

The Texas Commission on Environmental Quality (agency or commission) adopts the amendments to §213.3 and §213.8 *without changes* to the proposed text as published in the July 26, 2002 issue of the *Texas Register* (27 TexReg 6657), and the rules will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

The commission adopts these revisions to Chapter 213 in order to implement Senate Bill 2 (SB 2), §11.03, 77th Legislature, 2001, which added to the Texas Water Code (TWC), §27.051(h). SB 2, §11.03, amended TWC, §27.051, Issuance of Permit, by adding subsection (h) to prohibit the authorization by the commission of any injection well that transects or terminates in the Edwards Aquifer (EA), except for injection of groundwater withdrawn from the EA or injection of flood water, groundwater, or storm water into the EA through improved sinkholes or caves located in karst topographic areas. The applicable provisions of SB 2 became effective on September 1, 2001. Concurrent rulemaking is being done in 30 TAC §331.19, Injection Into or Through the Edwards Aquifer, for related revisions needed to implement the legislation.

There are four classes of injection wells under the jurisdiction of the commission. Class I injection wells are used for the disposal of hazardous or nonhazardous waste into deep geological formations. Currently Class I injection wells are prohibited by §213.8 over the EA recharge or transition zones, as defined in §213.3. Class III injection wells are used for the extraction of minerals. There are no permitted Class III injection wells over the EA. Class IV injection wells are used to dispose of hazardous or radioactive waste into or above a formation that has an underground source of drinking water within 1/4-mile of the wellbore. Class IV injection wells are generally prohibited across the state

except if the well is being used to inject hazardous waste-contaminated groundwater that is of acceptable quality to aid remediation and is reinjected into the same formation from which it was drawn. Class V injection wells are those not included in any other class including, but not limited to, aquifer storage and retrieval wells, motor vehicle waste disposal wells, large capacity septic systems (designed for a flow greater than 5,000 gallons per day), air conditioning return flow wells, cooling water return flow wells, storm water drainage wells, improved sinkholes, closed loop injection wells, subsurface fluid distribution systems, and aquifer remediation wells. Subsurface fluid distribution systems include subsurface drip irrigation utilized for the disposal of treated effluent.

It should be noted that waste disposal wells in the recharge or transition zones of the EA, such as subsurface fluid distribution systems, as that term is defined in 30 TAC §331.2(87), Definitions, and large capacity septic systems are already prohibited under §213.8. Similarly, land application systems that rely on percolation for wastewater disposal are already prohibited over the EA recharge zone in accordance with 30 TAC §213.6(b), Wastewater Treatment and Disposal Systems. Section 213.8 makes applications for injection wells in the EA subject to the requirements in §331.19, which is adopted in concurrent rulemaking.

Other types of Class V wells that transect or terminate in the EA may be authorized by rule or by permit, such as wells injecting groundwater withdrawn from the EA that is unaltered physically, chemically, or biologically, or wells injecting groundwater withdrawn from the EA that is treated in connection with remediation that is approved by state or federal order, authorization, or agreement and that does not exceed the maximum contaminant levels (MCLs) for drinking water. In addition, wells

injecting groundwater, storm water, or flood water through improved sinkholes or caves and wells
injecting non-toxic tracer dyes into the EA for the purpose of conducting scientific studies to determine
hydrologic flowpaths may be authorized by rule or permit.

This new prohibition applies to applications for authorizations by permit or rule of injection wells that
transect or terminate in the EA, if submitted on or after September 1, 2001. Applications include new
authorizations for injection wells or major amendments to existing authorizations. Existing injection
wells authorized by the commission on or before August 31, 2001, are not subject to this prohibition.
Also, applications submitted on or before August 31, 2001, are not subject to this prohibition.

Section 213.8(c) concerns regulated activities in the mapped recharge and transition zones. The
adopted rule has a cross-reference to injection wells authorized under §331.19, which includes a
broader regulated area. The definition of EA used in §331.19(b) is adopted concurrently with this
rulemaking. The definition in §331.19(b) applies to the Underground Injection Control (UIC) program
only, and is different than the definition of EA found in Chapter 213 because the prohibition under
TWC, §27.051(h) specifically refers to the definition of the EA used in TWC, §26.046. The definition
of EA in Chapter 213 closely mirrors TWC, §26.046(a) in all aspects except that Travis and
Williamson Counties and certain geologic formations are added to the definition, and Kendall County is
not subject to Chapter 213. TWC, §26.046 defines the EA as "that portion of an arcuate belt of
porous, waterbearing limestones composed of the Comanche Peak, Edwards, and Georgetown
Formations trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall,
Comal, and Hays Counties, respectively, and as defined in the most recent rules of the commission for

