

US EPA ARCHIVE DOCUMENT

40 CFR Parts 262, 264, 265, 268 and 270

Farmer Exemptions; Technical Corrections

AGENCY: Environmental Protection Agency.

ACTION: Technical Corrections.

SUMMARY: On August 8, 1986, EPA promulgated regulations for the export of hazardous waste under the Resource Conservation and Recovery Act (RCRA), and in doing so moved the RCRA farmer exemption to a new section in the *Code of Federal Regulations* (CFR). EPA, however, failed to modify a number of other sections in the CFR which refer to the farmer exemption by section. Then, on July 8, 1987, EPA sought to amend the farmer exemption to make it clear that farmers who were otherwise exempt from hazardous waste regulations were also exempt from the land disposal restrictions. In doing so, however, EPA inadvertently moved the farmer exemption back to its old section (which was already occupied by the export regulations). Today's amendments will correct these errors.

EFFECTIVE DATE: July 19, 1988.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free (800) 424-9346 or (202) 382-3000. For specific questions on this notice contact Ms. Emily Roth, EPA, 401 M Street SW., Washington, DC 20460, (202) 382-4777.

SUPPLEMENTARY INFORMATION:

I. Technical Corrections

The following amendments are promulgated today in 40 CFR:

1. Section 262.10(b) is amended by changing the reference "\$ 262.51" to "\$ 262.70;"

2. Section 262.10(d) is amended by changing the reference "\$ 262.51" to "\$ 262.70" and by adding "Part 268" (the land disposal restrictions) to the list of Parts farmers are exempt from;

3. Section 262.51 is revised so that it contains the definitions for the hazardous waste export regulations. This change was made on August 8, 1986 (51 FR 28664), but then the Agency inadvertently revised the section on July 8, 1987 (52 FR 25760);

4. Section 262.70 is amended so that "Part 268" (the land disposal restrictions) is added to the Parts a farmer may be exempt from. The Agency attempted to make this change July 8, 1987 (52 FR 25760), but mistakenly amended the wrong section;

5. Section 264.1(g)(4) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

6. Section 265.1(c)(8) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

7. Section 268.1(c)(5) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

8. Section 270.1(c)(2)(ii) is amended by changing the reference from "\$ 262.51" to "\$ 262.70."

These amendments correct cross-references in the regulations and correct changes in the regulations made by mistake. All of the provisions were originally promulgated after public notice and opportunity for comment and there are no new issues raised by these corrections. In addition, these amendments do not impose any new substantive requirements on any persons. For these reasons, the Agency has good cause under RCRA § 3010 and the Administrative Procedure Act for making these amendments immediately effective without additional public notice and opportunity for comment.

II. Regulatory Impacts

The regulations promulgated today are merely renumbering actions and so have no impacts on the regulated community.

A. Executive Order No. 12291—Regulatory Impacts

Under Executive Order No. 12291, EPA must determine whether a regulation is "major" and thus is subject to the requirement to prepare a regulatory impact analysis. Today's amendment merely corrects CFR section numbering errors and does not impose new requirements, so it does not have an economic impact.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA must prepare a regulatory flexibility analysis for all proposed rules unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601(b), that this rule will not have a significant impact on a substantial number of small entities because it merely involves renumbering actions, and so does not change previously existing rules.

C. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

List of Subjects for Parts 262, 264, 265, and 270

Hazardous waste, Exports, Farmer exemption.

Dated: July 13, 1988.

J.W. McGraw,

Acting Assistant Administrator for Solid Waste and Emergency Response.

For the reasons set out in the preamble, Title 40 of the *Code of Federal Regulations* is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

I. In Part 262:

1. The authority citation for Part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922, 6923, 6924, 6925, and 6938.

2. Section 262.10 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 262.10 Purpose, scope, and applicability.

* * * * *

(b) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this part with respect to that waste: Section 262.11 for determining whether or not he has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for accumulation of hazardous waste, § 262.40 (c) and (d) for recordkeeping, § 262.43 for additional reporting, and if applicable, § 262.70 for farmers.

(c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this part.

(d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of § 262.70 is not required to comply with other standards in this part or 40 CFR parts 270, 264, 265, or 268 with respect to such pesticides.

* * * * *

3. Section 262.51 is revised to read as follows:

§ 262.51 Definitions.

In addition to the definitions set forth at 40 CFR 260.10, the following definitions apply to this subpart:

"Consignee" means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

"EPA Acknowledgement of Consent" means the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the

receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

"Primary Exporter" means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with 40 CFR Part 262, Subpart B, or equivalent State provision, which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

"Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

"Transit country" means any foreign country, other than a receiving country, through which a hazardous waste is transported.

4. Section 262.70 is revised to read as follows:

§ 262.70 Farmers.

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this part or other standards in 40 CFR Parts 264, 265, 268, or 270 for those wastes provided he triple rinses each emptied pesticide container in accordance with § 261.7(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

II. In Part 264:

1. The authority citation for Part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.1 is amended by revising paragraph (g)(4) to read as follows:

§ 264.1 Purpose, scope, applicability.

(g) * * *

(4) A farmer disposing of waste pesticides from his own use in compliance with § 262.70 of this chapter; or

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

III. In Part 265:

1. The authority citation for Part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

2. Section 265.1 is amended by revising paragraph (c)(8) to read as follows:

§ 265.1 Purpose, scope, applicability.

(c) * * *

(8) A farmer disposing of waste pesticides from his own use in compliance with § 262.70 of this chapter; or

PART 268—LAND DISPOSAL RESTRICTIONS

IV. In Part 268:

1. The authority citation for Part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. Section 268.1 is amended by revising paragraph (c)(5) to read as follows:

§ 268.1 Purpose, scope, and applicability.

(c) * * *

(5) Where a farmer is disposing of waste pesticides in accordance with § 262.70.

PART 720—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

V. In Part 270:

1. The authority citation for Part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

2. Section 270.1 is amended by revising paragraph (c)(2)(ii) to read as follows:

§ 270.1 Purpose and scope of these regulations.

(c) * * *

(2) * * *

(i) * * *

(ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in § 262.70 of this chapter;

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 85-388]

Amendment of Sections of Part 22 of the Commission's Rules as They Apply to Applications To Serve Rural Service Areas

AGENCY: Federal Communications Commission.

ACTION: Final rule; corrections.

SUMMARY: The Federal Communications Commission is correcting the text of Section 22.917(c)(1)(ii) as amended in the Final Rule (Fourth Report and Order) FCC 88-154, a summary of which was published in the Federal Register at 53 FR 18091, May 20, 1988, concerning Rural Service Areas.

EFFECTIVE DATE: June 20, 1988.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sari E. Greenberg, Mobile Services Division, Common Carrier Bureau; (202) 632-6450.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission is correcting § 22.917(c)(1)(ii) at 53 FR 18093, by adding the following phrase at the end of the paragraph: ". . . and must be sufficient to cover the costs of the proposed RSA systems."

Federal Communications Commission.

H. Walker Feaster III, Acting Secretary.

[FR Doc. 88-16093 Filed 7-18-88; 8:45 am] BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-14; RM-6099]

Radio Broadcasting Services; Batesville and Charleston, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The following action is taken in response to a request filed jointly by Batesville Broadcasting Company and