

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GUIDANCE FROM HOTLINE COMPENDIUM

WSG H47
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SUBJECT: Incremental Service Connections

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Title 40 CFR § 141.2 defines a public water system as "...a system for the provision to the public of piped water for human consumption, if such a system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year." However, there is no specific language concerning public water systems that discusses incremental service connections.

If a housing development is currently served by a facility that has five service connections in use and contains an additional 10 unused service connections, is the facility considered a public water system according to the definition in 40 CFR § 141.2?

Response:

Title 40 CFR Part 141 does not address the treatment of unused service connections. EPA's policy has been that a system which serves at least 25 people or has at least 15 service connections, regardless of whether those connections are in use, meets the Federal definition of a public water system (States may, and some do, regulate systems with fewer service connections). However, EPA policy has also been that systems which do not have at least 15 service connections in use, and do not serve at least 25 people, are not considered to be "active" public water systems under the Federal definition and, therefore, are not required to meet the Federal requirements of 40 CFR § 141.

The concept of "inactivity" was intended for systems which would dip below the 15 connection threshold for a substantial period of time; i.e., a year or more. EPA recognizes that there are some systems, such as mobile home parks or small housing developments, which have more than 15 connections but whose used (or active) connections could frequently fluctuate above and below 15. Such systems would create havoc with State and Federal regulatory tracking and oversight if those systems were considered to be alternatively subject and not subject to the regulations every few months. As such, for Federal oversight purposes, EPA considers such systems to be active and, therefore, subject to the Federal requirements, even during those times when the system did not have at least 15 connections in use. While EPA would recommend that States adopt the same policy, it is within each State's discretion whether or not to recognize frequent changes in a system's "active/inactive" status.