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CAPACITY VARIANCES AND UNDERGROUND INJECTION

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

AUG 1990

Mr. Douglas MacMillan, Director
Hazardous Waste Policy
National Solid Wastes Management Association
Suite 1000
1730 Rhode Island Ave, N.W.
Washington, D.C. 20036

Dear Doug:

This is a follow-up to our letters of July 31 and August 8, 1990, that responded to all but one of the questions raised in your letter of June 13, 1990. This letter responds to the remaining question, question 43, concerning capacity variances and underground injection. We worked with the Office of Water to answer question 43.

Question 43 asked, for a commercial facility that is using injection to handle on-site clean up wastes, how does the on-site capacity variance apply? The Agency will evaluate the generation of wastes disposed of at commercial injection facilities on a case-by-case basis. Any underground injection capacity variance would most likely apply if the facility was generating the injected waste as a result of treatment (for example, scrubber blowdown wastewater generated by an incinerator and then deep-well injected would receive any appropriate capacity variance).

Multi-source leachate wastewater that is deep-well injected has been granted a two-year capacity variance whether it is disposed of at a commercial (i.e., off-site) or on-site injection facility. A correction notice to the June 1, 1990 publication of the Third Third rule that clarifies this variance for Part 148 will be published shortly.

In a practical sense, to the Agency's knowledge, all commercial facilities with hazardous waste injection wells that are disposing of on-site clean up wastes have applied for and

have already received final approval for their no migration petitions. Having received an exemption, these facilities no longer need any capacity variances.

If you have any further questions in regard to underground injection, please contact Bruce Kobelski in the Office of Water at (202) 382-7275. Other questions may be directed to Matthew A. Straus of my staff at (202) 382-6972.

Sincerely,

Original Document signed

Sylvia K. Lowrance, Director
Office of Solid Waste