Transportation Equipment Noise Emission Controls; Truck-Mounted Solid Waste Compactors; Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Technical Amendments to final rules.

SUMMARY: On December 10, 1979, General Motors Corporation ("GM") submitted to the Administrator of the U.S. Environmental Protection Agency ("EPA") a petition for reconsideration of Noise Emission Standards for Truck-Mounted Solid Waste Compactors, 40 CFR § 525.220 at seq., (44 FR 58324, Oct. 1, 1979) ("the regulation"). In its petition, GM specifically requested reconsideration and deletion of all provisions related to the Acoustical Assurance Period ("AAP") and the Noise Level Degradation Factor ("NLDF").

The Administrator of EPA responded to General Motors on March 10, 1980. That response detailed the Agency's decision to retain the AAP. However, after careful reconsideration, the Agency decided to revoke from the regulation all provisions related to the NLDF. This Federal Register notice implements that decision.

EFFECTIVE DATE: June 11, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Martha G. Protho, Director, Noise Enforcement Division (EN-397), U.S. Environmental Protection Agency, Washington, D.C. 20460 (703) 357-7470.

SUPPLEMENTARY INFORMATION:

I. Discussion

On October 1, 1979, EPA promulgated 40 CFR Part 20A, Subpart F, Truck-Mounted Solid Waste Compactors: Noise Emission Standards (44 FR 58524). This regulation requires that, beginning October 1, 1980, each newly manufactured truck-mounted solid waste compactor must produce a logarithmic (energy) average noise level in excess of 78 decibels. The maximum allowable noise level is reduced to 76 decibels for products manufactured after July 1, 1982.

To ensure continuing benefits from this regulation, manufacturers are required to design and build each compactor so that, when properly maintained and used, its noise level will not degrade (i.e., increase) above the level of the applicable standard for a period of 2 years or 5,000 operating hours, whichever occurs first. This period of in-use compliance is called the Acoustical Assurance Period ("AAP").

Under the regulation as promulgated, manufacturers were required to establish the anticipated noise level degradation (increase in noise level) for their products during the AAP. The anticipated degradation would be taken into account when measuring the noise levels of their products to show compliance with the regulation. This anticipated noise level increase is termed the Noise Level Degradation Factor ("NLDF").

GM alleged that in promulgating the AAP and the NLDF the Administrator of EPA exceeded the authority granted to him by Congress under the Noise Control Act. GM also alleged that the Administrator had established a regulatory scheme which had no technical basis and which was not supported by cost analysis, thereby acting arbitrarily and capriciously. EPA disagrees with GM's allegations. As detailed in the Agency's response to GM, EPA believes the AAP is consistent with both the language and purposes of the Noise Control Act, and is substantiated by sufficient information.

With respect to the Noise Level Degradation Factor (NLDF), EPA has reconsidered the burdens placed upon manufacturers by the NLDF and the way in which the NLDF would apply to the trash compactor regulation. The Agency has concluded that the NLDF is not necessary in this regulation. The NLDF and related provisions are therefore being withdrawn from the regulation.

II. Supporting Documentation

Copies of GM's petition for reconsideration, and EPA's response can be obtained for review and copying...
from: Mr. Charles Momany, U.S.
Environmental Protection Agency, EPA
Public Information Center (PM-215)
Room 2194 D, 401 M Street, SW.,
Washington, D.C. 20460 Phone: (202) 755-0717.

The amendments made today are
consistent with the compliance activities of
manufacturers of truck-mounted solid
waste compactors, including activities
which must be completed prior to the
October 1, 1989, effective date of the
regulation. Moreover, the amendments
only relieve certain restrictions in the
regulation, and do not change the
manufacturer's substantive
responsibility to design, build, and equip
the product so that it will comply with
the applicable noise standard
throughout the AAP, if properly used
and maintained. If the manufacturer
expects the noise levels of the product to
decline during the AAP, he will have to
account for that degradation in the
product's design. The amendments only
relieve the manufacturer's duty to
document to the Agency the amount of
degradation that is expected to occur
during the AAP. For these reasons, the
Agency finds that notice and
opportunity to comment on the
amendments prior to final rulemaking
would be impracticable and
unnecessary.

