storm water or rinsates as make up water for use in applications, if it is in accordance with the product label.

E. Clarification of Definitions

Commenters requested clarification on several issues and definitions in the proposed regulations. Commenters requested specific definitions for formulating, packaging and repackaging, as well as, clarification between pesticide formulating and pesticide manufacturing when they occur at the same facility. Clarification was also requested for the determination that onsite incineration meets the requirements of zero discharge for this regulation. The definition of repackaging establishments, particularly in reference to "retail sales," also prompted comment.

EPA considers the formulation of pesticide products to mean the process of mixing, blending or diluting one or more PAIs with one or more active or inert ingredients, without a chemical reaction that changes one active ingredient into another active ingredient, to obtain a manufacturing use product or an end use product. EPA considers the packaging of pesticide products to mean enclosing or placing a formulated pesticide product into a marketable container. EPA considers the repackaging of pesticide products to mean the direct transfer of a single PAI or single formulation from any marketable container to another marketable container, without intentionally mixing in any inerts, diluents, solvents, other ingredients or other materials of any sort.

Pesticide manufacturers may sometimes add a solvent to a manufactured PAI or intermediate for the purpose of stabilizing transport or at the request of the formulator who is receiving the PAI as a raw material. EPA would like to clarify that manufacturers can perform such operations without being subject to the PFPR effluent guidelines. Typically, such operations are performed without placing the pesticide in a marketable container (i.e., they are shipped in bulk via tank truck, rail car or tote tank). However, PFPR facilities should not conclude that they can receive PAIs (that they do not manufacture), even in bulk quantities, and dilute it with solvent or other carrier without being subject to the PFPR effluent guidelines, as this would be considered formulating.

Although EPA proposed zero discharge limitations with pollution prevention, recycle/reuse and treatment for reuse as the basis for the zero discharge limitation, facilities may meet the requirement of zero discharge to

water through a number of other options. Most of these options include hauling wastewater to off-site destinations. These destinations include incinerators, deep wells and commercial waste treaters and, in some cases, wastes are returned to the registrant or manufacturer. EPA received comment requesting clarification of on-site incineration as a means of achieving zero discharge. For purposes of this regulation only, EPA considers on-site incineration a valid option for achieving zero discharge of PFPR process wastewater. Wet scrubbing devices used for air pollution control on these on-site incinerators are not subject to the PFPR effluent guidelines. The only existing on-site incinerators at facilities covered by the PFPR regulation are at facilities which also manufacture pesticide active ingredients. Scrubber wastewater discharges from these incineration activities are currently regulated under the pesticide manufacturing effluent guidelines (58 FR 50638, September 28, 1993) for the PAIs manufactured at these facilities.

Based on comments received, EPA intends to clarify how the PFPR effluent guidelines would apply to refilling establishments. EPA proposed that the PFPR limitations and standards (proposed Section 455.60) would apply to refilling establishments that repackage agricultural pesticides whose primary business is retail sales (59 FR 17904). This is the same scope used in the proposed Standards for Pesticide Containers and Containment regulations (59 FR 6712, February 11, 1994). EPA chose to specify a subset of the universe of refilling establishments within the proposed containment rule to require secondary containment only at agricultural pesticide refilling facilities where there was documented evidence of environmental contamination from leaks and spills. Specifically, EPA believed that it did not have sufficient information regarding the practices and environmental problems at formulators and manufacturers where pesticide refilling may occur to prescribe containment requirements (59 FR 6754).

EPA received comments from State of Minnesota officials on the proposed PFPR effluent guidelines stating that there are refilling establishments whose business is primarily wholesale sales located in their state that repackage agricultural chemicals into refillable containers.

The EPA believes that in an attempt to be consistent with the language in the proposed containment regulations, it may have misstated the intended scope of the PFPR effluent guidelines. EPA believes that the types of refilling

establishments used as the basis for extrapolating data to all refilling establishments in the PFPR industry included facilities whose primary business is wholesale and/or retail sales and did not include pesticide formulators or manufacturers or repackagers of non-agricultural pesticides.

EPA intends to clarify the scope of Subpart E of the proposed PFPR effluent guidelines, § 455.60. However, this change in the definition, may cause the regulated community confusion, as there would be two definitions of the term "refilling establishment." Therefore, EPA is considering keeping the term refilling establishment for the Container regulations and using the term repackaging establishments for the final PFPR effluent guidelines. In this situation § 455.60 would read "a repackaging establishment is an establishment where the activity of repackaging agricultural pesticide product into refillable containers occurs, whose primary business is wholesale or retail sales, and where no pesticide manufacturing, formulating, or packaging occurs". EPA solicits comment on this clarification.

III. Pollution Prevention Alternative

This section discusses the background on the pollution prevention alternative incorporated in the Zero/P2 Option, including the comments received which led to today's supplemental notice and solicitation for comments. The structure of the alternative and the pollution prevention (P2) practices are described. The notice solicits comment on the degree to which these practices should be specified in the regulatory text (i.e., specified vs. guidance). The wastewater treatment cost savings and pollutant loading reductions that are associated with the P2 practices are briefly discussed. In addition, several options for implementation of the P2 alternative on which EPA seeks comment are described including self-certification, submittal of a plan to permitting authorities, and greater flexibility for the permitting authorities to use best professional judgement (BPJ).

In response to the zero discharge proposal, a variety of commenters stated that PFPR facilities should be given the opportunity to conduct various pollution prevention practices and thereby limit the level of PAIs which would be discharged into navigable waters. Commenters cited to a list of such practices that the Agency had already developed in its Development Document for the proposed rule. These same commenters argued that the zero discharge limitations and standards