

Environmental Protection Agency

§ 149.102

§ 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 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.

(f) *Project* means a program or action for which an application for Federal financial assistance has been made.

(g) *Federal financial assistance* means any financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the Federal government in any form including contracts, grants, and loan guarantees. Actions or programs carried out by the Federal government itself such as dredging performed by the Army Corps of Engineers do not involve Federal financial assistance. Actions performed for the Federal government by contractors, such as construction of roads on Federal lands by a contractor under the supervision of the Bureau of Land Management, should be distinguished from contracts entered into specifically for the purpose of providing fi-

ancial assistance, and will not be considered programs or actions receiving Federal financial assistance. Federal financial assistance is limited to benefits earmarked for a specific program or action and directly awarded to the program or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives Federal assistance not specifically related to the project in question is not Federal financial assistance under section 1424(e).

(h) *Commitment of Federal financial assistance* means a written agreement entered into by a department, agency, or instrumentality of the Federal Government to provide financial assistance as defined in paragraph (g) of this section. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project's impact on the aquifer has not been previously reviewed under section 1424(e). The determination of a Federal agency that a certain written agreement constitutes a commitment shall be conclusive with respect to the existence of such a commitment.

(i) *Streamflow source zone* means the upstream headwaters area which drains into the recharge zone as defined in the December 16, 1975, Notice of Determination.

(j) *Significant hazard to public health* means any level of contaminant which causes or may cause the aquifer to exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard at any point where the water may be used for drinking purposes or which may otherwise adversely affect the health of persons, or which may require a public water system to install additional treatment to prevent such adverse effect.

(k) *Aquifer* means the Edwards Underground Reservoir.

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

§ 149.102 Project review authority.

(a) Once an area is designated, no subsequent commitments of Federal financial assistance may be made to