one of the salts of EBDC, mancozeb, has a half-life of less than one day in sterile water). Therefore, we are not listing it as a constituent of concern. The Agency, however, solicits comment on our decision not to list EBDC as a toxicant of concern.

⁴ These levels are considered significant based on the carcinogenicity of ETU and the doses that were required to elicit the carcinogenic response in the study by Graham *et al.* (see the HEEP for ETU). From that study, the Agency's CAG, using doses that ranged from 5-500 ppm, calculated an oncogenic risk to humans from ETU of 10^{-5} from ingestion of 2.8×10^{-4} mg/kg/day. The levels used to calculate the risk are much (one to three orders of magnitude) less than the concentration of ETU in the wastes.

The Agency's Carcinogen Assessment Group (CAG) has identified ETU as potentially carcinogenic. The International Agency for Research on Cancer (IARC) also has indicated that there is evidence that ETU is "probably carcinogenic in humans."

BRL and Innes (as stated in the Health and Environmental Profile (HEEP) for ETU) reported significantly increased incidences of hepatomas in both sexes of two strains of mice and significantly increased incidences of lymphoma in females of one strain when compared with controls. In comparison with pooled controls, dietary administration of ETU at the Maximum Tolerated Dose (MTD) (350 ppm) significantly increased the incidence of thyroid follicular carcinoma in both male and female rats (Weisburger, as reported in the HEEP for ETU). Ulland (as stated in the HEEP for ETU) also reported increased thyroid carcinoma incidence in rats fed ETU at the MTD for 18 months. In addition, rats developed thyroid gland carcinomas and adenocarcinomas at dietary levels of 250 and 500 ppm when treated for 1 or 2 years (Graham, as reported in the HEEP for ETU).

Rats and hamsters administered ETU exhibited teratogenic effects. ETU was a potent teratogen in rats at daily oral doses as low as 20-40 mg/kg during gestation with no toxicity to dams (Khera, Chernoff, Teramoto, as reported in the HEEP for ETU). The fetal responses included central nervous system (CNS) abnormalities such as exencephaly, hydrocephaly, hydranencephaly, meningoencephaly, and meningorhea (Khera, Ruddick, Tryphonas, Chernoff, Mungokornkarn, as reported in the HEEP for ETU). Skeletal anomalies were also observed by these investigators. CNS and skeletal defects were also produced in offspring of hamsters treated with ETU at relatively high single oral dose levels of >1200 mg/kg (Khera), although Lu and Su found fetal abnormalities in hamsters at repeated doses of >120 mg/kg and CNS defects with multiple doses of 300 or 360 mg/kg (as reported in the HEEP for ETU). In addition, dermal application of ETU to pregnant rats at a relatively low dose of 50 mg/kg/day for 2 gestational days also resulted in CNS and skeletal abnormalities in fetuses (Stula and Krauss, as reported in the HEEP for ETU).

ETU is mutagenic in some bacteria and yeast systems. ETU was positive in some strains of *Salmonella typhimurium* in the reverse mutation assay to histidine independence (Seiler, Schupbach, Teramoto), in *B. subtilis*

spores in the rec assay (Kada), in a cell transformation assay with hamster kidney cells (Daniel and Dehnell), and in the unscheduled DNA synthesis of cultured HeLa cells (Martin and McDermid) (as reported in the HEEP for ETU). ETU also was positive in the mitochondrial DNA petite mutation assay in *Saccharomyces cerevisiae* (Diala, Egilsson) (as reported in the HEEP for ETU).

The Agency's Office of Pesticides Programs has called for additional testing for mutagenicity on both ETU and EBDC and its salts. The National Institute of Occupational Safety and Health (NIOSH) has recommended that ETU handled as a carcinogen and teratogen in the workplace. ETU, therefore, exhibits toxicological properties of regulatory concern. The Listing Background Document and HEEP contain additional details on the health effects of ETU.

The Agency also has data which indicate that EBDC and its salts degrade rapidly to ETU in the waste and the environment. As a result of this rapid breakdown, ETU normally is present with EBDC and its salts in wastes. In addition, mancozeb has a half-life of less than one day in sterile water before degrading to ETU.

Based on the solubility of ETU in water (20 grams per liter at 30 °C), the Agency further believes that ETU is mobile in the environment. ETU will migrate from the matrix of the waste and is expected to be capable of entering the aquatic environment either through runoff or leaching through soil. Based on the volume of waste that could be generated from EBDC production, approximately 231 kkg (0.51 million pounds) of ETU could escape into the environment from waste K123, 8.24 kkg (18,128 pounds) of ETU could escape into the environment from waste K124, 13.0 kkg (28,600 pounds) of ETU could escape into the environment from waste K125, and 0.1 kkg (220 pounds) of ETU could escape into the environment from waste K126.⁵ Furthermore, due to the rapid breakdown of EBDC salts to ETU, EBDC wastes containing EBDC salts could produce even more ETU after the wastes are released into the environment.

