

Texas Commission on Environmental Quality
Water Supply Division and Regional
Areas Public Water System Water
Hauler Guidance

October 1, 2018

Rules Affected: 30 TAC, §§ 290.38(71), 290.44(i), 290.106, 290.109, and 290.122.

Background:

30 Texas Administrative Code (TAC) § 290.44(i) and the Texas Health and Safety Code (THSC), Chapter 341, Subchapter C describe the duties of the commission relating to the regulation and control of public drinking water systems in the state. The above referenced 30 TAC § 290.44(i) rule requires that when drinking water is distributed by tank truck or trailer, the drinking water must be obtained from an approved source and the equipment utilized to transport drinking water must be approved by the executive director. In addition, the owner of drinking water transport equipment is responsible for meeting additional disinfection, compliance sampling, and record keeping requirements in accordance with 30 TAC § 290.44(i).

The Environmental Protection Agency (EPA) has determined that water haulers are considered public water systems if they meet “the minimum standards for number of the outlets or customers served.” As public water systems, water haulers are regulated under the Safe Drinking Water Act (SDWA). In addition, the Ground Water Rule (GWR) and Revised Total Coliform Rule (RTCR) requirements are applicable to water haulers.

Guidance:

A water provider that distributes drinking water for human consumption by tank truck or trailer who meets the definition of a public water system under 30 TAC § 290.38(71) will be regulated as a water hauler under 30 TAC § 290.44(i). Water haulers shall obtain approval from TCEQ prior to providing drinking water to the public.

Based on the operational characteristics of a water hauler, the TCEQ has determined that an owner who has been determined to be a water hauler will be classified as a *Transient Noncommunity* public water system. A water hauler is classified as a transient noncommunity public water system because it has the potential to provide drinking water to individuals in various locations at a variety of times. Such a transient noncommunity public water system may be treated as

a consecutive system for purposes of compliance under TCEQ rules. Water haulers are subject to TCEQ investigations to evaluate compliance with PWS requirements in line with transient noncommunity public water systems. This guidance establishes that when *drinking water* is transported for *human consumption* by tank truck or trailer, as defined by 30 TAC § 290.38(23) and § 290.38(36) respectively, it must be accomplished in accordance with 30 TAC § 290.44(i) and the water hauler shall maintain adequate information to ensure that all of the below mentioned 30 TAC § 290.44(i) requirements are documented. When *drinking water* is transported for *human consumption* by tank truck or trailer it must be accomplished pursuant to the following requirements listed in § 290.44(i):

(1) Water shall be obtained from an *approved source*;

- *Drinking water utilized for distribution by tank truck or trailer must be obtained from a TCEQ approved public water system with an approved source in accordance with the requirements of 30 TAC Chapter 290. See the definition of Drinking Water under "30 TAC Definitions".*

(2) The equipment used to haul the water must be approved by the executive director and must be constructed as follows;

- *Owners of tank truck or trailer equipment which distribute drinking water for human consumption shall obtain TCEQ approval for the equipment in accordance with 30 TAC § 290.39 prior to providing drinking water for human consumption;*
- *A new public water system for hauled water must submit engineering reports to the TCEQ for review and approval prior to commencing operations. Plans, specifications, and related documents will not be considered unless they have been prepared under the direction of a licensed professional engineer. All engineering documents must have engineering seals, signatures, and dates affixed in accordance with the rules of the Texas Board of Professional Engineers.*

(A) The tank truck or trailer shall be used for transporting drinking water only and shall be labeled "Drinking Water." Tanks which have been used previously for purposes other than transporting potable liquids shall not be used for hauling drinking water.

(B) The tank shall be watertight and of an approved material which is impervious and easily cleaned and disinfected. Any paint or coating and any plastic or fiberglass materials used as contact surfaces must be approved by the United States Environmental Protection Agency, the United States Food and Drug Administration, or the NSF. Effective January 1, 1993, any newly installed surfaces shall conform to ANSI/NSF Standard 61 and must be certified by an organization accredited by ANSI.

(C) The tank shall have a manhole and a manhole cover which overlaps the

raised manhole opening by a minimum of two inches and terminates in a downward direction. The cover shall fit firmly on the manhole opening and shall be kept locked.

(D) The tank shall have a vent which is faced downward and located to minimize the possibility of drawing contaminants into the stored water. The vent must be screened with 16-mesh or finer corrosion-resistant material.