the protection of the quality of the potable underground water in those counties." For Chapter 331, Underground Injection Control, the definition of EA includes the counties and formations listed in TWC, §26.046 and the definition of EA in §213.3(8). Although only a small tip of the historically regulated EA recharge zone enters the southern portion of Kendall County at the border of Bexar and Comal Counties, consistent with the plain language of the statute, that portion cannot be excluded from the definition of the EA under Chapter 331 for UIC purposes. Thus for Chapter 331 only, any portions of an arcuate belt of porous, waterbearing limestones composed of the Comanche Peak, Edwards, and Georgetown Formations that exist in Kendall County are included in the definition of EA.

SECTION BY SECTION DISCUSSION

The adopted amendment to §213.3, Definitions, adds the definition of an injection well, as regulated under Chapter 331. The new definition refers to the definition in Chapter 331. The subsequent definitions have been renumbered accordingly.

The adopted amendment to §213.8, Prohibited Activities, makes applications for injections wells received on or after September 1, 2001, also subject to the requirements in §331.19, which are addressed in concurrent rulemaking. This adopted revision implements SB 2, §11.03, 77th Legislature, 2001, which added to the TWC, §27.051(h), a section relating to certain injection wells which transect or terminate in the EA.

FINAL REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the adopted rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in that statute. The adopted rulemaking implements the prohibition of certain injection wells that transect or terminate in the EA in TWC, §27.051(h). Although the intent of the rulemaking is to protect the environment or reduce risks to human health from environmental exposure, it is not a major environmental rule because it does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or public health and safety of the state or a sector of the state. This, in turn, is because the adopted rules implement a statutory prohibition of new authorizations for injection wells that transect or terminate in the EA in TWC, §27.051(h).

Furthermore, the adopted rules do not meet any of the four applicability requirements listed in §2001.0225(a). The adopted rules do not exceed a standard set by federal law, because there are no comparable federal laws regarding the EA. The adopted rules do not exceed an express requirement of state law because they are consistent with the express requirements of TWC, §27.051(h). The adopted rules do not exceed requirements set out in the UIC program authorization for Texas. The rulemaking is not adopted under the general powers of the agency, and is adopted under the express requirements of SB 2 and TWC, §27.019(a), which provides that the commission shall adopt rules and procedures reasonably required for the performance of its powers, duties, and functions under TWC, Chapter 27. No comments were received on the regulatory impact analysis determination.

TAKINGS IMPACT ASSESSMENT

The commission evaluated these adopted rules and performed a final assessment of whether Texas Government Code, Chapter 2007 is applicable.

The commission's final assessment indicates that Chapter 2007 does not apply to these adopted rules because this is an action that is taken in response to a real and substantial threat to public health and safety; that is designed to significantly advance the health and safety purpose; and that does not impose a greater burden than is necessary to achieve the health and safety purpose. Thus, this action is exempt under Texas Government Code, §2007.003(b)(13). The specific purpose of these adopted rules is to implement a new statutory prohibition of certain injection wells that transect or terminate in the EA in TWC, §27.051(h), providing increased environmental protection of the EA from contamination caused by certain injection wells. The adopted amendments substantially advance this purpose by prohibiting certain injection wells that transect or terminate in the EA, an important source of drinking water in Texas. Exceptions to this prohibition are for the authorization of the injection of unaltered groundwater withdrawn from the EA and injection of storm water, flood water, or groundwater through improved sinkholes or caves located in karst topographic areas. The adopted rulemaking allows the commission to authorize injection of groundwater withdrawn from the EA that is treated in connection with remediation that is approved by state or federal order, authorization, or agreement and that does not exceed the MCLs for drinking water. The commission may also authorize injection by a federal or state agency, county, municipality, river authority, or groundwater district of non-toxic tracer dyes into the EA for the purpose of conducting scientific studies to determine hydrologic flowpaths. The benefits to society from the adopted rulemaking are the protection of water quality, health, welfare, and the

environment. Because this adopted rulemaking implements a statutory prohibition of certain injection wells that transect or terminate in the EA, there is no alternative action that could accomplish this statutory mandate.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission determined that the adopted rulemaking does not relate to an action or actions subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Management Act of 1991, as amended (Texas Natural Resources Code, §§33.201 *et seq.*), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. The area affected by the prohibition is not proximate to the coastal areas of the state, and Chapter 213 is not a rule that is listed in Chapter 281, Subchapter B, as being subject to the CMP. Therefore, this adopted rulemaking is not subject to the CMP.