The Agency also has determined that ETU is persistent in ground water. This is based on data that shows that ETU is

⁵ The amount of ETU that could escape into the environment from EBDC wastes is a worst case estimate and is equal to the amount of ETU in the waste. These figures are calculated as follows: Percent of ETU in the waste multiplied by the total volume of wastes produced. Thus, the amount of ETU in waste K123 is $92,400 \text{ kkg} \times 0.25\% = 231 \text{ kkg}$.

stable to hydrolysis in distilled water for at least 40 days (see the HEEP for ETU). If waste disposal sites are improperly designed or managed—for example, sited in areas with highly permeable soils or constructed without effective natural or artificial liners—it is likely that ETU could escape from EBDC wastes to surface water or ground water. As indicated by the high solubility of ETU in water and moderate solubility in other polar solvents such as methanol, ethanol, ethylene glycol, and pyridine, ETU, if improperly disposed, may be dissolved by the solvents found in mixed wastes and leach out of these wastes into ground water. The Agency, therefore, believes that ETU from EBDC wastes which are improperly managed, is likely to enter and remain in the environment, posing substantial risk.

Moreover, the Agency believes that current industry waste management practices do not adequately protect human health and the environment from significant exposure to ETU. For example, centrifuge solids, which contain high levels of ETU, typically are disposed of in a sanitary landfill. These practices do not prevent ETU from leaching from these wastes and contaminating surface water and ground water at significant levels.

EBDC wastewaters typically are processed in wastewater treatment systems. The Agency has data, however, which indicates that significant amounts of ETU can survive wastewater treatment (see the HEEP for ETU). In addition, ETU can inhibit activated sludge treatment of wastewaters. The ETU present significantly inhibits nitrification from occurring within the activated sludge, a process which is critical to the efficacy of the sludge, and thus, to wastewater treatment. It follows from this that ETU can inhibit nitrification in the receiving stream, thus interfering with the natural ecological development of the stream. Wastewater treatment of EBDC wastes containing significant amounts of ETU therefore, is not likely to remove the ETU, contaminating the environment with a highly mobile, persistent carcinogen and environmental toxicant. The Listing Background Document and the HEEP contain additional details on the management, fate, and transport of ETU.

Consequently, by virtue of the high concentrations of ETU in these wastes, which are generated in large volumes, the mobility of ETU via leaching and runoff, and its persistence in ground water, EPA has determined that these wastes pose a substantial present or potential hazard to human health and the environment, when improperly stored, transported, disposed of, or

otherwise managed. The Agency, therefore, is proposing to add these wastes to the hazardous waste list in 40 CFR § 261.32.

III. Regulatory Status of Hazardous Wastewaters

Under the existing hazardous waste regulations, tanks that are treating or storing hazardous wastewaters are exempt from the Parts 264 and 265 management standards when the treatment unit is part of a wastewater treatment facility that is subject to regulation under either section 402 or section 307(b) of the Clean Water Act. Treatment units, such as concrete basins, which may or may not be in-ground, routinely provide for certain steps in a wastewater treatment process such as equalization, neutralization, aeration (in biological treatment facilities), settling (in both biological and physical/chemical treatment facilities), flocculation or treated wastewater storage prior to recycling. Where such units are constructed primarily of non-earthen materials designed to provide structural support, they are defined as tanks for purposes of the hazardous waste regulations. See 40 CFR 260.10 (definition of "tank"). In applying this definition, the Agency has provided guidance that a unit is to be evaluated as if it were free-standing and filled to its design capacity with the material it is intended to hold. If the walls or shell of the unit alone provide sufficient structural support to maintain the structural integrity of the unit under these conditions, the unit is considered to be a tank. Alternatively, if the unit is not capable of retaining its structural integrity without supporting earthen materials, it is considered to be a surface impoundment.

Therefore, when wastewaters, including those covered by the listing proposed today, are stored or treated in containment devices which qualify as tanks, these devices are presently exempt from the Parts 264 and 265 management standards.

IV. Test Methods for Compounds Added to Appendix VII

In 49 FR 38786-38809, Monday, October 1, 1984, the Agency proposed test methods (both those newly designed, as well as those previously available in SW-846—see below) for use in detecting specified substances by applicants who wish to conduct waste evaluations in support of delisting petitions, and by owners or operators of hazardous waste management facilities who must conduct ground-water monitoring (see 40 CFR 264.99) or incinerator monitoring (see 40 CFR 264.341). These test methods will, upon promulgation, be included in 40 CFR

Part 261, Appendix III. In this proposal, Method Numbers 8250 and 8330 were designated for testing for the presence and concentration of ETU.

These methods are in "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods", SW-846, 2nd ed., July 1982, as amended; available from: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 783-3238, Document number: 055-002-81001-2.

V. CERCLA Impacts

The hazardous wastes designated by today's proposed rule will, if made final, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (See CERCLA section 101(14).) CERCLA requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center of the release. (See CERCLA section 103 and 48 FR 23552, May 25, 1983.)

For those hazardous wastes containing constituents which have already been assigned RQs, the RQ assigned to the waste will represent the lowest RQ associated with the constituents. Since ETU, the only hazardous constituent of all four wastes has a statutory RQ of one pound,⁶ all four of these wastes also have statutory RQs of one pound. (See 48 FR 23552-23605.)

