

governmental jurisdictions subject to regulation."

If, however, the head of the Agency certifies that the rule will not have a significant impact on a substantial number of small entities, no regulatory flexibility analysis is required.

Table 7 presents the estimated annualized incremental compliance costs borne by the five small businesses⁸ in the carbamate production industry. The annual incremental cost of the rule for the five facilities ranged from \$628 to \$772. The greatest ratio of compliance cost to sales is 0.01%, thus, EPA concluded that no small businesses are significantly affected by this rule.

TABLE 7.—RESULTS OF THE REGULATORY FLEXIBILITY ANALYSIS

Facility	Annual incremental cost of rule	Annual sales (millions)	Annual cost of compliance/annual sales (percent)
1	\$772	\$17.8	<0.01
2	628	110	<0.01
3	664	6.6	0.01
4	628	45	<0.01
5	736	19	<0.01

Of the 24 entities which are directly subject to this rule, 18 entities would incur incremental compliance costs. Of the 18 affected facilities, 4 entities fit the definition of a "small entity" as defined by the Regulatory Flexibility Act.⁹ The annual incremental cost impact to these 4 entities ranges from \$600 to \$800. For each of the 4 facilities impacted, these annual costs constitute less than 1 percent of total annual sales. EPA believes that these costs do not represent a significant impact. Hence, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), "the Administrator certifies that this rule will not have a significant economic impact on a substantial number of entities."

XI. Paperwork Reduction Act

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

⁸ A small business is defined by the Small Business Size Regulations (13 CFR part 121) as one with under 500 employees.

⁹ According to "EPA Guidelines for Implementing the Regulatory Flexibility Act" (April, 1992), any producer of pesticides and agricultural chemicals (SIC 2879) with less than 500 employees constitutes a "small entity." None of the entities which would incur incremental compliance costs as a result of this proposal have less than 500 employees.

to comply with the existing Subtitle C recordkeeping and reporting requirements for the newly listed wastestreams.

To the extent that this rule imposes any information collection requirements under existing RCRA regulations promulgated in previous rulemakings, those requirements have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control numbers 2050-120 (ICR no. 1573, Part B Permit Application); 2050-120 (ICR 1571, General Facility Standards); 2050-0028 (ICR 261, Notification to Obtain an EPA ID); 2050-0034 (ICR 262, Part A Permit Application); 2050-0039 (ICR 801, Hazardous Waste Manifest); 2050-0035 (ICR 820, Generator Standards); and 2050-0024 (ICR 976, Biennial Report).

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).

List of Subjects

40 CFR Part 261

Environmental protection, Hazardous materials, Waste treatment and disposal, Recycling.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous material transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

40 CFR Part 302

Environmental protection, Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Pesticides and pests, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: January 31, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, 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 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. Section 261.3 is amended by removing the period at the end of paragraph (a)(2)(iv)(E) and adding a semi-colon and the word "or" and by adding paragraphs (a)(2)(iv)(F), (a)(2)(iv)(G) and (c)(2)(ii)(D) to read as follows.

§ 261.3 Definition of hazardous waste.

- (a) * * *
- (2) * * *
- (iv) * * *
- (E) * * *; or
- (F) One or more of the following wastes listed in § 261.32—wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)—Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or
- (G) Wastewaters derived from the treatment of one or more of the following wastes listed in § 261.32—organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156).—Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.

* * * * *

- (c) * * *
- (2) * * *
- (ii) * * *

(D) Biological treatment sludge from the treatment of one of the following wastes listed in § 261.32—organic waste