

(c) If an exemption is granted it will apply only to the underground injection of the specific restricted waste or wastes identified in the petition into a Class I hazardous waste injection well or wells specifically identified in the petition (unless the exemption is modified or reissued pursuant to §148.20(e) or (f).

(d) Upon request by any petitioner who obtains an exemption for a well under this subpart, the Director shall initiate and reasonably expedite the necessary procedures to issue or re-issue a permit or permits for the hazardous waste well or wells covered by the exemption for a term not to exceed ten years.

**§ 148.23 Review of exemptions granted pursuant to a petition.**

(a) When considering whether to re-issue a permit for the operation of a Class I hazardous waste injection well, the Director shall review any petition filed pursuant to §148.20 and require a new demonstration if information shows that the basis for granting the exemption may no longer be valid.

(b) Whenever the Director determines that the basis for approval of a petition may no longer be valid, the Director shall require a new demonstration in accordance with § 148.20.

**§ 148.24 Termination of approved petition.**

(a) The Director may terminate an exemption granted under §148.20 for the following causes:

(1) Noncompliance by the petitioner with any condition of the exemption;

(2) The petitioner's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or

(3) A determination that new information shows that the basis for approval of the petition is no longer valid.

(b) The Director shall terminate an exemption granted under §148.20 for the following causes:

(1) The petitioner's willful withholding during the review and approval of the petition of facts directly and mate-

rially relevant to the Director's decision on the petition;

(2) A determination that there has been migration from the injection zone or the well that is not in accordance with the terms of the exemption, except that the Director may at his discretion decide not to terminate where:

(i) The migration resulted from a mechanical failure of the well that can be corrected promptly through a repair to the injection well itself or from an undetected well or conduit that can be plugged promptly; and

(ii) The requirements of §146.67(i) are satisfied.

(c) The Director shall follow the procedures in §124.5 in terminating any exemption under this section.

**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.
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- 149.102 Project review authority.
- 149.103 Public information.
- 149.104 Submission of petitions.
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- 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 designated as an SSA under section 1424(e) of the SDWA.

[54 FR 6843, Feb. 14, 1989]

**§ 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.

[54 FR 6843, Feb. 14, 1989]

**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. 93-523, regulations relating to the Edwards Underground Reservoir which is the sole or principal drinking water source for the San Antonio area and which, if contaminated, would create a significant hazard to public health.

[42 FR 51574, Sept. 29, 1977. Redesignated and amended at 52 FR 23986, June 26, 1987]

**§ 149.101 Definitions.**

As used in this subpart and except as otherwise specifically provided, the term(s):

(a) *Act* means the Public Health Service Act, as amended by the Safe Drinking Water Act, Public Law 93-523.

(b) *Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.

(c) *Recharge zone* means the area through which water enters the Edwards Underground Reservoir as defined in the December 16, 1975, Notice of Determination.

(d) *Administrator* (Regional Administrator) means the Administrator (Regional Administrator) of the United States Environmental Protection Agency.

(e) *Person* means an individual, corporation, company, association, partnership, State, or municipality.