VI. State Authority

Once a State receives interim or final authorization, it operates the RCRA program instead of EPA. If promulgated, this listing and the related management standards will not apply in interim-authorized States unless the State listed these EBDC wastes at the time it received interim authorization. Unless a State received final authorization on the basis of a universe of hazardous wastes which included these EBDC wastes, this listing and the related standards would not apply in States with final authorization until the State revises its program to add these EBDC wastes to the universe of hazardous wastes and the revision is approved by EPA. The process and schedule for State adoption of these regulations is described in 40 CFR 271.21, as amended by 49 FR 21678-21682, May 22, 1984.

⁶ Criteria are currently being developed for potential carcinogens such as ETU to adjust the one pound RQ to a level adequately protective of human health and the environment.

If this proposed listing is made final, States which now have final authorization would have to revise their programs within one year from the date of promulgation if only regulatory changes are necessary, and within two years from the date of promulgation if statutory changes are required. This deadline may be extended in exceptional cases [see 40 CFR 271.21(e)(3)]. States now in the process of applying for final authorization would be able to receive final authorization without including these EBDC wastes in their universe of hazardous wastes if the official state application is submitted less than one year after this listing, if made final, is promulgated. The date by which States must modify their programs is governed by 40 CFR 271.21(e)(iii).

VII. Regulation of EBDC Compounds Under FIFRA

EBDC compounds are used as fungicides and, therefore, are subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The statutory test under FIFRA is a risk-benefit balance: Products are "registered" (authorized) if they generally will not cause any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of use. Accordingly, pesticides which present substantial risks can be approved if benefits outweigh risks. (See FIFRA sections 3(c)(5) and 2(bb).) The amount of information on which this decision is based has increased as the techniques to assess risks have improved. Moreover, many pesticide products, including some containing EBDCs, were approved under statutory criteria which preceded the current test.

The burden of proof is on the proponents of registration to demonstrate that a pesticide meets the statutory test. If the Agency decides to cancel a pesticide's registration, proponents of the pesticide are afforded opportunities to contest the Agency's determination.

The Agency issued a notice on August 10, 1977 (42 FR 40618) informing the public that evidence of hazards from the use of EBDCs (and ETU) warranted an in-depth evaluation of risks and benefits. On October 14, 1982, the Office of Pesticides and Toxic Substances concluded that, while there was valid and significant evidence of hazards, additional data was necessary to decide whether or not to cancel EBDCs, and registrations could continue with

mandatory restrictions on use practices. Additional hazard data has been requested from registrants. The Agency believes that the decision to list EBDC waste streams for which a different statutory standard applies, is fully consistent with the treatment of EBDC pesticides under FIFRA.

VIII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The total additional incurred cost for disposal of the wastes as hazardous is approximately \$33,100, well under the \$100 million constituting a major regulation. This cost is insignificant and results from minimal additional compliance requirements, as these wastes are already being managed as if they were RCRA hazardous wastes.

In addition, we do not expect that there will be an adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Since this proposal is not a major regulation, no Regulatory Impact Analysis is being conducted.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection in Room S-212A at EPA.

IX. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on small entities.

The hazardous wastes proposed to be listed here are not generated by small entities (as defined by the Regulatory Flexibility Act), and the Agency does not believe that small entities will dispose of them in significant quantities. Accordingly, I hereby certify that this proposed regulation would not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis. (See 5 U.S.C. 603).

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: December 14, 1984.

William D. Ruckelshaus,
Administrator.

For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In § 261.32, add in numerical order the following waste streams to the subgroup "Organic Chemicals":

§ 261.32 Hazardous wastes from specific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
K123.....	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisithiocarbamic acid and its salts.	(T)
K124.....	Reactor vent scrubber water from the production of ethylenedisithiocarbamic acid and its salts.	(C, T)
K125.....	Purification solids (including filtration, evaporation, and centrifugation solids) from the production of ethylenedisithiocarbamic acid and its salts.	(T)
K126.....	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenedisithiocarbamic acid and its salts.	(T)

3. Add the following entries in numerical order to Appendix VII of Part 261:

Appendix VII—Basis for Listing Hazardous Waste

EPA hazardous waste No.	Hazardous constituents for which listed
K123.....	Ethylene thiourea.
K124.....	Ethylene thiourea.
K125.....	Ethylene thiourea.
K126.....	Ethylene thiourea.

