

## 2. Clarification of Land Disposal Restriction for Underground Injected Wastes

A facility owner/operator generates spent pickle liquor (K062) which is a "First Third" land disposal restricted waste. The spent pickle liquor is disposed of in an on-site underground injection well. K062 waste, which is disposed of by underground injection, received a two-year national variance from treatment standards in the August 16, 1988 Federal Register. (53 FR 30908) Is this owner/operator subject to the notification/certification requirements for land disposal restricted waste?

The EPA promulgated the regulatory framework for implementing land disposal restrictions for underground injection wells in the July 26, 1988 Federal Register. (53 FR 28118) Pursuant to 40 CFR Section 148.5, generators of hazardous waste that are disposed of into Class I-H injection wells must comply with the requirements under 40 CFR Sections 268.7(a) and (b). Section 148.5 also states owners and operators of class I-H injection wells must comply with the applicable requirements of 40 CFR Section 268.7(c). (53 FR 28155) The November 7, 1986, Federal Register promulgated the hazardous waste management system land disposal restrictions. The preamble explains that generators who also treat, store, or dispose restricted waste on-site must place the corresponding notification, certification, waste analysis date, and other information required pursuant to 40 CFR Section 268.7, into their operating record. (51 FR 40597)

The EPA provided a two-year national capacity variance for K062 which is disposed by injection in the August 16, 1988 Federal Register. (53 FR 30908) Restricted wastes which receive a national variance are subject to reduced requirements. The November 7, 1986 Federal Register explains, "during the national variance, the generator must send a notice (as specified in Section 268.7(a)(3)) to the land disposal facility indicating that EPA has granted an extension of time in which to comply with the applicable Part 268 Subpart D treatment standard". (51 FR 40625) Accordingly, this generator disposing of K062 on-site would enter this notification into his operating record until August 8, 1990. Effective August 8, 1990, their operating record must contain all the paperwork required under 40 CFR Section 268.7.

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