

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.*

[FR Doc. 95-3609 Filed 2-13-95; 8:45 am]

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

also to allow time for geochemical transformations which would render the waste immobile. The Agency's confinement standard thus does not imply that leakage will occur at some time after 10,000 years, rather, it is a showing that leakage will not occur within that time frame and probably much longer.

The EPA regulations at 40 CFR 148.20(f) provide that any person who has been granted an exemption to the land disposal restrictions may request that the Agency modify the exemption to include additional wastes. If the EPA determines, to a reasonable degree of certainty, that the new wastes will behave hydraulically and chemically in a manner similar to previously exempted wastes and that injection thereof will not interfere with the containment capability of the injection zone, the modification may be granted.

Neither the existing exemption nor this modification exempts CWM from the duty to comply with the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA).

#### *B. Facility Operation*

The CWM facility accepts wastes from manufacturers and disposes of them as a commercial service. The wastes are tested to ensure that reaction products which might plug the injection interval are not formed, and mixed to ensure uniformity. The waste is filtered and injected into the four wells for permanent disposal. The facility has disposed of a total of 970,858,000 gallons of mostly hazardous wastes since the first well was placed in operation on June 7, 1976.

#### *C. Exemption*

The existing exemption allows CWM to dispose of wastes denoted by the following RCRA waste codes:

D001	F006	K098
D002	F007	K099
D003	F008	K101
D004	F009	K102
D005	F010	K103
D006	F011	K104
D007	F012	K105
D008	F019	K106
D009	F024	K111
D010	F039	K112
D011	K001	K113
D012	K002	K114
D013	K003	K115
D014	K004	K116
D015	K005	K136
D016	K006	P001
D017	K007	P002
F001	K008	P003
F002	K009	P004
F003	K010	P005
F004	K011	P006
F005	K013	P007
	K014	P008
	K015	P009
	K016	P010
	K017	P011
	K018	P012
	K019	P013
	K020	P014
	K021	P015
	K022	P016
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	K024	P018
	K025	P020
	K026	P021
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	K028	P023
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	K031	P027
	K032	P028
	K033	P029
	K034	P030
	K035	P031
	K036	P033
	K037	P034
	K038	P036
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	K062	P056
	K069	P057
	K071	P058
	K073	P059
	K083	P060
	K084	P062
	K085	P063
	K087	P064
	K093	P065
	K094	P066
	K095	P067
	K096	P068
	K097	P069

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P070	U031	U112
P071	U032	U113
P072	U033	U114
P073	U034	U115
P074	U035	U116
P075	U036	U117
P076	U037	U118
P077	U038	U119
P078	U039	U120
P081	U041	U121
P082	U042	U122
P084	U043	U123
P085	U044	U124
P087	U045	U125
P088	U046	U126
P089	U047	U127
P092	U048	U128
P093	U049	U129
P094	U050	U130
P095	U051	U131
P096	U052	U132
P097	U053	U133
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P099	U056	U135
P101	U057	U136
P102	U058	U137
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P122	U077	U155
P123	U078	U156
U001	U079	U157
U002	U080	U158
U003	U081	U159
U003	U082	U160
U004	U083	U161
U005	U084	U162
U006	U085	U163
U007	U086	U164
U008	U087	U165
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U024	U105	U181
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U030	U111	U187

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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.*

[FR Doc. 95-3611 Filed 2-13-95; 8:45 am]

BILLING CODE 6560-50-P

[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