POTW would remain subject to the Pass Through and Interference prohibitions contained in the general pretreatment regulations (40 CFR 403.5(a)(1)). PFPR facilities that are indirect dischargers of the excluded PAIs could also be subject to local limits established by the POTW receiving the facility's wastewater (40 CFR 403.5(d)).

A. Sanitizers

A large number of the comments received by EPA were requests for an exemption for antimicrobial products from the scope of the regulation. Although EPA did propose to partially exempt a list of sanitizer active ingredients due to economic reasons (i.e., disproportionate economic impacts), commenters requested expansion of this list. In today's notice EPA is soliciting comment on the exemption of indoor/home use and similar institutional sanitizer products from the regulation in addition to those sanitizer active ingredients initially listed in Table 8 of the proposed regulation (See Appendix A to this notice). The exemption would apply to both interior and exterior wastewater sources and would no longer be limited by a maximum production level because it is no longer solely based on disproportionate impacts (see discussion on production cutoff in Section I). However, EPA is not planning to exempt sporicidals or industrial preservatives. EPA has also included, in Appendix A, a list of those PAIs that are considered, under FIFRA, to be inert ingredients when used with antimicrobial active ingredients.

In addition to economic impacts, EPA believes that there are a number of other factors to be considered in broadening the scope of the proposed sanitizer exemption. First, these indoor home use sanitizer products are formulated for the purposes of their labeled use to "go down the drain" (i.e., toilet bowl cleaners and tub and tile cleaners). All labels for registered products, including the use and disposal statements, are reviewed by EPA. Second, these same chemicals go to Publicly Owned Treatment Works (POTWs), possibly in higher concentrations and volumes, from their approved labeled use in homes than from equipment cleaning at PFPR facilities. Third, EPA has not been able to identify any reported upsets to POTWs caused by these sanitizer active ingredients. EPA did receive biodegradation data for some of these sanitizer active ingredients which supports a hypothesis that these PAIs also do not pass through POTWs. Finally, these sanitizer active ingredients represent a large portion of

the low toxicity PAIs considered for regulation at the time of proposal.

For the purpose of exempting indoor/home use (and similar institutional) sanitizers, EPA would make use of the following definition in the final regulation:

Sanitizer Products means pesticide products that (1) contain the sanitizer active ingredients listed in Table 8 of the regulation and no other active ingredient; or (2) pesticide products that are intended to disinfect or sanitize, reducing or mitigating growth or development of microbiological organisms including bacteria, fungi or viruses on surfaces or inanimate objects in the household and or institutional environment, as provided in the directions for use on the product label. The only institutional antimicrobial products which are included by this definition are those with formulations similar to the household sanitizer products.

For the purposes of identifying the PAIs which EPA is considering exempting from the scope of this rule and in order to estimate compliance costs to the industry for this notice, EPA was able to use the 1988-1991 FATES (FIFRA and TSCA Enforcement System) database which was previously used in developing costs for the proposal. In addition to the database, EPA used the definition shown above to construct the expanded list of sanitizer active ingredients that would receive an exemption from the final regulation. The expanded list of exempted sanitizer active ingredients used to develop revised compliance costs is contained in Appendix A, Table 1 of this notice. The discussion of estimating the revised compliance costs is contained in Section IV of this notice. EPA solicits comment on both the definition and its use, and whether to use the definition in conjunction with a list or to use a list

B. Pool Chemicals

In the proposed regulation EPA exempted sodium hypochlorite (bleach) from the pretreatment standards. EPA solicited comment on additional chemicals that should also be excluded along with sodium hypochlorite. Commenters suggested that several other chemicals, that are mainly used in the swimming pool industry, including calcium hypochlorite, potassium hypochlorite, lithium hypochlorite, chlorinated isocyanurate compounds and several halogenated hydantoins should be included in this exemption.

EPA did not include these "pool chemicals" in the exemption, at the time of proposal, because EPA believed that the formulating, packaging and repackaging of these chemicals did not involve the use of water (e.g., dry

production). After review of the comments and a site visit to a "pool chemicals" facility, EPA understands that although the products are dry, the addition of water is necessary in certain instances.

Throughout the course of normal dry operations, small amounts of product fall on the floor or accumulate on equipment surfaces and become contaminated with ordinary dust and dirt. These chemicals act as strong oxidizing agents and left untreated, the sweepings pose a serious fire and safety hazard. Facilities treat (de-activate) these chemicals with the addition of water and neutralizing chemicals such as sodium hydroxide or sodium carbonate. With this treatment, the available chlorine in the water is converted to a pH neutral salt which can be discharged to the POTW.

Commenters also provided additional reasons for the sodium hypochlorite exemption, stating that the chemical does not survive in the sanitary waste stream and would be converted to sodium chloride long before it reaches the POTW. Commenters supplied data on the degradation of sodium hypochlorite in water. This data is available for review in the public record for this notice. In addition, EPA notes that calcium hypochlorite, potassium hypochlorite and lithium hypochlorite exhibit similar chemistry and half-lives as sodium hypochlorite. EPA also received comment requesting the extension of the exemption to sodium carbonate, phosphoric acid and hydrochloric acid. Phosphoric acid and hydrochloric acid fall under the original sanitizer exemption and sodium carbonate is considered an inert ingredient when used in formulations with other sanitizer chemicals; therefore, EPA does not believe it is necessary to list these chemicals under the pool chemicals exemption. EPA is considering whether to exempt the chemicals on Table 2 in Appendix A from these categorical pretreatment standards (PSES and PSNS) in the final regulation. In addition, EPA is considering using a definition for pool chemicals in conjunction with the list in Appendix A. This would provide more flexibility to newly registered chemicals that are deserving of the pool chemicals exemption to receive it in the future. EPA solicits comment on a definition for this group of chemicals.

C. Other PAIs

Based on comments received, EPA performed a more extensive investigation to develop options for appropriate treatment technologies for certain PAIs. Upon completing this