[FR Doc. 84-33123 Filed 12-19-84; 8:45 am]

BILLING CODE 6560-50-M

Register Federal

Thursday
December 20, 1984

Part VII

Environmental Protection Agency

40 CFR Part 262

**Hazardous Waste Management System;
Standards Applicable to Generators of
Hazardous Waste; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 262**

[SW FRI 2664-4]

Hazardous Waste Management System; Standards Applicable to Generators of Hazardous Waste**AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

SUMMARY: The Environmental Protection Agency is today promulgating an amendment to the hazardous waste management regulations under the Resource Conservation and Recovery Act (RCRA). This amendment allows generators of hazardous wastes to accumulate up to 55 gallons of hazardous waste, or one quart of acutely hazardous waste listed in 40 CFR 261.33(e), in satellite areas at the generator's facility. Generators can accumulate wastes in satellite areas provided that: (1) The wastes are placed in containers that are in good condition; (2) the wastes are compatible with their containers; and (3) the containers are marked with the words "Hazardous Wastes" or other words that identify the contents. Any amount in excess of 55 gallons of hazardous waste or one quart of acutely hazardous waste must be managed in accordance with the requirements of 40 CFR 262.34(a) or transported to a storage area regulated under 40 CFR Parts 264 or 265 within three days of the accumulation of that amount.

EFFECTIVE DATE: This final rule becomes effective June 20, 1985.

ADDRESSES: The public docket for this final rule is located in Room S-269C, U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Chaz Miller, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. (202) 382-4535, or the RCRA Hotline at (800) 424-9346 or (202) 382-3000.

SUPPLEMENTARY INFORMATION:**I. Background**

On February 26, 1980, May 19, 1980, and November 19, 1980, EPA promulgated regulations pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901, *et seq.* The regulations established a system to manage

hazardous waste, including standards for generators of hazardous waste (40 CFR Part 262, 45 FR 12732, 45 FR 33142 and 47 FR 1251). In § 262.34(a) of the regulations, EPA allows generators to accumulate hazardous waste onsite for up to 90 days without obtaining a storage permit if they accumulate the waste in accordance with certain standards. These standards include requirements for the use of tanks and containers, personnel training, and the preparation of contingency plans. In establishing these standards, EPA assumed accumulation generally occurred at one or two discrete locations within an industrial facility. EPA also assumed the § 262.34 requirements would apply to storage buildings, sheds, and other central areas where wastes are accumulated.

In response to this provision, members of the regulated community pointed out that within an industrial complex there may be dozens of places where hazardous wastes are initially generated and collected during daily operations prior to consolidation. The regulation, as originally written, made no distinction between the initial accumulation of hazardous waste at various points of generation ("satellite" accumulation) and the accumulation at a central storage area where these wastes are consolidated for on-site management or transportation off-site. As a result, the standards for 90-day accumulation applied to both areas, regardless of the amount of waste in the satellite areas.

In response to these points, EPA raised the issue, in the preamble to the November 19, 1980, Federal Register notice amending § 262.34 (45 FR 76624), of whether a distinction should be drawn between satellite accumulation areas and central storage areas. EPA expressed the view that the requirements of § 262.34(a) apply to all types of accumulation areas, but requested comments on this issue. Various groups responded that there is a major difference between a satellite area which is used to accumulate wastes as they are generated and central storage areas which receive and are used to accumulate wastes from numerous satellite areas. These commenters supported a reduction or deletion of regulatory requirements for the initial accumulation of hazardous wastes at or near points of generation.

In response to these comments, on January 3, 1983 (48 FR 118), EPA proposed to amend § 262.34 by adding a new subsection (c) to § 262.34 that would allow generators to accumulate up to 55 gallons of hazardous waste (except for acutely hazardous waste as listed in 40 CFR 261.33(e)) at each

satellite area for any length of time without complying with the 90-day accumulation standards. Generators could accumulate wastes under this provision provided that: (1) The wastes were placed in containers which were in good condition, (2) the wastes were compatible with their containers, and (3) the containers were marked with the words "Hazardous Wastes" or other words that identify their contents. Within 72 hours of accumulating over 55 gallons, the generator would be required to comply with all applicable requirements under RCRA for further management of any waste in excess of 55 gallons.

II. Comments on Proposed Rule and EPA Response

EPA received 95 comments on the proposed amendment to § 262.34. The majority of the commenters favored the proposal without exception. These commenters said the proposed rule would fit in with presently established industrial practices without causing any adverse effect on human health or the environment. Most of the remaining commenters favored some aspects of the proposal.

Commenters raised four major issues about the proposed rule: (1) The amount of hazardous waste allowed to accumulate at on-site satellite areas; (2) the requirement to remove the amount of hazardous waste over 55 gallons to the central storage area within 72 hours of its accumulation; (3) the need for a definition of satellite area; and (4) the exclusion of acutely hazardous waste from this rule and the effect of this exclusion on laboratories. In addition, commenters raised issues concerning the application of this rule to small generators, the absence of training and contingency plan requirements for satellite areas, the application of this rule to state hazardous waste regulations, and the absence of a requirement that containers of certain wastes be covered. Finally, one commenter objected to the proposal on the grounds that it would be more burdensome than the present regulations because it would require additional recordkeeping of waste quantities and accumulation time. These comments are discussed in detail below.

A. The Amount of Hazardous Waste Allowed to Accumulate

In the January 3, 1983, preamble, EPA discussed several alternatives it had considered before deciding on the 55 gallon limit. These alternatives included accumulation by weight (200 kilograms) and accumulation by time (10 days).

