products into aerosol cans. The leak test is performed as a requirement prior to transporting the cans. Test baths must be kept at 130°F, cans must be fully submerged, and the baths must be visually monitored for leaking or bursting cans.

EPA believes that unless there are leaking or bursting cans, the water in the bath should not contain pollutants from the formulations. When facilities are not using continuous overflow baths, they will change the water periodically. This is usually due to the build up of small amounts of oil and grease from the exterior surface of the cans themselves (or the silk screened labels). EPA is considering whether to exclude discharges from DOT test bath water from the rule when a facility operates a batch bath where no leaks have been detected or where cans have not burst from the time of the last water change out. EPA solicits comment on this exclusion (See Section III for a discussion on non-excluded DOT test bath water and the pollution prevention alternative.)

EPA has also reexamined the inclusion of discharges from safety equipment cleaning water in the rule. Commenters requested the exemption of safety equipment cleaning water from the zero discharge requirement on the basis that it contains only small amounts of pollutants. Commenters also stated that a zero discharge limitation on discharges from safety equipment cleaning waters would create a disincentive for testing safety showers and eye washes and would create worker safety problems. Safety showers and eye washes are typically tested by running water through the equipment long enough to ensure that water is flowing freely to the unit and that associated alarms are functioning. EPA proposed exempting wastewater discharges from the operation of employee showers, laundry facilities and the fire protection equipment test water for similar reasons, including worker safety issues. In addition, the water from testing this safety equipment should not contain any pesticide active ingredients or other pollutants of concern. Therefore, EPA is considering whether to exclude discharges from the testing of safety showers and eye washes from coverage under the final rule. However, other wastewater associated with cleaning safety equipment, such as rinsing respirators or boots, would still be covered by the rule and the pollution prevention alternative (see Section III) as it would be expected to contain some level of pollutants. EPA solicits comment on this exclusion.

Laboratory equipment rinse water is another wastewater source which commenters considered to contain low levels of PAIs. Typically, a finished product is analyzed prior to packaging as part of the facility's quality control program. A small sample, referred to as the retain sample, is taken into the laboratory for testing.

EPA believes that the only measurable amounts of PAI would come from the retain sample itself and the container that is used to bring it into the laboratory. Facilities can usually reuse the retain sample back into a future formulation of the same product. Wastewaters originating from water that is used to rinse other laboratory glassware, such as graduated cylinders, beakers and pipets should contain nondetectible levels of pesticide active ingredients. In addition, while performing analytical testing other chemicals may be used to perform extractions and render the glassware rinsates non-reusable. Therefore, EPA is considering whether to exclude wastewater discharges from cleaning analytical equipment in on-site laboratories from these regulations. However, EPA would not be excluding wastewater from the retain sample itself or the water used to clean the container that is used to bring the sample into the laboratory. EPA solicits comment on this exclusion.

In the proposed regulation, EPA included contaminated precipitation runoff (storm water) that collects in tank farms, secondary containment structures or on loading pads. Commenters requested the exclusion of storm water from the zero discharge regulation because it was not reusable and because storm water is covered by the Storm Water Regulations (57 FR 41297; September 9, 1992).

In the proposed regulation, EPA suggested the use of the Universal Treatment System (UTS) for achieving zero discharge for wastewaters that could not be reused directly into product. EPA suggested that, for example, floor wash could be treated through the UTS and reused as floor wash. Commenters disagreed with this suggestion in terms of storm water, stating that storm water cannot not be reused for its original purpose following treatment.

In addition, comments were received on the redundancy of the proposed effluent guidelines regulations with the storm water regulations (57 FR 41297). In response to comment, EPA has reviewed the recent storm water regulations and has made a determination that except for the repackaging establishments, storm water

at PFPR facilities is already covered by the individual or general NPDES permits issued to cover storm water from industrial activity. For general permits and most individual permits, the storm water regulations require a very detailed pollution prevention plan which must contain a list of site specific best management practices, plans for employee training, and schedules for inspections. EPA believes that the pollution prevention plan required by the storm water regulations mandates practices similar to those outlined in the pollution prevention alternative (see Section III.B.3.). To avoid duplicative regulatory coverage, EPA is considering whether to exempt storm water discharges from the PFPR rule for the Subcategory C facilities (which does not include repackaging establishments). (See Section II.E for a discussion on the change from "refilling establishments" to "repackaging establishments.")

The coverage of storm water at repackaging establishments is not as clearly defined. The primary SIC code describing repackaging establishments is SIC 5191 and is not specifically included as one of the SIC codes covered under the definition of industrial activity (55 FR 47990) in the storm water regulations (although storm water in storage areas including tank farms is included). EPA believes a gap may be created if storm water from repackaging establishments is not covered in the PFPR effluent guidelines or the storm water regulations. EPA also believes that storm water collected from secondary containment at repackaging establishments where refilling of agricultural pesticides into minibulk containers is conducted, is not different than the type of storm water collected from tank farms at PFPR facilities. EPA solicits comment on the inclusion of the requirements for general storm water permits (i.e., storm water pollution prevention plan) into the PFPR guidelines for Subcategory E facilities (repackaging establishments) or into the storm water regulations under a separate rulemaking.

In addition, EPA believes that the possible contamination of storm water at repackaging establishments can be reduced through use of good housekeeping practices, closed loop refilling systems and small enclosures or roofs around pumps and valves. EPA solicits comment on these or other best management practices associated with repackaging establishments that could be employed to reduce the level of wastewater pollutants found in storm water at these facilities. EPA also requests comment from repackaging establishments that are not able to reuse