PUBLIC COMMENT

Public hearings on this proposal were held in Austin on August 19, 2002, and in San Antonio on August 22, 2002, but no oral comments were received. The public comment period ended at 5:00 p.m. on August 26, 2002. Written comments were submitted by Edwards Aquifer Authority (EAA) for Chapter 213, and the Water Well Driller/Pump Installer Program of the Texas Department of Licensing and Regulation (TDLR) submitted comments on §331.19, which is being added to Chapter 331 in concurrent rulemaking in this issue of the *Texas Register* and which is referenced in this rulemaking. The EAA indicated that it supported the Chapter 213 rules. No commenter opposed the adoption of the

Chapter 213 rules. TDLR did not indicate whether it is for or against the adoption of either the Chapter 213 or Chapter 331 rules, but provided specific comments on the Chapter 331 rulemaking.

RESPONSE TO COMMENTS

EAA commented that it supported the proposed revisions to 30 TAC Chapters 213 and 331 and that the proposed amendments are consistent with rules proposed by the EAA regarding aquifer recharge, storage, and recovery projects.

The commission appreciates the comment.

In §213.8 of this rulemaking, §331.19 is incorporated by reference. TDLR commented that the term “potable water” should be substituted for “unaltered groundwater withdrawn from the EA” in §331.19(a)(1)(A) due to the current practice of using treated municipal water and treated water provided by water purveyors in the closed loop systems. TDLR stated that potable water with no additives is a more efficient heat conductor, because the thermal conductivity is much higher using potable water in the closed loop system.

The commission disagrees with this comment. Section 331.19(a)(1)(A) provides that wells that inject groundwater withdrawn from the EA may be authorized only if the groundwater is unaltered physically, chemically, or biologically. SB 2, §11.03(a), as codified in TWC, §27.051(h), authorizes injection of groundwater withdrawn from the EA, but does not make any specific allowance for injection of water from any other sources, including treated municipal water.

Therefore, the substitution requested would not reflect the statutory requirements implemented by this rulemaking. The commission has made no change in response to this comment.

TDLR also commented that geothermal heat exchange wells (closed loops) should be exempt from the injection well ban specified in the proposed rules.

The commission disagrees with this comment. The statutory language provided in SB 2 covers injection wells which include geothermal heat exchange wells. Also, TWC, §32.001(8)(H) defines closed loop geothermal wells as a type of injection well subject to regulation under the TDLR Water Well Driller/Pump Installer Program. The commission has made no change in response to this comment.

**SUBCHAPTER A: EDWARDS AQUIFER IN MEDINA, BEXAR, COMAL, KINNEY,
UVALDE, HAYS, TRAVIS, AND WILLIAMSON COUNTIES**

§213.3, §213.8

STATUTORY AUTHORITY

The amendments are adopted under TWC, §5.103, which provides the commission the authority to adopt any rules necessary to carry out its powers and duties under this code and other laws of this state; §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; §27.019, which requires the commission to adopt rules reasonably required for the regulation of injection wells; and §27.051(h), which prohibits the authorization of certain injection wells that transect or terminate in the EA.

§213.3. Definitions.

The definitions in Texas Water Code, §§26.001, 26.263, and 26.342 are applicable to this chapter. When used in this chapter, those definitions have the same meaning as the following definitions, unless the context in which they are used clearly indicates otherwise, or those definitions are inconsistent with the definitions listed in this section.

(1) **Abandoned well** -- A well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

(A) a non-deteriorated well which contains the casing, pump and pump column in good condition; or

(B) a non-deteriorated well which has been properly capped.

(2) **Aboveground storage tank facility** -- The site, tract, or other area where one or more aboveground storage tank systems are located, including all adjoining contiguous land and associated improvements.

(3) **Aboveground storage tank system** -- A non-vehicular device (including any associated piping) that is made of nonearthen materials; located on or above the ground surface, or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault; and designed to contain an accumulation of static hydrocarbons or hazardous substances.

(4) **Appropriate regional office** -- For regulated activities covered by this chapter and located in Hays, Travis, and Williamson counties, the appropriate regional office is Region 11, located in Austin, Texas. For regulated activities covered by this chapter and located in Kinney, Uvalde, Medina, Bexar, and Comal counties, the appropriate regional office is Region 13, located in San Antonio, Texas.

(5) **Best management practices (BMPs)** -- schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs are those measures that are reasonable and necessary to protect groundwater and surface water quality, as provided in technical guidance prepared by the executive director or other BMPs which are technically justified based upon studies and other information that are generally relied upon by professionals in the environmental protection field and are supported by existing or proposed performance monitoring studies, including, but not limited to, U.S. Environmental Protection Agency, American Society of Civil Engineers, and Water Environment Research Foundation guidance.