EPA requested comments on these alternatives as opposed to the 55 gallon accumulation limit. Commenters did not support either alternative. Several specifically stated that either option would be burdensome and unworkable.

As an alternative to the 55 gallon limit at each satellite area, a number of commenters suggested a limit on the total amount of hazardous wastes allowed in satellite areas at a generator's facility. Commenters suggested various means of doing this, including a limitation on the number of specific wastes in satellite areas and a total limit on the amount of hazardous waste in satellite areas at the facility. Other commenters suggested a higher limit than 55 gallons at any particular satellite area. These commenters cited the availability of reusable shipping bins of up to 110 gallons in capacity. Finally, several commenters urged EPA to apply this rule to the accumulation of the initial 55 gallons instead of applying it only to the amount in excess of that accumulation.

After considering all the comments, EPA has decided not to change the 55 gallon threshold for accumulation of hazardous wastes. EPA believes that the accumulation at satellite areas of amounts of up to 55 gallons of non-acutely hazardous waste is reasonable and safe and does not pose a threat to human health or the environment. Accumulation of the amount in excess of 55 gallons is covered by this rule and, after three days, by the requirements of § 264.34(a) or by the requirements of Parts 264 or 265. Most commenters from the regulated community supported the 55 gallon level as meeting their needs since satellite areas are normally used to manage one waste generated by an individual industrial process and commenters said they typically use a 55 gallon drum to store this waste before removing it to a central storage area.

EPA believes that it is the amount in excess of 55 gallons that must be regulated under the requirements of § 262.34(a) or Parts 264 or 265. EPA is establishing minimal requirements covering the accumulation of less than 55 gallons of nonacutely hazardous wastes in satellite accumulation areas because these amounts do not pose a significant threat to human health or the environment. A spill at an industrial site of 55 gallons or less of nonacutely hazardous waste is easy to control and clean up because of the small amount of waste involved. In addition to the lack of environmental threat, the widespread use of the 55 gallon drum makes it the most practicable threshold level for satellite accumulation. EPA is convinced

that amounts up to 55 gallons of nonacutely hazardous wastes can be safely managed at satellite accumulation sites without the full requirements of § 264.34(a). Because the weight of evidence suggests limited use by the regulated community of containers larger than 55 gallons and because spills of 110 gallons of nonacutely hazardous wastes would pose a greater environmental threat, EPA does not believe that the satellite accumulation level should be higher than 55 gallons.

Finally, EPA is not limiting the total amount of hazardous waste that could be accumulated at various satellite areas at a generator's facility because EPA does not believe that there is a strong environmental basis for such a requirement. Today's rule is intended to allow accumulations to set a limit that can be safely accumulated and removed (i.e., 55 gallons for hazardous waste and one quart for acutely hazardous waste), thus, alleviating more frequent movement of smaller quantities of hazardous waste within the generator's facility. A total facility amount limitation would contravene that purpose. In addition, the practical effect of such a requirement would be to discriminate against those facilities with many initial points of waste generation, forcing them to select some satellite areas for accumulation of 55 gallons, while immediately removing wastes generated at other satellite areas to central storage areas. Limiting the total amount of wastes accumulated under this rule would present enforcement difficulties for EPA and administrative complexities for the regulated community without providing any significant additional protection to human health and the environment.

B. The 72 Hour Transportation Requirement

Several commenters argued that the proposed requirement to move the amount of hazardous waste over 55 gallons to a central storage area within 72 hours was an insufficient amount of time. These commenters argued the rule is too restrictive because of management scheduling problems and three-day holidays. Other commenters argued the 72 hour period was unenforceable without a requirement to label the containers with the date and time the excess amount began accumulating.

EPA believes the proposed 72 hour period allows generators adequate lead time to manage the excess waste in accordance with the requirements of § 262.34(a). Most facilities should be aware of process waste generation rate

and should be able to arrange for the removal of any excess accumulation within that time frame. In addition, good management should be able to use advance scheduling to manage the excess waste in spite of a three-day holiday.

However, EPA agrees that this rule will be difficult to enforce without any indication of when excess amounts began accumulating. Thus, EPA is requiring that containers be marked with the date when the excess accumulation began. This requirement will not impose any undue burden on the regulated community since EPA is not requiring special labels or any additional internal recordkeeping. Marking the container clearly with the date excess accumulation begins will be sufficient. In addition, EPA is changing the time requirement from 72 hours to three days. The added precision of both the date and time of day is unnecessary and this change lessens the additional burden imposed by the labelling requirement. Finally, industry can avoid the labelling requirement completely by moving containers prior to the accumulation of more than 55 gallons.

C. The Definition of Satellite Area

Several commenters requested guidance on the definition of satellite areas on the grounds that EPA has not adequately defined what it means by satellite areas. Others argued the concept is unenforceable without a precise regulatory definition. One commenter raised the possibility of a generator storing 55 gallon drums 5 feet apart along the wall of his facility in an attempt to circumvent further regulatory responsibilities.

