exhibit any prohibited characteristic of hazardous waste identified in subpart C of part 261 of this chapter, and do not contain any hazardous constituents identified in 40 CFR 268.48 diluted below the Universal Treatment Standard levels prior to injection.

3. Section 148.3 is revised to read as follows:

§ 148.3 Dilution prohibited as a substitute for treatment.

- (a) The provisions of § 268.3 of this chapter shall apply to owners or operators of Class I wells used to inject a waste which is hazardous at the point of generation whether or not the waste is hazardous at the point of injection.
- (b) Owners or operators of Class I nonhazardous waste injection wells which inject waste formerly exhibiting a hazardous characteristic which has been removed by dilution, may address underlying hazardous constituents by treating the hazardous waste, obtaining an exemption pursuant to a petition filed under § 148.20, or complying with the provisions set forth in § 268.9 of this chapter.
- 4. Section 148.4 is revised to read as follows:

§ 148.4 Procedures for case-by-case extensions to an effective date.

The owner or operator of a Class I hazardous or nonhazardous waste injection well may submit an application to the Administrator for an extension of the effective date of any applicable prohibition established under subpart B of this part according to the procedures of § 268.5 of this chapter.

5. Section 148.18 is added to subpart B to read as follows:

§ 148.18 Waste specific prohibitions— Newly Identified Wastes.

- (a) On [Insert date 90 days from date of publication of final rule], the wastes specified in 40 CFR part 261.32 as EPA Hazardous waste numbers K088, K140, K156–K161, P127, P128, P185, P188–P192, P194, P196–P199, P201–P205, U271, U277–U280, U364–U367, U372, U373, U375–U379, U381–387, U389–U396, U400–U404, and U407–U411 are prohibited from underground injection.
- (b) On [Insert date 2 years from effective date of the final rule], the wastes specified in 40 CFR part 261 as EPA Hazardous waste numbers D018–043, and Mixed TC/Radioactive wastes, are prohibited from underground injection.
- (c) On [Insert date 2 years from effective date of the final rule], the wastes specified in 40 CFR part 261 as EPA Hazardous waste numbers D001–

D003 are prohibited from underground injection.

6. Section 148.20 is amended by revising paragraph (a) introductory text to read as follows:

§ 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, including a hazardous waste exhibiting a characteristic and containing underlying hazardous constituents at the point of generation, but no longer exhibiting a characteristic when injected into a Class I 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:

PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

7. The authority citation for part 266 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6934.

8. In Subpart C, § 266.20, paragraph (b) is amended by adding one sentence to the end of the paragraph to read as follows:

§ 266.20 Applicability.

(b) * * * This provision does not apply to hazardous waste used as a fill material (i.e., a substitute for sand, dirt or comparable material) to fill in holes, occupy space, raise land levels, or be used for other similar purposes.

PART 268—LAND DISPOSAL RESTRICTIONS

9. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

Subpart A—General

10. Section 268.1 is amended by revising paragraph (e)(4) and by removing paragraph (e)(5) to read as follows:

§ 268.1 Purpose, scope and applicability.

* * * * * * (e) * * *

- (4) *De minimis* losses of characteristic wastes to wastewaters are defined as:
- (i) Losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory wastes not exceeding one per cent of the flow of wastewater into the facility's headworks on an annual basis;
- (ii) Characteristic wastes which are injected into Class I nonhazardous wells whose combined volume is less than one per cent of the total flow at the wellhead on an annualized basis, and which any underlying hazardous constituents in the characteristic wastes are present at the point of generation at levels less than ten times the treatment standards found at § 268.48.
- 11. Section 268.2 is amended by revising the introductory text to paragraph (f), by removing paragraphs (f)(1), (f)(2), and (f)(3), and by adding paragraph (j) to read as follows:

§ 268.2 Definitions applicable in this part.

- (f) Wastewaters are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS).
- (j) Inorganic metal-bearing waste is one for which EPA has established treatment standards for metal hazardous constituents, and which does not otherwise contain significant organic or cyanide content as described in § 268.3(b)(1), and is specifically listed in appendix XI of this part.
- 12. Section 268.3 is revised to read as follows:

§ 268.3 Dilution prohibited as a substitute for treatment.

(a) No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with subpart D of this part, to circumvent the effective date of a prohibition in subpart C of this part, to otherwise avoid a prohibition in subpart C of this part, or to circumvent a land disposal