§ 147.3400 Navajo Indian lands—Class II wells.

The UIC program for Class II injection wells located: Within the exterior boundaries of the formal Navajo Reservation, including the three satellite reservations (Alamo, CanoNcito and Ramah), but excluding the former Bennett Freeze Area, the Four Corners Power Plant and the Navajo Generating Station; and on Navajo Nation tribal trust lands and trust allotments outside those exterior boundaries (collectively referred to as “Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program”), is the program administered by the Navajo Nation approved by EPA pursuant to section 1455 of the SDWA. Notice of this approval was published in the Federal Register on November 4, 2008; the effective date of this program is December 4, 2008. This program consists of the following elements as submitted to EPA in the Navajo Nation’s program application:

(a) Incorporation by reference. The requirements set forth in the Navajo Nation Statutes, Regulations and Resolution notebook, dated October 2008, are hereby incorporated by reference and made part of the applicable UIC program under the SDWA for Class II injection wells on Navajo Indian lands for which EPA has granted the Navajo Nation primacy for the SDWA Class II UIC program (as defined in this section). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained or inspected at the Navajo Nation Environmental Protection Agency UIC Office, Old NAPA Auto Parts Building (Tribal Bldg. #S009-089), Highway 64, Shiprock, New Mexico 87420 (505–368–1040), at the Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105–3920 (415–972–3533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) Memorandum of Agreement (MOA). The MOA between EPA and the Navajo Tribes signed by EPA on July 31, 2007.


(d) Program Description. The Program Description submitted as part of the Fort Peck Tribes’ application, and any other materials submitted as part of the application or as a supplement to it. [73 FR 63646, Oct. 27, 2008]
Jurisdiction of the Navajo Nation to Operate an Underground Injection Control Program under the Safe Drinking Water Act”., October 11, 2006.

(d) Program Description. The Program Description submitted as part of the Navajo Nation’s application, and any other materials submitted as part of this application or as a supplement thereto.

[73 FR 65565, Nov. 4, 2008]

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

Subpart A—General

§ 148.1 Purpose, scope and applicability.

(a) This part identifies wastes that are restricted from disposal into Class I wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.

(b) The requirements of this part apply to owners or operators of Class I hazardous waste injection wells used to inject hazardous waste.

(c) Wastes otherwise prohibited from injection may continue to be injected:

1. If an extension from the effective date of a prohibition has been granted pursuant to § 148.4 with respect to such wastes; or

2. If an exemption from a prohibition has been granted in response to a petition filed under § 148.20 to allow injection of restricted wastes with respect to those wastes and wells covered by the exemption; or

3. If the waste is generated by a conditionally exempt small quantity generator, as defined in § 261.5; or

(d) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, or part 268 of this chapter, are not prohibited if the wastes:

1. Are disposed into a nonhazardous or hazardous injection well as defined under 40 CFR § 146.6(a); and

2. Do not exhibit any prohibited characteristic of hazardous waste identified in 40 CFR part 261, subpart C at the point of injection.


§ 148.2 Definitions.

Injection interval means that part of the injection zone in which the well is screened, or in which the waste is otherwise directly emplaced.

Transmissive fault or fracture is a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.