Satellite areas are those places where wastes are generated in the industrial process or the laboratory and where those wastes must initially accumulate prior to removal to a central area. This point of accumulation is under the control of the operator of the process that is generating the waste. In order to clarify the meaning of "satellite areas" EPA has added language to this rule delineating the meaning of satellite areas. Certainly the example given by the commenter, of a row of full 55 gallon drums spaced 5 feet apart along the factory wall, does not meet the requirements established by this regulation.

D. The Exclusion of Acutely Hazardous Wastes From This Rule and Its Impact on Labs

A number of commenters raised questions about the exclusion of acutely hazardous wastes listed in § 261.33(e)

from the proposed rule. These commenters argued there is no basis for the exclusion, that there is a danger from moving these wastes through the plant site to a central storage area and that these wastes are safer at the satellite area than in a central area where other, possibly incompatible, wastes will be stored. Some commenters argued in favor of limiting acutely hazardous wastes at satellite areas to a lower accumulation amount than other hazardous wastes. These commenters felt it is acceptable to allow accumulations of up to one gallon at satellite areas before requiring management under § 262.34(a).

EPA specifically requested comments on the effect of the satellite accumulation rule on laboratories. EPA stated that this proposed rule, together with the small generator rule of § 261.5, would alleviate most of the operational problems associated with the accumulation of hazardous waste by laboratories. Most of the comments presented on this issue, however, concerned the exclusion of acutely hazardous waste from the satellite accumulation rule. The commenters argued this exclusion is unnecessarily burdensome for laboratories. They claimed that laboratory workers are especially well trained in handling hazardous wastes and that the cost of transporting these wastes to a central storage point is high, while there is no corresponding benefit to the environment. One commenter suggested allowing acutely hazardous wastes from satellite areas at laboratories to be placed in 500 gram containers. This commenter argued that most laboratory chemicals are delivered in 500 gram containers which would make suitable storage vessels for the wastes. Coupled with the training given to laboratory workers in recognizing the hazards associated with chemicals, this commenter's proposal would give laboratories the necessary flexibility to handle acutely hazardous wastes in a safe manner without being burdened by the immediate removal of these wastes to the central storage area.

After considering these comments, EPA believes a blanket exclusion of acutely hazardous wastes from this rule is unnecessary because of the problems posed by the almost constant accumulation of small amounts of acutely hazardous waste through the workplace. Accordingly, EPA is changing the exclusion of acutely hazardous wastes as proposed to allow the accumulation of one quart of these acutely hazardous wastes at each satellite area. This change will give

laboratories and other generators of acutely hazardous wastes the opportunity to accumulate small amounts of acutely hazardous waste at the satellite area before managing the wastes under § 262.34(a) or moving the wastes to a storage area regulated under the requirements of Part 264 or Part 265. It also recognizes that acutely hazardous wastes should be handled with extra precaution and should not be allowed to accumulate at satellite areas to the extent that other hazardous wastes are allowed to accumulate.

EPA has selected an accumulation limit of one quart since it is the volumetric equivalent of the one kilogram threshold used in other parts of the RCRA regulations (e.g., 40 CFR 261.5) to distinguish the application of the regulations to acutely hazardous and nonacutely hazardous waste. One quart was chosen instead of one kilogram as the threshold for accumulation of acutely hazardous waste consistent with the volume threshold for satellite accumulation of nonacutely hazardous waste and because of the complete opposition by commenters to the use of a weight measure as the initial threshold for the accumulation of hazardous wastes. Finally, this limitation accommodates laboratories who choose to move acutely hazardous waste in the workplace in 500 gram, liter, or quart-sized containers.

E. Small Generators and Satellite Accumulation

Several commenters questioned the relationship between this rule and the small quantity generator rule of § 261.5. The latter rule exempts generators of less than 1000 kilograms per month of (nonacutely) hazardous waste from the hazardous waste management regulations, including 40 CFR Part 262. It also exempts generators of less than one kilogram of acutely hazardous waste per month from regulation. Accordingly, those facilities covered by the small quantity generator rule are not subject to any of the requirements of the satellite accumulation rule so long as they do not generate more than 1000 kilograms of hazardous waste (or one kilogram of acutely hazardous waste) per month. Conversely, if the facility generates more than 1000 kilograms of hazardous waste (or one kilogram of acutely hazardous waste), it is subject to all hazardous waste management regulations including those for accumulation in satellite areas.

F. Other Issues

Several commenters raised other issues. The first issue concerns EPA's decision not to require worker training

or contingency plans for wastes in satellite areas. In the January 3, 1983, preamble, EPA discussed the relationship between its proposed satellite accumulation rule and the Occupational Safety and Health Administration's (OSHA) proposed regulations covering hazardous materials in the workplace. EPA stated it should retain the responsibility for some regulations on the accumulation of hazardous waste in the workplace because OSHA does not specifically regulate hazardous wastes as defined under RCRA or deal specifically with aspects of accumulation that affect human health and the environment outside the workplace. This would include such aspects as the condition of the containers used for accumulation. OSHA does, however, regulate other activities, such as the training of employees of manufacturing industries who work with hazardous materials and safety procedures that closely parallel contingency plans. OSHA promulgated its "Hazard Communication" regulations on November 25, 1983 (48 FR 53280). The management of all RCRA hazardous wastes, including contingency plan and training plan requirements, is specifically exempted from these regulations (29 CFR 1910.1200(b)(5)(i)). As a result, the OSHA regulation does not duplicate EPA's regulation in any respect.

