UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GUIDANCE FROM HOTLINE COMPENDIUM

WSG H24 Date Issued: March 1990

SUBJECT: Corrosion Control Devices and the PWS Program

SOURCE: Betsy Devlin

Section 1411 of the Safe Drinking Water Act (SDWA) specifies four criteria [1411(1)-(4)] used to determine whether or not a public water system (PWS) is subject to the: The PWS must meet all four criteria to be exempt from the NPDWRs. Specifically, one of the criterion set forth in Section 1411(1) states that a PWS must consist of only distribution and storage facilities (and does not have any collection and/or treatment facilities).

Furthermore, such facilities adding corrosion control agents to their drinking water supply are considered to be a public water system, and thus are not exempt from regulation since all four criteria are not met (see Water Supply Guidance #37, dated December 20, 1976).

With respect to such provisions, a water-conditioning company has been contracted to treat the water of PWS customer whose structure is an office/residential building. The building serves more than 25 persons. The company treats the water by either renting or otherwise providing a point of entry device which they themselves will maintain. In this case, Water Supply Guidance #37 requires that the building be regulated as a PWS under the NPDWRs. If so, is the building owner, or the water-conditioning company, considered to be the PWS owner/operator?

Response:

Water Supply Guidance #37 (December 8, 1976) addressed the question of the definition of treatment and stated that any person (as defined by the SDWA) who adds any chemical to its drinking water supply is a public water system and is covered by the NPDWRs. In coming to this conclusion, the guidance provided useful information on the definition of treatment and treatment facilities.

The standard dictionary definition of "to treat" is "to subject to some agent or action to bring about a particular result." Water can be "treated" with a chemical agent, such as sodium silicate, in order to bring about a reduction in corrosivity.

The addition of such a substance necessarily changes the chemical composition of the water into which it is added. As such, the addition of chemicals into drinking water to reduce corrosivity should be considered "treatment" within the meaning of SDWA, Section 1411(a).

The legislative history of Section 1411 makes it clear, moreover, that Congress only intended to exempt those public water systems, such as hotels or trailer parks, which "merely" store and distribute water..."

Furthermore, the standard dictionary definition of a "facility" is "something designed to serve a specific function." Presumably, the on-site addition of corrosion-reducing chemicals into a water supply requires devices, holding tanks, or units to regulate the mixture.

Therefore, the addition of corrosion-reducing substances into water supplies presumably requires "treatment facilities" within the meaning of the SDWA.

Generally, the term "treatment facilities" should be interpreted broadly. Otherwise, the unregulated proliferation of individual on-site chemical treatment of drinking water supplied by public water systems could seriously interfere with efficient regulation of the quality of drinking water, contrary to the purpose of the SDWA to regulate all public water systems "to protect health to the maximum extent feasible."

Consistent with this guidance, then, if a building owner or operator installed a point of entry or point of use device, the device would be considered a "treatment facility." Therefore, the building would become a public water system (assuming it met the requirements of the definition; i.e., had at least 15 service connections or regularly served at least 25 individuals) and the building owner/operator would become a supplier of water as defined by the SDWA. The system would be subject to the SDWA and the NPDWRs.