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This modification will add to the above list of approved codes in the existing exemption, so that CWM may also dispose of wastes denoted by the following RCRA waste codes: F037, F038, F086, K107, K108, K109, K110, K123, K124, K125, K126, K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 through its deep wells upon the effective date of this petition modification. When K131 and K132 are banned from land disposal on June 30, 1995, this modification will allow continued disposal of those wastes through the deep-well system.

D. Submission

On September 12, 1994, and October 28, 1994, CWM submitted requests to modify its existing petition for exemption from the land disposal restrictions on hazardous waste disposal

under the HSWA of RCRA (40 CFR Part 148). The submissions were reviewed by staff at the EPA.

II. Basis for Determination

A. Waste Description and Analysis

CWM reports that the wastes codes for which this modification has been requested have not been disposed of by the Vickery facility. The actual chemical constituents found in the proposed codes are already found in previously exempted waste codes, which CWM does accept. CWM anticipates the possibility that manufacturers may proffer wastes containing the waste codes for which this exemption is requested.

B. Model Demonstration of No Migration

The grant of an exemption from the land disposal restrictions imposed by the HSWA of RCRA is based on a demonstration that disposed wastes will not migrate out of the defined waste management unit for a period of 10,000 years. This demonstration is based on the results of computer simulations which use geological information collected at the site or found to be appropriate for the site and mathematical models which have been proven to be capable of simulating natural responses to injection. The simulator is calibrated by matching simulator results against observations at the site. In this case, CWM simulated movement of a conservatively defined ion released at the top of the injection interval. Using values for geological parameters which have been shown to be exceptionally conservative (their use results in greater vertical movement of waste constituents than can reasonably be expected), CWM demonstrated that injected wastes will not migrate out of the defined injection zone for a period of 10,000 years. The Agency accepted the demonstration and granted the existing exemption in 1990.

A modification of an existing exemption to allow injection of additional hazardous waste constituents must show that the waste constituents denoted by the codes for which the modification is requested must behave similarly to those constituents for which the original demonstration of no migration was made. In this case, the underlying waste constituents have been shown to behave similarly because each is also a constituent of wastes denoted by codes which have already been exempted. This approach eliminated the need to reconsider each waste constituent individually. Comments on this approach are solicited.

III. Conditions of Petition Approval

The existing petition was issued with conditions. Conditions numbered: (5), (6), (7), and (8) required CWM to perform actions which might provide additional confirmation that the conditions at the site were conservatively considered in the demonstration of no migration from the injection zone. The work required under these conditions has been completed by CWM, and no additional work by CWM under these conditions is anticipated, except that the Knox-Kerbel ground water monitoring well (condition 5) must remain active at least as long as the facility is active. The remaining conditions, those numbered: (1), (2), (3), (4), and (9) place well operation conditions on CWM and continue in force. No new conditions are attached to this modification.

Dated: February 6, 1995.

Edward P. Watters,

*Acting Director, Water Division, Region 5,
U.S. Environmental Protection Agency.*

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[FRL-5154-9]

California State Nonroad Engine and Equipment Pollution Control Standards; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of an Opportunity for Public Hearing and Public Comment.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted regulations for exhaust emission standards and test procedures for 1996 and later model heavy-duty off-road diesel cycle engines 175 horsepower or greater. CARB has requested that EPA authorize CARB to enforce regulations pursuant to section 209(e) of the Clean Air Act (Act), as amended, 42 U.S.C. 7543. This notice announces that EPA has tentatively scheduled a public hearing to consider CARB's request and to hear comments from interested parties regarding CARB's request for EPA's authorization and CARB's determination that its regulations, as noted above, comply with the criteria set forth in section 209(e). In addition, EPA is requesting that interested parties submit written comments. Any party desiring to present oral testimony for the record at the public hearing, instead of, or in addition to, written comments, must notify EPA by February 21, 1995. If no party notifies EPA that it wishes to