In late 1983, several compactor manufacturers informed the Agency that the regulations placed testing and reporting requirements upon them that, in their opinion, were excessively burdensome. Based on meetings with the industry, as well as information obtained through practical experience with this regulation by compactor manufacturers and by EPA's enforcement personnel, the Agency agreed that it should explore alternative testing and compliance provisions. Accordingly, on February 12, 1984, the Administrator issued a Notice of Reconsideration (49 FR 12975) that suspended all enforcement of the regulation until EPA could reexamine the testing and reporting requirements. However, after full consideration of the issues involved, the Agency proposed to rescind the regulations.

3.0 Environmental Considerations

In taking this action, the Administrator has taken into consideration the nature of compactor noise impacts and the substantial growth in local noise control programs and ordinances since this product was identified as a major noise source for Federal regulation. For the most part, noise impacts from compactors are highly localized, occurring primarily along local roads and streets. Approximately 50% of the compactors in use are under the direct control of State and local governments through government waste collection services, and much of the private waste collection sector is subject to controls on routing, hours of operation, and number of trucks in operation.

The Administrator believes that, absent the industry's need for uniform national noise control standards, the construction of compactor noise by State and local governments through regulatory initiatives and programs such as "Buy-Quiet" or "Green Streets" could result in adverse environmental impacts that might result from rescission of the TMSWC noise emission regulations.

4.0 Docket Summary

There were a total of 15 responses to the Agency's proposed rescission. 7 comments were received from the industry and the trade association, and 8 comments were received from State or local government associations. The 10 comments were all in agreement with the proposed rescission. The Administrator believes that the evidence and the comments received indicate that a decision to rescind this regulation is in the proper course by the Agency.

In summary, State and local government respondents to the proposal basically felt that regulation of these noise sources is a State and local problem which can best be handled at that level, and that State and local governments have the means, in cooperation with the industry, to mitigate any adverse environmental impacts that might result. Some of the State and local respondents indicated that Federal cooperative involvement in noise control should continue in order to help provide other technical or financial assistance.
supportive of a "Buy-Quiet" program for State and local governments. The Agency, however, feels that a "Buy-Quiet" program is a viable non-regulatory alternative through which State and local governments can, working cooperatively with industry and their counterpart State and local governments, effect the purchase of quieter products. The Agency remains in full support of such a voluntary program.

5.0 List of Subjects in 40 CFR Part 205

Labeling, Motor vehicles, Noise control, Reporting and recordkeeping requirements.

6.0 Conclusions

It is the Administrator’s judgment that the Federal Noise Emission Regulation for Truck-Mounted Solid Waste Compactors (40 CFR Part 205, Subpart F) should be retained.

This action is expected to save annual resources estimated at $39 million in equivalent annual costs, and enable the compactor manufacturing industries to avoid an estimated $16 million annually in engineering and testing costs. Further, the Administrator believes that it is within the ability of State and local governments to control the noise of these products, and thereby substantially mitigate any adverse environmental effects that might result from the rescission of this regulation.

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This action is not a major regulation as it proposes to rescind a regulation, and because:

1) It will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

2) It will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 601, et seq., the Administrator hereby certifies that this action will not have a significant economic impact on a substantial number of small entities, because it withdraws the need for small entities to implement noise control features on Truck-mounted Solid Waste Compactors.

This final action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA response to these comments, are included in the public docket for this action.


Dated: July 13, 1983

William D. Ruckelshaus,
Administrator.