(E) Connections for filling and emptying the tank shall be properly protected to prevent the possible entrance of contamination. These openings must be provided with caps and keeper chains.

(F) A drain shall be provided which will completely empty the tank for cleaning or repairs.

(G) When a pump is used to transfer the water from the tank, the pump shall be permanently mounted with a permanent connection to the tank. The discharge side of the pump shall be properly protected between uses by a protective cap and keeper chain.

(H) Hoses used for the transfer of drinking water to and from the tank shall be used only for that purpose and labeled for drinking water only. The hoses shall conform to ANSI/NSF Standard 61 and must be certified by an entity recognized by the commission. Hoses and related appurtenances must be cleaned and disinfected on a regular basis during prolonged use or before start-up during intermittent use. Hoses must be properly stored between uses and must be provided with caps and keeper chains or have the ends connected together.

(I) The tank shall be disinfected monthly and at any time that contamination is suspected.

(J) At least one sample per month from each tank shall be collected and submitted for microbiological analysis to one of the commission's approved laboratories for each month of operation.

- *Owners shall ensure that one microbiological sample is collected from each drinking water tank truck or trailer during each month of operation. The Revised Total Coliform Rule (RTCR) microbial sampling requirements concerning repeat sample monitoring are applicable to each tank truck or trailer during each month of operation in accordance with 30 TAC § 290.109.*
- *When a monthly microbiological sample obtained from a drinking water tank truck or trailer tests positive for total coliform organisms, and the drinking water was received from a public water system which provides groundwater, the owner of the tank truck or trailer must notify the groundwater system within 24 hours of being notified of the positive coliform sample in accordance with 30 TAC § 290.109(c)(4)(C). This is important because the groundwater wholesale system is required to collect raw bacteriological samples from each well in use the day the positive sample occurred.*
- *Should a water hauler not be active throughout a monthly operating period, the owner should notify TCEQ through email at TCRDATA@tceq.texas.gov regarding the status of the system. This will ensure proper review of monthly required bacteriological sampling.*

(K) A minimum free chlorine residual of 0.5 mg/L or, if chloramines are used as the primary disinfectant, a chloramine residual of 1.0 mg/L (measured as total chlorine) shall be maintained in the water being hauled. Chlorine or chlorine containing compounds may be added on a "batch" basis to maintain the required residual.

(L) Operational records detailing the amount of water hauled, purchases, microbiological sampling results, chlorine residual readings, dates of disinfection, and source of water shall be maintained.

Nitrate and Nitrite Compliance Monitoring:

The TCEQ shall collect a minimum of one nitrate sample from each drinking water tank truck or trailer annually pursuant to 30 TAC § 290.106(c)(6) and one nitrite sample from each drinking water tank truck or trailer every nine years pursuant to 30 TAC § 290.106(c)(7) .

Public Notice:

A public water system that is required to issue a public notice for a violation of primary drinking water standards is required to issue a public notice to its customers and must also provide a copy of the notification to the owner of a tank truck or trailer distributing drinking water because the owner as a water hauler is part of a consecutive system. Subsequently, the water hauler must provide a copy of the notice to affected customers in accordance with 30 TAC § 290.122(g).

30 TAC Definitions:

§ 290.38(71) Public water system - A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes; any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as

his place of employment, or works in a place to which drinking water is supplied from the system.

§ 290.38(23) Drinking water - All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term "Drinking Water" shall also include all water supplied for human consumption or used by any institution catering to the public.

§ 290.38(36) Human consumption - Uses by humans in which water can be ingested into or absorbed by the human body. Examples of these uses include, but are not limited to drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing foods.

§ 290.38 (15) Community water system - A public water system which has a potential to serve at least 15 residential service connections on a year-round basis or serves at least 25 residents on a year-round basis.

§ 290.38 (58) Nontransient noncommunity water system - A public water system that is not a community water system and regularly serves at least 25 of the same persons at least six months out of the year.

§ 290.38(84) Transient noncommunity water system - A public water system that is not a community water system and serves at least 25 persons at least 60 days out of the year, yet by its characteristics, does not meet the definition of a nontransient noncommunity water system.

Finalized and Approved by: Michele Risko, Manager, 10/1/2018

If no formal expiration date has been established for this staff guidance, it will remain in effect until superseded or canceled.