

**§ 191.16**

**40 CFR Ch. I (7-1-03 Edition)**

**§ 191.16 Alternative provisions for disposal.**

The Administrator may, by rule, substitute for any of the provisions of subpart B alternative provisions chosen after:

(a) The alternative provisions have been proposed for public comment in the FEDERAL REGISTER together with information describing the costs, risks, and benefits of disposal in accordance with the alternative provisions and the reasons why compliance with the existing provisions of Subpart B appears inappropriate;

(b) A public comment period of at least 90 days has been completed, during which an opportunity for public hearings in affected areas of the country has been provided; and

(c) The public comments received have been fully considered in developing the final version of such alternative provisions.

[50 FR 38084, Sept. 19, 1985. Redesignated at 58 FR 66414, Dec. 20, 1993]

**§ 191.17 Effective date.**

The standards in this subpart shall be effective on November 18, 1985.

[50 FR 38084, Sept. 19, 1985; 50 FR 40003, Oct. 1, 1985. Redesignated at 58 FR 66414, Dec. 20, 1993]

**Subpart C—Environmental Standards for Ground-Water Protection**

SOURCE: 58 FR 66415, Dec. 20, 1993, unless otherwise noted.

**§ 191.21 Applicability.**

(a) This subpart applies to:

(1) Radiation doses received by members of the public as a result of activities subject to subpart B of this part; and

(2) Radioactive contamination of underground sources of drinking water in the accessible environment as a result of such activities.

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before the effective date of this subpart; and

(3) The characterization, licensing, construction, operation, or closure of

any site required to be characterized under section 113(a) of Public Law 97-425, 96 Stat. 2201.

**§ 191.22 Definitions.**

Unless otherwise indicated in this subpart, all terms have the same meaning as in subparts A and B of this part.

*Public water system* means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

(2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

*Total dissolved solids* means the total dissolved (filterable) solids in water as determined by use of the method specified in 40 CFR part 136.

*Underground source of drinking water* means an aquifer or its portion which:

(1) Supplies any public water system; or

(2) Contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 milligrams of total dissolved solids per liter.

**§ 191.23 General provisions.**

(a) Determination of compliance with this subpart shall be based upon underground sources of drinking water which have been identified on the date the implementing agency determines compliance with subpart C of this part.

(b) [Reserved]

**§ 191.24 Disposal standards.**

(a) Disposal systems.

(1) *General.* Disposal systems for waste and any associated radioactive material shall be designed to provide a reasonable expectation that 10,000 years of undisturbed performance after disposal shall not cause the levels of radioactivity in any underground