(d) Definitions of the terms Discharge of dredged material, Point source, Pollutant, Waters of the United States, and Wetlands can be found in the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., and implementing regulations, specifically 33 CFR part 323 (42 FR 37122, July 19, 1977). 

§ 257.3–4 Ground water.

(a) A facility or practice shall not contaminate an underground drinking water source beyond the solid waste boundary or beyond an alternative boundary specified in accordance with paragraph (b) of this section.

(b)(1) For purposes of section 1008(a)(3) of the Act or section 405(d) of the CWA, a party charged with open dumping or a violation of section 405(e) with respect to sewage sludge that is not used or disposed through a practice regulated in 40 CFR part 503 may demonstrate that compliance should be determined at an alternative boundary in lieu of the solid waste boundary. The court shall establish an alternative boundary only if it finds that such a change would not result in contamination of ground water which may be needed or used for human consumption. This finding shall be based on analysis and consideration of all of the factors identified in paragraph (b)(1) of this section that are relevant.

(c) As used in this section:

1. Aquifer means a geologic formation, group of formations, or portion of a formation capable of yielding usable quantities of ground water to wells or springs.

2. Contaminate means introduce a substance that would cause:
   (i) The concentration of that substance in the ground water to exceed the maximum contaminant level specified in appendix I, or
   (ii) An increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in appendix I.

3. Ground water means water below the land surface in the zone of saturation.

4. Underground drinking water source means:
   (i) An aquifer supplying drinking water for human consumption, or
   (ii) An aquifer in which the ground water contains less than 10,000 mg/l total dissolved solids.

5. Solid waste boundary means the outermost perimeter of the solid waste (projected in the horizontal plane) as it would exist at completion of the disposal activity.

§ 257.3–5 Application to land used for the production of food-chain crops (interim final).

(a) Cadmium. A facility or practice concerning application of solid waste to within one meter (three feet) of the surface of land used for the production of food-chain crops shall not exist or occur, unless in compliance with all requirements of paragraphs (a)(1)(i)

409