final rule, EPA identified some potential incremental costs for closure of abandoned surface impoundments. EPA also included the costs of handling and disposal of P and U wastes in the revised EIA and is confident that its analysis is comprehensive. EPA believes, however, that designation of these carbamates as P and U wastes will not result in significant costs for suppliers and customers because of the infrequent nature of waste generation.

As for the commenter's concern about POTW operators no longer accepting such waste, EPA notes that currently RCRA listed wastewater is routinely accepted for treatment by POTW operators and other CWA systems. EPA does not expect any significant problems in this area for generators of carbamate production wastes.

EPA also believes that the long-term economic impacts of changes to markets and product distribution will be minimal. EPA also rejects the assertion that farmers and other small business owners will file unnecessary reports as a result of this listing. The Agency believes that the agricultural sector is as sophisticated about complying with environmental requirements as any other sector.

EPA also believes that carbamate wastes presently being recycled should be able to continue to be recycled under RCRA exemption following the listing and that any administrative cost impacts associated with the listing would be small compared to other waste management costs.

EPA also points out that the scope of its EIA is limited to the effects of the Federal RCRA program. In its rulemakings, EPA is not able to account for actions taken by the states, tribes, municipalities, or other governmental entities. States are free to impose more stringent regulations at any time. In its rulemakings, EPA is not able to account for the variances between the federal and state programs.

M. Impact on Recycling and Reuse

Several commenters believe that the K listings and P and U listings will have a negative impact on established reuse and recycling program. Commenters were also concerned that the rule will have an adverse impact on product stewardship programs, especially return for refill programs for containers. The commenters believe that the final listings should exclude all wastewater generated as part of recycling operations and all residue returned as part of recycling program and all wastewaters generated in cleaning recycled containers.

The Agency does not foresee any adverse impact of K, P or U listings on container recycling programs. The scope of the K listings is limited to wastes from the production of the carbamate chemicals and does not include product container wash waters. Product container wash waters are subject to the P or U waste listings if discarded or mixed with other listed wastes. However, when returned to either a formulation process or the chemical production process these wash waters would not be solid wastes, because the material is used in an industrial process to make a product (§ 261.2(e)(i)), or is being returned to the original process without first being reclaimed (§ 261.2(e)(iii)).

The EPA does not believe regulation of P and U wastes will adversely impact the recycling. Several carbamates are largely formulated in aerosol containers which may be recycled for their scrap metal value. As recyclable scrap metal, empty aerosol containers are exempted from RCRA regulation (§ 261.6(a)(3)(iii)). However, aerosol containers that are not empty in accordance with § 261.7 and have contained P or U listed substances would be subject to hazardous waste regulation when discarded.

The EPA also does not foresee significant adverse impacts to return for refill programs. Containers that have held P or U regulated substances are hazardous waste when discarded if the container is not empty in accordance with the provisions of § 261.7. EPA views hazardous waste disposal requirements to encourage the return of the container by the public to such refill programs. Should containers, other than those which are empty, be disposed full compliance with all RCRA requirements would be triggered.

N. Executive Orders

Several commenters believed that the Agency did not comply with Executive Order 12866 Regulatory Planning and Review (58 FR 51735, October 4, 1993). EPA believes it has complied with all provisions of E.O. 12866. Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a "significant regulatory action" because of policy issues arising out of legal mandates. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations are documented in the public record. See F-94-CPLP-0006.

One commenter believes EPA failed to measure additional sources of contaminants with potential risk factors, and that these omissions are inconsistent with Executive Order 12898 Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations, section 3–301(b), which provides that federal agencies should consider, whenever practicable and appropriate, multiple and cumulative exposures.

EPA believes it has complied with all provisions of E.O. 12898 (Environmental Justice). The Agency calculated risks for each exposure pathway of significance and considered the potential cumulative risks of multiple exposures to the same toxic contaminants via multiple pathways. The Agency acknowledges that there may be other exposures resulting from such pathways as facility air emissions or consumer product use, and has attempted to quantify only those risks associated with solid waste management.

O. Paperwork Reduction Act

One commenter believes that the Paperwork Reduction Act (PRA) requirements have not been met with respect to the proposed rule in that it believes the reporting requirements under CERCLA for releases constitutes information collection and this the rule should be submitted to OMB for review.

The proposed rule stated in error that this rule has no PRA requirements. However, this rule does not contain any new information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Facilities will have to comply with the existing Subtitle C recordkeeping and reporting requirements for the newly listed wastestreams.

Release reporting required as a result of listing wastes as hazardous substances under CERCLA and adjusting the reportable quantities (RQs) has been approved under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and has been assigned OMB control number 2050–0046 (ICR 1049, Notification of Episodic Release of Oil and Hazardous Substances).

P. Compliance Schedule

Several commenters believed that EPA has not provided the regulated community with adequate time to comply with the rulemaking and should allow additional time for compliance which may require capital projects. This final rule allows for six months for compliance with this rule consistent and is consistent with RCRA § 3010(b). A period of six months from the publication date of the listing is generally adequate time for the industry