(6) **Capped well** -- A well that is closed or capped with a covering capable of preventing surface pollutants from entering the well. The cap must be able to sustain a weight of at least 400 pounds. The cap must not be easily removed by hand.

(7) **Commencement of construction** -- The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or regulated activities.

(8) **Edwards Aquifer** -- That portion of an arcuate belt of porous, waterbearing, predominantly carbonate rocks known as the Edwards (Balcones Fault Zone) Aquifer trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces

Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Group, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(9) **Edwards Aquifer protection plan** -- A general term which includes water pollution abatement plan, organized sewage collection system plan, underground storage tank facility plan, aboveground storage tank facility plan, or a modification or exception granted by the executive director.

(10) **Edwards Aquifer protection plan holder** -- Person who is responsible for compliance with an approved water pollution abatement plan, organized sewage collection system plan, underground storage tank facility plan, aboveground storage tank facility plan, or a modification or exception granted by the executive director.

(11) **Feedlot/concentrated animal feeding operation** -- A concentrated, confined livestock or poultry facility operated for meat, milk or egg production, growing, stabling, or housing, in pens or houses wherein livestock or poultry are fed at the place of confinement and crop or forage growing or production of feed is not sustained in the area of confinement.

(12) **Geologic or manmade features** - Features including but not limited to closed depressions, sinkholes, caves, faults, fractures, bedding plane surfaces, interconnected vugs, reef deposits, wells, borings, and excavations.

(13) **Geologic assessment** -- A report which is prepared by a geologist describing site-specific geology.

(14) **Geologist** -- A person who has received a baccalaureate or post-graduate degree in the natural science of geology from an accredited university and has training and experience in groundwater hydrology and related fields, or has demonstrated such qualifications by registration or licensing by a state, professional certification, or has completed accredited university programs that enable that individual to make sound professional judgements regarding the identification of sensitive features located in the recharge zone or transition zone.

(15) **Groundwater conservation district** -- Any groundwater district created by the Texas Legislature or the commission under the Texas Water Code, Chapter 36, as a groundwater conservation district to conserve, preserve, and protect the waters of an underground water reservoir.

(16) **Hazardous substance** -- Any substance designated as such by the administrator of the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; regulated pursuant to the Federal Water Pollution Control Act,

Chapter 311; or any solid waste, or other substance that is designated to be hazardous by the commission, pursuant to the Texas Water Code §26.263 or Texas Health and Safety Code §361.003.

(17) **Impervious cover** -- Impermeable surfaces, such as pavement or rooftops, which prevent the infiltration of water into the soil. Rainwater collection systems for domestic water supplies are not considered impervious cover.

(18) **Industrial wastewater discharge** -- Any category of wastewater except:

(A) those that are primarily domestic in composition; or

(B) those emanating from feedlot/concentrated animal feeding operations.

(19) **Injection well** -- An injection well as defined under Chapter 331 of this title (relating to Underground Injection Control).

(20) **Land application system** -- A wastewater disposal system designed not to discharge wastewater into a surface drainage way.

(21) **Organized sewage collection system** -- Any public or private sewerage system for the collection and conveyance of sewage to a treatment and disposal system that is regulated in accordance with rules of the commission and provisions of Texas Water Code, Chapter 26. A system

may include lift stations, force mains, gravity lines, and any other appurtenance necessary for conveying wastewater from a generating facility to a treatment plant.

(22) **Permanent BMPs** -- Best management practices used to prevent and control pollution from regulated activities after construction is complete.

(23) **Pollution** -- The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety or welfare, or impairs the usefulness of the public enjoyment of the waters for any lawful or reasonable purpose.

(24) **Private sewage facilities** -- On-site sewage facilities as defined under Chapter 285 of this title (relating to On-site Sewage Facilities).

(25) **Private service lateral** -- A wastewater line extending from the building drain to an existing private or public sewage collection system or other place of disposal that provides service to one single-family residence or building and whose operation and maintenance are the sole responsibility of the tenant or owner of the building. A wastewater line extending from the convergence of private service laterals from more than one single-family residence or building is considered a sewage collection system.

(26) **Recharge zone** -- Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the appropriate regional office and groundwater conservation districts.

(27) **Regulated activity** --

(A) Any construction-related or post-construction activity on the recharge zone of the Edwards Aquifer having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams. These activities include, but are not limited to:

(i) construction of buildings, utility stations, utility lines, roads, highways, or railroads;

(ii) clearing, excavation or any other activities that alter or disturb the topographic, geologic, or existing recharge characteristics of a site;

(iii) any installation of aboveground or underground storage tank facilities on the recharge or transition zone of the Edwards Aquifer; or

(iv) any other activities that may pose a potential for contaminating the Edwards Aquifer and hydrologically connected surface streams.

