Environmental Protection Agency

§ 148.18 Waste specific prohibitions—newly listed and identified wastes.

(a) Effective August 12, 2005, the waste specified in 40 CFR 261.32 as EPA Hazardous Waste Number K181 is prohibited from underground injection.

(b) Effective May 8, 2001, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste Numbers K174 and K175 are prohibited from underground injection.

(c) Effective May 20, 2002, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste Numbers K176, K177, and K178 are prohibited from underground injection.

(d) Effective August 23, 2005, the waste specified in 40 CFR 261.32 as EPA Hazardous Waste Number K181 is prohibited from underground injection.
(m) The requirements of paragraphs (a) through (l) of this section do not apply:
(1) If the wastes meet or are treated to meet the applicable standards specified in subpart D of 40 CFR part 268; or
(2) If an exemption from a prohibition has been granted in response to a petition under subpart C of this part; or
(3) During the period of extension of the applicable effective date, if an extension has been granted under §148.4.

Subpart C—Petition Standards and Procedures

§148.20 Petitions to allow injection of a waste prohibited under subpart B.

(a) Any person seeking an exemption from a prohibition under subpart B of this part for the injection of a restricted hazardous waste into an injection well or wells shall submit a petition to the Director demonstrating that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This demonstration requires a showing that:

(i) The hydrogeological and geochemical conditions at the sites and the physiochemical nature of the waste stream(s) are such that reliable predictions can be made that:

(A) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years:

(B) Vertically upward out of the injection zone; or

(ii) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years:

(B) LATERALLY within the injection zone to a point of discharge or interface with an Underground Source of Drinking Water (USDW) as defined in 40 CFR part 146; or

(ii) Before the injected fluids migrate out of the injection zone or to a point of discharge or interface with USDW, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions or other means; and

(2) For each well the petition has:

(i) Demonstrated that the injection well’s area of review complies with the substantive requirements of §146.63;

(ii) Located, identified, and ascertained the condition of all wells within the injection well’s area of review (as specified in §146.63) that penetrate the injection zone or the confining zone by use of a protocol acceptable to the Director that meets the substantive requirements of §146.64;

(iii) Submitted a corrective action plan that meets the substantive requirements of §146.64, the implementation of which shall become a condition of petition approval; and

(iv) Submitted the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition demonstrating the mechanical integrity of the well’s long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the Director may require the owner or operator to perform the tests again and submit the results of the new tests.

NOTE: The requirements of §148.20(a)(2) need not be incorporated in a permit at the time of petition approval.

(b) A demonstration under §148.20(a)(1)(i) shall identify the strata within the injection zone which will confine fluid movement above the injection interval and include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.

(c) A demonstration under §148.20(a)(1)(ii) shall identify the strata within the injection zone where waste transformation will be accomplished and that there is a confining zone above the injection zone.

(d) A demonstration may include a showing that:

(1) Treatment methods, the implementation of which shall become a