

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H22

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SUBJECT: Meaning of "Human Consumption" and "Graywater Uses"
as it Relates to Public Water Systems

SOURCE: Betsy Devlin

On February 26, 1988, the United States District Court settled the U.S. v. Midway Heights case in part by claiming "human consumption includes drinking, bathing, showering, cooking, dishwashing, and maintaining oral hygiene." Do these statements claim that inhalation alone can constitute human consumption? For example, a hospital has its own well which it uses solely for laundry purposes (the rest of its water is supplied by a Public Water System), would this use constitute human consumption? In addition, what types of water consumption are included in EPA's definition of "graywater uses?"

Response:

In U.S. v. Midway Heights County Water District, the water district contended as part of its defense that it was not a public water system and thus not subject to the Safe Drinking Water Act (SDWA) or the National Primary Drinking Water Regulations (NPDWRs) because it did not supply water for "human consumption," that is, drinking. The court, as noted above, found that human consumption was more than just drinking. Moreover, the court found that the defendant knew or should have known that the water was being used for human consumption (due to the pipes running into the homes and other facts specific to this case) and that the agreement between the district and the customers which "apparently purports to limit the use(s) of defendant's water to irrigation is ineffective to take defendant's water system out of reach of the Safe Drinking Water Act which was enacted to protect the public health."

In its opinion, the court did not expressly deal with the question of inhalation as it was not dealing with types of exposure to contaminants. It is our opinion, however, that the court was interpreting consumption in a broad sense; that is, human consumption includes all normal, everyday purposes. If an individual uses the water provided by a system for bathing or dishwashing, arguably, that individual would be exposed to contaminants in the water through inhalation. In this sense, then, inhalation could be considered consumption.

Considering the example of the hospital which has its own well used only for laundry purposes, laundry arguably fits under the definition of human consumption. Therefore, this supply is subject to the SDWA and the NPDWRs. If, however, the hospital could demonstrate that the system for the laundry is completely separate from the system providing the water for patient and staff use, then an argument could be made that the system used for laundry purposes may not be subject to the NPDWRs. In order to demonstrate this complete separation, the hospital would have to show, that there are

different plumbing systems, that there are no "laundry" sinks or faucets available for patient or staff use, and that there are no interconnections whatsoever. However, hospitals are often required to have back-up systems to provide water for patients and staff in case of an emergency. If the laundry system is in fact the back-up system, then it would clearly be for "human consumption" and would be subject to the SDWA and the NPDWRs (if it satisfied the definition of a NCWS; i.e., was used for the requisite number of days per year).

NOTE: This issue specifically addresses Gray-Water Systems as Public Water Systems and therefore replaces Issue Number One and Two of Edition Four's Section V. That section has been renamed "TOTAL COLIFORM RULE REQUIREMENTS."