

motion, these determinations shall become effective on March 16, 1995. Please bring this notice to the attention of any persons known by you to have an interest in these determinations.

All documents related to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Indiana Department of Environmental Management, Drinking Water Branch, 100 North Senate Avenue, Indianapolis, Indiana 46206

State Docket Officer: Mr. T.P. Chang, (317) 232-8435

Safe Drinking Water Branch, Drinking Water Section, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590

**FOR FURTHER INFORMATION CONTACT:**

Miguel A. Del Toral, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/886-5253.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Signed this 31st day of January, 1995.

**David A. Ullrich,**

*Acting Regional Administrator, U.S. EPA, Region 5.*

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BILLING CODE 6560-50-P

[FRL-5154-3]

**Notice of Intent to Grant Chemical Waste Management, Inc. a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) Regarding Injection of Hazardous Waste**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to grant Chemical Waste Management, Inc. (CWM), of Oak Brook, Illinois, a modification of an exemption for the injection of certain hazardous wastes.

**SUMMARY:** The United States Environmental Protection Agency (EPA or Agency) is today proposing to grant a modification to the exemption from the ban on disposal of certain hazardous wastes through injection wells to CWM for its site at Vickery, Ohio. If granted, this modification would allow CWM to inject additional Resource Conservation and Recovery Act (RCRA) regulated wastes, identified by codes: F037, F038, K086, K107, K108, K109, K110, K117, K118, K123, K124, K125, K126, K141, K142, K143, K144, K145, K147, K148,

K149, K150, and K151 through four waste disposal wells (WDWs) numbered: 2, 4, 5, and 6. Wastes codes F037, F038, K086, K107, K108, K109, K110, K123, K124, K125, and K126 were inadvertently omitted from the list for which CWM originally requested exemptions. Waste codes K141, K142, K143, K144, K145, K147, K148, K149, K150 and K151 became newly listed waste codes on September 19, 1994, and were banned from waste injection effective December 19, 1994. If granted, this modification would allow CWM to inject RCRA wastes with these codes after that ban date. The Agency has established June 30, 1995, as ban date for waste codes K131, and K132, after which, disposal by injection would be prohibited. If granted, this modification would allow CWM to continue to inject RCRA wastes with these codes beyond that ban date. On August 8, 1990, the Agency issued CWM an exemption for injection of certain hazardous wastes after determining that there is a reasonable degree of certainty that CWM's injected wastes will not migrate out of the injection zone within the next 10,000 years.

**DATES:** The EPA is requesting public comments on its proposed decision to exempt the wastes listed above. Comments will be accepted until March 31, 1995. Comments postmarked after the close of the comment period will be stamped "Late". A public information meeting and a public hearing to allow comment on this action may be scheduled if significant comments are received, and notice of these meetings will be given in a local paper and to all people on a mailing list developed by the Agency. If you wish to request that a public hearing be held, or to be notified of the date and location of any public hearing held, please contact the lead petition reviewers listed below.

**ADDRESSES:** Submit written comments, by mail, to: United States Environmental Protection Agency, Region 5, Underground Injection Control Section (WD-17J), 77 West Jackson Street, Chicago, Illinois 60604, Attention: Richard J. Zdanowicz, Chief.

**FOR FURTHER INFORMATION CONTACT:** Harlan Gerrish or Nathan Wiser, Lead Petition Reviewers, UIC Section, Water Division; Office Telephone Numbers: (312) 886-2939 and (312) 353-9569, respectively; 17th Floor Metcalfe Building, 77 West Jackson Street, Chicago, Illinois.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

**A. Authority**

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA Sections 3004(d)(1), (e)(1), (f)(2), (g)(5)). The statute specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA Section 3004(k)). After the effective date of prohibition, hazardous waste can be injected only under two circumstances:

(1) When the waste has been treated in accordance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR) Part 268 pursuant to Section 3004(m) of RCRA, (the EPA has adopted the same treatment standards for injected wastes in 40 CFR Part 148, Subpart B); or

(2) When the owner/operator has demonstrated that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking an exemption from the ban must demonstrate to a reasonable degree of certainty that hazardous waste will not leave the injection zone until:

(a) The waste undergoes a chemical transformation within the injection zone through attenuation, transformation, or immobilization of hazardous constituents so as to no longer pose a threat to human health and the environment; or

(b) That fluid flow is such that injected fluids will not migrate vertically upward out of the injection zone to a point of discharge for a period of 10,000 years.

The EPA promulgated final regulations on July 26, 1988, (53 FR 28118) which govern the submission of petitions for exemption from the disposal prohibition (40 CFR Part 148). Most companies seeking exemption have opted to demonstrate waste confinement (option (a) above, rather than waste transformation (option (b) above). A time frame of 10,000 years was specified for the confinement demonstration not because migration after that time is of no concern, but because a demonstration which can meet a 10,000 year time frame will likely provide containment for a substantially longer time period, and