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Use of Bottled Water by Public Water Suppliers
(Year 2000 Printing)

Effective Date: 03-18-93
Program Applicability
Supersedes Policy, SOP or Guidance#:
Approved by: David Y. Terry

Policy, SOP or Guideline # 91-09

Background: Many noncommunity and small community systems have requested a decision as to whether provision of bottled water would remove them from being regulated as a public water system. If the DWS approved the process it would result in huge cost savings for the system.

Rationale: In accordance with the federal regulation (section 1401 (4) of the SDWA), Massachusetts DEP defines a public water system as "a system for provision to the public of piped water for human consumption if such a system has at least.....regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year" EPA's opinion in letters dated 12/14/89 to Dr. Mahan of Tallahassee, Florida and Chief Walter Andrews of EPA Region II is that human consumption has been interpreted by the U.S. vs Midway Heights County Water District as including such normal uses as bathing, showering, cooking, dishwashing and oral hygiene."

Policy: If a system provides water for any of the normal uses such as bathing, showering, cooking, dishwashing and oral hygiene, it is providing water for human consumption and is a public water system subject to regulations under the SDWA and the state Drinking Water regulations. A public water system may not escape the regulations by providing bottled water for drinking if the system provides water for other normal everyday uses.

Note: The fact that a noncommunity water system provides bottled water for drinking would not, by itself, affect this determination since human consumption includes more than simply drinking the water. Further, it is important to keep in mind that according to 40 CFR 141.101, a public water system may not use bottled water or point of use devices as a means of achieving compliance with a maximum compliance level (MCL). Bottled water and point of use devices may only be used on a temporary basis, usually as a condition of a variance or an exemption, to avoid an unreasonable risk to health.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>

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Attachments:

- 1) U.S. EPA letter from Michael B. Cook, Director, Office of Drinking Water dated 12/14/89 to Charles S. Mahan, M.D., Deputy Secretary for Health and State Health Officer, Department of Health and Rehabilitative Services, Tallahassee, Florida.
- 2) U.S. EPA memo from Michael B. Cook, Director, Office of Drinking Water dated 12/14/89 to Walter Andrew, Chief, Drinking Water and Ground Water Protection Branch, Region II.

Approved: March 18, 1993
Effective: March 18, 1993

David Y. Terry, Director
Division of Water Supply