(B) "Regulated activity" does not include:

(i) clearing of vegetation without soil disturbance;

(ii) agricultural activities, except feedlots/concentrated animal feeding operations which are regulated under Chapter 321 of this title (relating to Control of Certain Activities by Rule);

(iii) activities associated with the exploration, development, and production of oil, gas, or geothermal resources under the jurisdiction of the Railroad Commission of Texas;

(iv) routine maintenance of existing structures that does not involve additional site disturbance, such as but not limited to:

(I) the resurfacing of existing paved roads, parking lots, sidewalks, or other development-related impervious surfaces, and

(II) the building of fences, or other similar activities in which:

(-a-) there is little or no potential for contaminating
groundwater, or

(-b-) there is little or no change to the topographic,
geologic, or existing sensitive features; or

(v) construction of single-family residences on lots that are larger than
five acres, where no more than one single-family residence is located on each lot.

(28) **Sensitive feature** -- Permeable geologic or manmade feature located on the
recharge zone or transition zone where:

(A) a potential for hydraulic interconnectedness between the surface and the
Edwards Aquifer exists, and

(B) rapid infiltration to the subsurface may occur.

(29) **Sewage holding tank** -- A tank or other containment structure used to receive
and store sewage until its ultimate disposal in an approved treatment facility.

(30) **Site** -- The entire area included within the legal boundaries of the property described in the application. Regulated activities on a site that is located partially on the recharge zone and transition zone, where the natural drainage in the transition zone flows back to the recharge zone, will be treated as if the entire site is located on the recharge zone.

(31) **Static hydrocarbon** -- A hydrocarbon which is liquid at atmospheric pressure and 20 degrees centigrade.

(32) **Stub out** -- A wye, tee, or other manufactured appurtenance placed in a sewage collection system providing a location for a future extension of the collection system.

(33) **Temporary BMPs** -- Best management practices used to prevent and control pollution from regulated activities during construction.

(34) **Tertiary containment** -- A containment method by which an additional wall or barrier is installed outside of the secondary storage vessel (e.g., tank or piping) or other secondary barrier in a manner designed to prevent a release from migrating beyond the tertiary wall or barrier before the release can be detected. Tertiary containment systems include, but are not limited to, impervious liners and vaults surrounding a secondary tank and/or piping system, or equivalent triple wall tank or piping system as approved by the executive director.

(35) **Transition zone** -- That area where geologic formations crop out in proximity to and south and southeast of the recharge zone and where faults, fractures, and other geologic features present a possible avenue for recharge of surface water to the Edwards Aquifer, including portions of the Del Rio Clay, Buda Limestone, Eagle Ford Group, Austin Chalk, Pecan Gap Chalk, and Anacacho Limestone. The transition zone is identified as that area designated as such on official maps located in the appropriate regional office and groundwater conservation districts.

(36) **Underground storage tank facility** -- The site, tract, or other defined area where one or more underground storage tank systems are located, including all contiguous land and associated improvements.

(37) **Underground storage tank system** -- Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten percent or more beneath the surface of the ground.

(38) **Well** -- A bored, drilled or driven shaft, or an artificial opening in the ground made by digging, jetting or some other method, where the depth of the well is greater than its largest surface dimension. A well is not a surface pit, surface excavation, or natural depression.

§213.8. Prohibited Activities.

(a) Recharge zone. The following activities are prohibited on the recharge zone:

(1) waste disposal wells regulated under Chapter 331 of this title (relating to Underground Injection Control);

(2) new feedlot/concentrated animal feeding operations regulated under Chapter 321 of this title (relating to Control of Certain Activities by Rule);

(3) land disposal of Class I wastes, as defined in §335.1 of this title (relating to Definitions);

(4) the use of a sewage holding tank as part of an organized sewage collection systems (lift stations approved by the executive director are not prohibited);

(5) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities); and

(6) new municipal and industrial wastewater discharges into or adjacent to water in the state that would create additional pollutant loading.

(b) Transition zone. The following activities are prohibited on the transition zone:

(1) waste disposal wells regulated under Chapter 331 of this title;

(2) land disposal of Class I wastes, as defined in §335.1 of this title; and

(3) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title.

(c) Additional prohibitions. For applications submitted on or after September 1, 2001, injection wells that transect or terminate in the Edwards Aquifer, as defined in §331.19 of this title (relating to Injection Into or Through the Edwards Aquifer), are prohibited except as provided by §331.19 of this title.