

**10-144**

**Chapter 235**

**STATE OF MAINE  
RULES RELATING TO  
BULK WATER**



**DRINKING WATER PROGRAM  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
MAINE CENTER FOR DISEASE CONTROL AND PREVENTION  
DIVISION OF ENVIRONMENTAL AND COMMUNITY HEALTH  
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**Drinking Water Program  
Division of Environmental and Community Health  
Maine Center for Disease Control and Prevention  
Department of Health and Human Services**

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**SUMMARY STATEMENT**

These Rules are established to ensure that bulk water transports in the State of Maine are free from any contaminants known to be harmful to public health, to assure that the water is safe for consumption by the general public.

**AUTHORITY**

These rules are promulgated under the authority of 22 M.R.S. §§42 and 2660-C.

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Non-Discrimination Notice

In accordance with Title VI of the Civil Rights Act of 1964, as amended by the civil Rights Restoration Act of 1991 (42 U.S.C. 1981, 2000e et seq.) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and Title IX of the Education Amendments of 1972, the Maine Department of Human Services does not discriminate on the basis of sex, color, national origin, disability or age in admission or access to or treatment or employment in its programs and activities.

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## SECTION 1. GENERAL PROVISIONS

- A. **Application and Scope.** These rules shall apply to all producers and processors of bulk drinking water. The Rules establish the sanitary requirements for the installation and maintenance of equipment used in processing, handling, and storage and the source of water.
- B. **Constitutionality Clause.** Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulations shall not be affected thereby.

## SECTION 2. DEFINITIONS

**BULK WATER:** Water intended for potable uses which is transported across municipal boundaries, in containers greater than 10 gallons for the purpose of treatment, packaging or human consumption.

**DEPARTMENT:** The State of Maine Department of Health and Human Services, Maine CDC, Division of Environmental Health, Drinking Water Program, or its authorized representative.

## SECTION 3. BULK WATER TRANSPORT

- A. **Prohibition.** Except as otherwise provided in this section, no person may transport water for commercial purposes by pipeline or other conduit or by tank truck or in a container greater in size than 10 gallons beyond the boundaries of the municipality or township in which water is naturally located, or any bordering municipality or township. 22 M.R.S.A § 2660-A defines when a permit is necessary to transport water for human consumption across town lines within the State of Maine.
- B. **Exceptions.** The prohibition in this section does not apply to:
  - 1. Any utility water as defined in Title 35-A.
  - 2. Water transported for use in well drilling, construction activities, concrete mixing, swimming pool filling, servicing portable toilets, firefighting, hospital operations, aquaculture, agricultural applications or civil emergencies.
  - 3. Water distilled as a by-product of a manufacturing process.
  - 4. Water transported from a water source that, before July 1, 1987, was used to supply water for bottling and sale, and which is used exclusively for

bottling and is sold in its pure form, or as a carbonated or flavored beverage product.

**C. Permit Required.** The Commissioner, after consultation with the Public Utilities Commission and the State Geologist, and upon the recommendations of the Department, may authorize transport of water for commercial purposes, if the Commissioner finds that:

1. Transport of the water will not constitute a threat to public health, safety or welfare;
2. The water is not available naturally in the location to which it will be transported; and
3. Failure to authorize transport of the water would create a substantial hardship to the potential recipient of the water. Any authorization under this subsection must be for a period not to exceed 3 years, but may be renewed subject to the same criteria. [1997, c. 587, §2 (amd).]

**D. Emergencies.** In case of an emergency, any person may transport water as necessary for the duration of the emergency, but the person transporting the water must inform the Department within 3 days and the Department may determine when the emergency is over.

**E. Penalty.** Any person who transports water in violation of this section is guilty of illegal transport of water. Illegal transport of water is a Class D crime. Each shipment or day of transport, if by pipeline, is a separate offense.

**F. Source Approval.** Bulk water sources shall meet the requirements of these Rules, or be approved by the state agency having local jurisdiction. Bulk water shall be loaded, transported and unloaded in a sanitary manner to ensure the overall safety and quality of the finished water product.

**G. Material.** Bulk water tankers, storage tanks, hoses, pumps and connections used for loading, transporting and unloading of bulk water shall be constructed of materials that are FDA food-grade, smooth, non-absorbent and easily cleanable such as stainless steel (300 series).

**H. Dedicated Equipment.** Tankers shall be dedicated for the hauling of bulk water only, for bottling purposes. Tankers that have been previously used to haul non-food commodities such as toxic materials, petroleum products, or other harmful substances shall not be used to haul drinking water for human consumption. Tankers shall be cleaned, sanitized and inspected internally for tank integrity on a routine basis.

