

**PART 149—SOLE SOURCE AQUIFERS****Subpart A—Criteria for Identifying Critical Aquifer Protection Areas**

## Sec.

- 149.1 Purpose.
- 149.2 Definitions.
- 149.3 Critical Aquifer Protection Areas.

**Subpart B—Review of Projects Affecting the Edwards Underground Reservoir, A Designated Sole Source Aquifer in the San Antonio, Texas Area**

- 149.100 Applicability.
- 149.101 Definitions.
- 149.102 Project review authority.
- 149.103 Public information.
- 149.104 Submission of petitions.
- 149.105 Decision to review.
- 149.106 Notice of review.
- 149.107 Request for information.
- 149.108 Public hearing.
- 149.109 Decision under section 1424(e).
- 149.110 Resubmittal of redesigned projects.
- 149.111 Funding to redesigned projects.

AUTHORITY: Sec. 1424(e), Safe Drinking Water Act (42 U.S.C. 300h–3(e)); sec. 1427 of the Safe Drinking Water Act, (42 U.S.C. 300h–6).

**Subpart A—Criteria for Identifying Critical Aquifer Protection Areas**

SOURCE: 52 FR 23986, June 26, 1987, unless otherwise noted.

**§ 149.1 Purpose.**

The purpose of this subpart is to provide criteria for identifying critical aquifer protection areas, pursuant to section 1427 of the Safe Drinking Water Act (SDWA).

**§ 149.2 Definitions.**

(a) *Aquifer* means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

(b) *Recharge* means a process, natural or artificial, by which water is added to the saturated zone of an aquifer.

(c) *Recharge Area* means an area in which water reaches the zone of saturation (ground water) by surface infiltration; in addition, a *major recharge area* is an area where a major part of the recharge to an aquifer occurs.

(d) *Sole or Principal Source Aquifer* (SSA) means an aquifer which is des-

ignated as an SSA under section 1424(e) of the SDWA.

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**§ 149.3 Critical Aquifer Protection Areas.**

A Critical Aquifer Protection Area is either:

(a) All or part of an area which was designated as a sole or principal source aquifer prior to June 19, 1986, and for which an areawide ground-water quality protection plan was approved, under section 208 of the Clean Water Act, prior to that date; or

(b) All or part of a major recharge area of a sole or principal source aquifer, designated before June 19, 1988, for which:

(1) The sole or principal source aquifer is particularly vulnerable to contamination due to the hydrogeologic characteristics of the unsaturated or saturated zone within the suggested critical aquifer protection area; and

(2) Contamination of the sole or principal source aquifer is reasonably likely to occur, unless a program to reduce or prevent such contamination is implemented; and

(3) In the absence of any program to reduce or prevent contamination, reasonably foreseeable contamination would result in significant cost, taking into account:

(i) The cost of replacing the drinking water supply from the sole or principal source aquifer, and

(ii) Other economic costs and environmental and social costs resulting from such contamination.

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**Subpart B—Review of Projects Affecting the Edwards Underground Reservoir, A Designated Sole Source Aquifer in the San Antonio, Texas Area**

SOURCE: 42 FR 51574, Sept. 29, 1977, unless otherwise noted. Redesignated at 52 FR 23986, June 26, 1987.

**§ 149.100 Applicability.**

This subpart sets forth, pursuant to sections 1424(e) and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93–