EPA has determined that this action is
not a "significant" regulation, and
therefore does not require a Regulatory
Analysis in accordance with Executive
Order 12044.

These amendments complete EPA's
action on GM's petition for
reconsideration of the regulation, and
are promulgated under the authority of
42 U.S.C. 4905.

Dated: May 2, 1990.
Douglas M. Costle,
Administrator.

40 CFR Part 205, Subpart F is amended
as follows:

1. The table of sections is amended by
deleting "205.202-4 Noise Level
Degradation Factor (NLDG) and
retention of durability data."

§ 205.201 [Amended]
2. Section 205.201 is amended by
deleting paragraph (d)(9)(i) and by
renumbering paragraphs (d)(9)(ii)–(x)
as (d)(9)(i)–(x), respectively.

§ 205.202 [Amended]
3. Section 205.202(b) is amended by
deleting from the last sentence the
words "the noise level degradation
factor (NLDG) developed in
accordance with § 205.202-4."

4. Section 205.202-2 is amended by
revising paragraphs (b)(2) and (c)(1)(i),
(ii) and (iv) to read as follows:

§ 205.202-2 Production verification:
compliance with standards.
(b) • • • • • • • • • • •

(ii) Compliance of the test compactors
with a noise level which does not
exceed the applicable standards, when
tested in accordance with § 205.204; and

(c) • • • • • • • • • • •

(i) Identifying the configuration
within each category which emits
the highest noise level (in dB) based on
best technical judgment, emission test
data or both:

(iv) Demonstrating compliance by
showing that the measured noise level
does not exceed the applicable
standard:

5. Section 205.205-4 is amended by
revising the introductory text of
paragraph (b)(3) and the second
sentence of the text that follows
paragraph (b)(3)(iv) to read as follows:

§ 205.205-4 Production verification
report required data.
(b) • • • • • • • • • • •

(ii) A description of all compactor
configurations, as determined in
accordance with § 205.205-3, to be
distributed in commerce by the
manufacturer, including for each
configuration a list of the
following: • • • • • • • • • • •

• • • • • • • • • • •

If a manufacturer elects to
production-verify pursuant to § 205.205-
3(c), the configuration within each
category which is estimated to have the
highest A-weighted noise level must be
identified. • • • • • • • • • • •

6. Section 205.207-6 is amended by
revising paragraph (a) to read as
follows:

§ 205.207-6 Passing or failing under SFA.
(a) A failing compactor is one whose
measured noise level is in excess of the
noise level equal to the applicable noise
emission standard set forth in § 205.202
for the category or configuration being
tested.

§ 205.208-4 [Revised]
7. Section 205.208-4, Noise Level
Degradation Factor (NLDG) and
retention of durability data, is revoked
in full.
TABLE I

NOISE EMISSION TEST DATA SHEET
FOR TRUCK-MOUNTED SOLID WASTE COMPACTORS

Test No.__________

I. Machine Characteristics

Body Manufacturer:_________________ Model No.______ Serial No.__________

Truck Manufacturer:_________________ Model No.______ Serial No.__________

Rate H.P. at:_________ RPM; Maximum Engine Speed During Compaction_________RPM

II. Test Conditions

Manufacturer's Test Site Identification and Location:_________________________

Measurement Surface Composition:__________________________________________

Ambient Sound Levels (a) Beginning of Test:_________ dBA
(b) End of Test:_________ dBA

III. Instrumentation

Microphone Manufacturer:_________________ Model No.______ Serial No.__________

Sound Level Meter Manufacturer:_________________ Model No.______ Serial No.__________

Acoustical Calibrator Manufacturer:_________________ Model No.______ Serial No.__________

Other:_________________ Model No.______ Serial No.__________

IV. Noise Level Data

<table>
<thead>
<tr>
<th>Machine Reference Surface</th>
<th>Calculated Average Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td></td>
</tr>
<tr>
<td>L.H. Side</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>R.H. Side</td>
<td></td>
</tr>
</tbody>
</table>

V. Atmospheric Data

Temperature ___________°C ___________°F

Wind Speed ___________km/hr.

Barometric pressure ___________mm Hg

VI. Test Personnel and Witnesses

Tested by:_________________ Date:_________________

Reported by:_________________ Date:_________________

Checked by:_________________ Date:_________________