

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-3821-4]

**Final Exemption Granted to Midwest  
Steel Division of National Steel  
Corporation, Portage, IN, for the  
Continued Injection of Hazardous  
Waste**

**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Notice of final decision on  
petition.

---

**SUMMARY:** Notice is hereby given by the United States Environmental Protection Agency (USEPA) that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been granted to Midwest Steel Division of National Steel Corporation, for its Class I injection well located in Portage, Indiana. As required by 40 CFR part 148 Midwest Steel has demonstrated, with a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the continued underground injection by Midwest Steel of a specific restricted hazardous waste Spent Pickle Liquor, (code K062 under 41 CFR Part 261), into a Class I hazardous waste injection well specifically identified as Waste Disposal Well Number 2, at the Portage facility. This decision constitutes a final USEPA action for which there is no Administrative Appeal.

**Background**

Midwest Steel submitted a petition for exemption from the land disposal restrictions of hazardous waste on August 8, 1988. USEPA personnel reviewed all data pertaining to the petition, including, but not limited to, well construction, regional and local geology, seismic activity, penetrations of the confining zone, and the mathematical

models. The USEPA has determined that the geological setting at the site as well as the construction and operation of the well are adequate to prevent fluid migration out of the injection zone within 10,000 years, as required under 40 CFR part 148. The injection zone at this site is the Mt. Simon Sandstone, and the immediate confining zone is the Eau Claire Formation, at a depth of 1934 feet to 2460 feet below ground level. The confining zone is separated from the lowermost underground source of drinking water (at a depth of 720 feet below ground level) by a sequence of permeable and less permeable sedimentary rocks, which provide additional protection from fluid migration into drinking water sources. A fact sheet containing a more complete summary of the proposed decision was published in the **Federal Register** on January 26, 1990 at 55 FR 2691.

A public notice was issued on January 12, 1990, pursuant to 40 CFR 124.10, and a public hearing was subsequently held in Valparaiso, Indiana, on February 15, 1990. The public comment period expired on February 26, 1990. A number of comments were received and all comments have been considered in making the final decision. A responsiveness summary has been mailed to all commentors and to all who signed in at the public hearing. This summary is included as part of the Administrative Record relating to this decision.

The proposed decision on Page 2695 required modifications of the existing monitoring well to be completed before the final exemption would be effective. Midwest completed the modifications specified in the condition; however, a leak in the casing was detected during mechanical integrity testing at a depth of 1650 feet, about 250 feet above the monitored interval. The plan for modifications of the monitoring well construction has therefore been further modified, and a new condition required compliance therewith has been imposed.

**Conditions**

General conditions of this exemption may be found in 40 CFR 148.23 and 148.24. In addition, Midwest Steel must meet the following conditions:

1. Midwest Steel may inject to to 80 gallons per minute based on a monthly average;
2. Midwest Steel may inject Spent Pickle Liquor only into the lower Mt. Simon Sandstone below the "B" Cap shales;
3. No later than August 15, 1990, Midwest Steel must complete the approved modified construction plan for the monitoring well appearing in a letter dated August 3, 1990;
4. Midwest Steel must implement the approved Groundwater Monitoring Plan found in Attachment E of its Underground Injection Control permit; and
5. Midwest Steel must comply with its Underground Injection Control permit.

**DATES:** The action is effective as of August 7, 1990.

**FOR FURTHER INFORMATION CONTACT:** Dr. Leah Haworth, Lead Petition Reviewer, USEPA, Region V, telephone (312) 886-6556. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

**Jerri-Anne Garl,**  
*Acting Director, Water Division.*  
[FR Doc. 90-19192 Filed 8-14-90;8:45 am]

**BILLING CODE 6560-50-M**

---