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RCRA Land-Ban Exemption: U.S. Environmental Protection Agency Notice of Decision Addressing Vickery, Ohio Injection Wells

08/08/2025

The United States Environmental Protection Agency ("EPA") published a Notice of Final Decision in the July 31st Federal Register addressing a Resource Conservation and Recovery Act ("RCRA") land-ban exemption. See 90 Fed. Reg. 36041.

The Notice provides EPA's Final Decision to reissue an exemption to the land disposal restrictions to Vickery Environmental, Inc. ("VEI").

The reissuance of the land-ban exemption addresses certain hazardous wastes that have been designated as described in the Notice and their continued underground injection through five Class I injection wells VEI operates in Vickery, Ohio.

VEI is stated to have submitted a request for reissuance of the existing exemption from the land disposal restrictions in June of 2022. EPA is stated to have reviewed data pertaining to the petition including (but not limited to):

- Well construction.
- Well operations.
- Regional and local geology.
- Seismic activity.
- Penetrations of the confining zone.
- Computational models of the injection zone.

Based on this data, EPA states that it determined that the hydrogeological and geochemical conditions at the site and the nature of the waste streams enable it to make reliable predictions that fluid movement conditions are such that injected fluids will not migrate out of the injection zone within 10,000 years. This requirement is found at 40 CFR 148.20(a)(1)(i).

The Federal Register Notice describes 14 conditions in the Permit which if violated are stated to be grounds for termination of the exemption.

A copy of the Federal Register Notice can be found [here](#).