Several commenters stated that EPA should require contingency plans and training plans for the satellite areas. EPA believes, however, that since only one waste will normally be accumulated at each satellite area, and since only limited quantities are allowed to accumulate, contingency plans and training plans are not necessary. As EPA stated in the January 3, 1983, preamble, these requirements were intended for more centralized, higher volume accumulations of waste. When waste generated in a satellite area is transported to a storage area regulated under § 262.34(a) or Parts 264 or 265, the training and contingency plan requirements will apply.

Several commenters questioned EPA's decision not to make the satellite accumulation rule a requirement for authorized States. One commenter argued that by failing to make this rule a requirement for authorized States, EPA is making it possible for States to have hazardous waste regulations that are not consistent with Federal regulations. Consistency between EPA and State hazardous waste management regulations is explained by 40 CFR 271.4 which establishes three areas where State regulations cannot be inconsistent

with EPA's hazardous waste regulations. The failure of a State to adopt the satellite accumulation regulation does not fit within any of the three areas indicating "inconsistency" with the Federal program. Further, section 3009 of RCRA allows States to be more stringent in their regulations than EPA. The Agency would consider a State that does not provide an analogue to § 262.34(c) to allow for satellite accumulation to be implementing a more stringent program. Thus, States need not provide for satellite accumulation of hazardous waste.

A third issue was raised by a commenter who suggested that EPA require covers on containers of certain wastes in order to reduce potential fire hazard that might be associated with the accumulation of flammable waste solvents. EPA agrees with this commenter and is requiring all containers holding hazardous wastes in satellite accumulation areas to be covered except when necessary to add or remove waste. This requirement should not place added burdens on the regulated community since commenters assert, and EPA's own information confirms, that covering containers is common industrial practice.

The final issue raised by a commenter is that the proposed satellite accumulation rule would actually lead to an increase in recordkeeping in order to ensure and demonstrate compliance with the waste accumulation limits and the three day time period requirements. EPA does not agree. There are no additional internal recordkeeping requirements caused by this regulation. Although the final regulation requires that containers be labelled with the date excess accumulation begins, this can be accomplished by merely marking the containers and avoided completely by removing the containers before excess accumulation begins. Further, since recordkeeping requirements for contingency plans do not apply to satellite accumulation areas, there is actually a decrease in recordkeeping.

III. Today's Amendment

After reviewing all of the comments received on the proposed rule, EPA is today promulgating the rule as originally proposed, with the four exceptions of allowing the accumulation in a satellite area of up to one quart of those acutely hazardous wastes listed in § 261.33(e), requiring the generator to mark the

containers with the date the excess accumulation began, requiring that containers holding hazardous waste be covered except when they are opened to add or remove waste, and adding additional language delineating the meaning of a satellite area.

IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. In addition, 5 U.S.C. 553 of the Administrative Procedure Act requires that substantive rules not become effective until at least 30 days after promulgation unless there is good cause for shortening the period. Accordingly, these amendments will become effective six months after publication in the Federal Register.

V. Compliance With Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on the economy of \$100 million or more, nor will it result in an increase in costs or prices to industry. There will be no adverse impact on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Because this amendment is not a major regulation, no Regulatory Impact Analysis is being conducted.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

VI. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information collection request contained in a proposed rule or final rule. This rule will not impose any new information collection requirements on the regulated community. In fact, this rule will reduce the information collection requirements contained in the cleared OMB request #2050-0011.

VII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis for all proposed rules to assess their impact on small entities. No regulatory analysis is

required, however, when the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The economic impact of this regulation will be to reduce the costs of complying with EPA's hazardous waste management regulations for generators of hazardous waste, including those which are small entities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601(b), that this rule will not have a significant economic impact on a substantial number of small entities.

VIII. List of Subjects in 40 CFR Part 262

Hazardous materials, packaging and containers, reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, water supply.

Dated: December 14, 1984.

William Ruckelshaus,
Administrator.

Title 40 of the Code of Federal Regulations Part 262 is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

1. The authority citation for Part 262 reads as follows:

Authority: Secs. 1006, 2002, 3002, 3003, 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6905, 6912, 6922, 6923, 6924, 6925.

2. In § 262.34, paragraph (c) is added to read as follows:

§ 262.34 Accumulation time.

(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided he:

- (i) Complies with §§ 265.171, 265.172, and 265.173(a) of this chapter; and
- (ii) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in § 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)(i)-(ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

[FR Doc. 84-33124 Filed 12-19-84; 8:45 am]

BILLING CODE 6560-50-M

United States Federal Register

**Thursday
December 20, 1984**

Part VIII

Department of the Treasury

Customs Service

**19 CFR Part 10
Caribbean Basin Initiative and
Generalized System of Preferences; Final
Rules**

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY
WASHINGTON, D. C.