**I. Cleaning and Disinfection Procedures for Mobile Bulk Storage Containers (MBSC):**

1. Inspect the container to ensure that it is watertight and free of debris. Remove all debris.
2. Disinfect the container for 30 minutes using not less than 100 ppm chlorine solution. Alternatively, “super ozonated” (greater than 1 ppm) water may be used. Allow disinfected water to flow through all pipes and overflows. Use gloves and avoid breathing fumes (wear an OSHA approved chemical cartridge respirator if necessary). Take all necessary safety precautions in accordance with OSHA standards.
3. Mix solution throughout the container. Scrub the inside of the container with a clean long handled brush to remove bio-film and other accumulated debris.
4. Fill tank completely full, with not less than 10 ppm chlorine solution. Allow at least 1-hour contact time.
5. Drain and rinse container with operations water.
6. Fill tank with product (potable) water. Ensure that the free chlorine residual in the container is at least 2 mg/l. If ozonation is utilized, the ozone residual in the container shall be at least 0.2 mg/l. Record this measurement at the time of loading and unloading.
7. Secure and lock access hatches to the container to prevent unauthorized access and potential contamination.
8. An alternative cleaning and disinfection procedure may be employed in accordance with the tank manufacturer recommendations and with prior approval from the Department.

**J. Hoses and Connections.** Connections (hoses) and pumps used for the loading and unloading of bulk water shall be properly maintained and stored to prevent contamination. When not in use, pumps, hoses, connections and fittings shall be properly capped, securely stored and protected from possible contamination. Manhole cover gaskets and safety seals shall be maintained to prevent possible contamination.

**K. Bacteria Sampling.** Representative samples shall be taken from shipments of bulk water for the analyses of total coliform bacteria. The minimum frequency of sampling shall be one sample from each tanker on a weekly basis, or more frequently as determined by the Department.

**L. Records.** Shall be maintained for a minimum of two years, to include the following information:

1. Name of the transporter and/or driver.
2. Tanker number.
3. Date of shipment.
4. Vendor and location of the source water.
5. Name of the receiver and the location to which the water was shipped.

6. Date of delivery.
7. Date of tanker cleaning and sanitization (includes name of operator).
8. The concentration of the disinfectant residual (if required by the local state agency having jurisdiction) at the time of loading and unloading.
9. Results of total coliform bacteria testing performed on representative samples taken from shipments of bulk water for each tanker to be performed at least once per week.

**M. Tank Shed.** Stationary (or non-mobile) bulk water storage containers shall be housed in an enclosed structure with concrete slab (or equivalent) foundation. The structure shall have adequate floor drainage. Doors and windows shall have 24-mesh screens to prevent pests from entering.

## **SECTION 4. RECORDS**

- A. Records shall be maintained of all inspections and reports. Records of all water quality bacteriological and chemical testing shall be maintained for 5 years by the water supplier and the Department.
- B. Records shall be maintained of daily production operations and shall include the date, number of units packaged and number of units delivered. The names of people who obtain water should also be maintained.

## **SECTION 5. APPROVAL REQUIRED**

- A. **Facilities.** Plans and specifications for any major alternation of existing bulk water facilities or any new construction must be approved before any work is commenced.
- B. **Treatment.** Plans and specifications for any alteration of existing treatment processes or any new treatment process must be approved by the Department before installation is commenced. It is recommended that at least thirty (30) working days be allowed for plan review.
- C. **Change in Ownership.** The permit holder shall notify the Department within 5 days after any change in ownership, and at least 30 days prior to any change of the name or location of the plant and in all cases promptly submit to the Department written documentation reflecting such change(s).
- D. **Change/Addition of a Source.** Prior to the time that a water source is changed or a new source is used in addition to the existing approved source(s), if the new source is not a public water supply, the permit holder shall obtain an inspection and approval of the new source by the governmental authority having jurisdiction, and shall submit a copy of such inspection and approval to the Department. The permit holder shall also submit to the Department information in accordance with these Rules, prior to the sale of products using the new source. If the new source

is a public water supply, the permit holder shall notify the Department of the change or addition of source.

## **SECTION 6. ORDERS, EMERGENCY POWERS, PENALTIES**

- A. Pursuant to 22 M.R.S. §2614, the Department is authorized to issue orders to any person to comply with the requirements of these regulations, and is further authorized to petition to compel compliance with such orders.
- B. Pursuant to 22 M.R.S. §2614, on receipt of information that due to the actual or threatened use of contaminants, or for other reasons, there is an imminent and substantial endangerment to the health of persons, the Department may take such actions, including, but not limited to, issuing emergency orders or commencing court action, as deemed necessary to protect the public health.
- E. Pursuant to 22 M.R.S. §§ 2617 and 2620, any person willfully violating any portion of these regulations, may be subject to a fine. Each day of operation in violation shall constitute a separate offense. In addition, as indicated in subparagraph (2) of 22 M.R.S. §2617, injunctive relief may be obtained to prevent the violation of any rule, in accordance with State law.

STATUTORY AUTHORITY: 22 M.R.S. §§42 and 2601 et. seq.