1917

1. The following is a list of the names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

2. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

3. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

4. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

5. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

6. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

7. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

8. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

9. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

10. The names of the persons who have been appointed to the various positions in the Office of the Comptroller of the Currency, since the last report of the Comptroller to the Senate, on the 1st day of January, 1917.

Part VIII

Department of the Treasury

Comptroller of the Currency

1917

General and Special Agents
and
Inspectors

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 84-237]

**Customs Regulations Amendments
Relating to Caribbean Basin Initiative
and Generalized System of
Preferences***Correction*

In FR Doc. 84-31863 beginning on page 47986 in the issue of Friday, December 7, 1984, make the following corrections:

1. On page 47993, first column, line 11, Sec. 10.192, "Claims" should read "claim"; and line 18, Sec. 10.197, "cost" should read "costs".

§ 10.195 [Corrected]

2. On page 47994, second column, § 10.195(a)(2)(ii)(D), line sixteen, "or" should read "of".

§ 10.197 [Corrected]

3. On page 47995, second column, § 10.197, heading, second line, "ir" should read "in".

BILLING CODE 1505-01-M

19 CFR Part 10

[T.D. 84-238]

**Customs Regulations Amendments
Relating to Caribbean Basin Initiative
and Generalized System of
Preferences***Correction*

In FR Doc. 84-31864 beginning on page 47995 in the issue of Friday, December 7, 1984, make the following corrections:

1. On page 47996, first column, Background, second paragraph, second line "1985" should read "1995".

§ 10.198 [Corrected]

2. On page 48001, third column, Declaration of Exporter and the lines beneath it were inadvertently repeated (on page 48002) and should be removed.

BILLING CODE 1505-01-M

Thursday
December 20, 1984

Part IX

Department of Transportation

Vehicle Emission Administration

14 CFR 69.1

Regulations for Rulemaking: Extension of
Comment Period

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-84-12A]

Petitions for Rulemaking; Extension of Comment Period; Air Transport Association (ATA)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of comment period on petition for rulemaking.

SUMMARY: The FAA has received a petition for rulemaking from the ATA proposing that the FAA adopt an administrative review mechanism and require certificated airports to submit all proposed airport use restrictions to the FAA for review as to lawfulness before implementation. Under the proposal, the FAA would publish them in the *Federal Register* and, if necessary, temporarily suspend the proposed restrictions in order to call a public hearing to receive comments from interested persons. The FAA published the petition in the *Federal Register* on October 25, 1984 (49 FR 43020), with the comment period closing December 24, 1984. Based on requests for extension of the comment period, the FAA is extending the comment period for an additional 30 days.

DATES: Comments on the petition must identify the petition docket number 24246 and be received on or before: January 25, 1985.

ADDRESS: Send comments on the petition in triplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 24246, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

SUPPLEMENTARY INFORMATION: The FAA has received requests for extension of the comment period on the subject proposal from the National Organization to Insure a Sound-controlled Environment (N.O.I.S.E.) and the United States Conference of Mayors. N.O.I.S.E. is an organization of cities, citizen groups, and individuals affected by and concerned with aviation noise. It asserts that the process contemplated by the ATA petition would result in a major reshaping of the relationships between the Federal Government, represented by the FAA, and State and local governments who are airport proprietors. N.O.I.S.E. contends that exploring, defining, and commenting on such a program will require considerable amounts of time. It states that the timing of the comment period is extremely difficult for State and local governments, because of local elections and the occurrence of both Thanksgiving and Christmas during the comment period.

N.O.I.S.E. also states that for national and regional city organizations, as well as community and citizen organizations, the response process is slow, often requiring study by a committee, submission of a recommendation to a membership, and approval of a position before comment. It cites specific examples of groups it considers will need further time to prepare their comments, including the United States Conference of Mayors. For these

reasons, N.O.I.S.E. requested an extension of the comment period for an additional 90 days.

The United States Conference of Mayors, in its request for an extension, stated that the proposed rule is of great concern to Mayors across the country. It asserts that, with the press of other business and the holiday season, the short comment period is insufficient. It states that the issues raised by the proposed rulemaking should be fully reviewed through the appropriate Conference policy process, and that the Conference Transportation and Communications Committee meets next on January 18, 1985, at which time the proposal will be placed on the agenda. The Conference requests an extension of the comment period until February 28, 1985.

The FAA has considered these requests for extension of the comment period and does not consider extensions of the length requested to be warranted. It is concerned, however, that all interested persons have an adequate opportunity to comment. In view of the concerns raised by N.O.I.S.E. and the United States Conference of Mayors, the FAA believes it would be appropriate to extend the comment period for an additional 30 days.

Accordingly, the comment period on the petition of the ATA published in the *Federal Register* on October 25, 1984 (49 FR 43020) is extended until January 25, 1985.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on December 18, 1984.

Edward P. Faberman,
Deputy Chief Counsel, Federal Aviation Administration.

[FR Doc. 84-33319 Filed 12-19-84; 12:14 pm]

BILLING CODE 4910-13-M