

Summary of Consecutive System Regulation In Region 1 States and New York

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A. Vermont

- **Applies Federal Exemption Criteria:** No.
- **Status of Consecutive if Criteria Met:** Community systems are regulated PWSs if not owned or controlled by the wholesale system.

Vermont does not apply the federal exemption criteria found in 40 CFR §141.3 and §141.1 of the Safe Drinking Water Act. Public community water systems that meet the federal criteria are separately regulated by the state, and must comply with all applicable state and federal drinking water regulations. Currently there are no state incentives to encourage consolidation between wholesale and consecutive community systems.

B. New Hampshire

- **Applies Federal Exemption Criteria:** Yes.
- **Status of Consecutive if Criteria Met:** Not a PWS; Exempted from DW Regulations.

New Hampshire applies the federal criteria. If a system meets the criteria, the system is not classified as a PWS and is generally exempt from complying with the state drinking water regulations. The exempted consecutive system is not absorbed into the wholesaler, and the wholesaler is not required to take compliance responsibility for the consecutive. The wholesaler is only required to provide potable water up to the master meter of the consecutive system. Some municipalities have adopted local ordinances requiring consecutive systems to pay for maintenance of their lines.

[Note: NH is planning to propose new legislation that would require exempted consecutives with exterior pumping or storage facilities to meet minimum requirements, such as conducting monthly coliform testing, complying with general operational requirements and maintenance responsibilities (e.g. inspection of facilities and distribution flushing), and retaining a certified operator.]

C. Connecticut

- **Applies Federal Exemption Criteria:** Yes.
- **Status of Consecutive if Criteria Met:** Not a PWS; Treated as a Customer of the Wholesaler; May be regulated as a “Water Company.”

Connecticut applies the federal criteria. If a water system meets the criteria, it is not considered a PWS and is not regulated by the state. The users of the consecutive system are treated as “customers” of the wholesale system. As such, the wholesaler is required to incorporate the consecutive system (or customers) in its sampling plan. The wholesaler, however, is not required to take responsibility for the lines owned by the consecutive system. The consecutive system must maintain its own distribution lines. If the consecutive system is a “water company” under the state regulations (i.e. it operates a source that supplies water to two or more places of business, or to 25 or more persons on a regular basis), and a line problem develops, the state could assert its broad regulatory authority over the system. For smaller systems that fail to meet the definition of a water company, the state would turn to local health regulations for handling line issues. The state does not assign ID #s and does not track water companies that meet the federal criteria. If the consecutive system ever fails to meet the federal criteria, it would then be regulated as a separate PWS.

D. Maine

- **Applies Federal Exemption Criteria:** Yes.
- **Status of Consecutive if Criteria Met:** Not a PWS; Exempted from DW Regulations.

Maine applies the federal criteria. If a system meets the criteria, it is not classified as a PWS, and is exempted from regulation. The wholesaler is not required to absorb the system. There is no oversight of these exempted systems. If a deficiency arises, the state has no enforcement authority to fix the problem. They try to expedite corrective action through technical advice, negotiation, etc., everything short of formal enforcement.

E. Rhode Island

- **Applies Federal Exemption Criteria:** Yes.
- **Status of Consecutive if Criteria Met:** Absorbed into Wholesale System as a Customer.

Rhode Island applies the federal criteria. If a system meets the criteria, the system is automatically absorbed into the wholesale system. The only consecutive systems that exist are those that do not meet the criteria. If there are deficiencies, the wholesaler is responsible. If the absorbed water system later fails to meet the criteria, it then becomes a regulated PWS. If a regulated consecutive system later meets the criteria, the wholesale system is sent a letter directing the system to amend its monitoring plan, and the consecutive system becomes a part of the wholesale system.

F. Massachusetts

- **Applies Federal Exemption Criteria:** Yes, plus extra agreement requirement for Community Systems.
- **Status of Consecutive if Criteria Met:** Exempted PWS; Community: Wholesaler and Consecutive are Responsible for Compliance Pursuant to Agreement; Non-Community: Exempt from State Regulations.

Massachusetts applies the federal criteria. In order to become an exempt consecutive public community system, the system must meet the four federal criteria, plus enter into a written agreement between it and the wholesaler. The agreement must address the responsibilities of the wholesaler and consecutive system for the ownership, operation and maintenance of the consecutive system. Without an agreement, the consecutive system is separately regulated. Once the criteria are met, the wholesale and consecutive systems are treated as a combined system. It is within the discretion of the wholesaler and the consecutive whether to enter into an agreement. Non-community systems are only required to meet the four federal criteria to be exempt from the state drinking water regulations. A wholesale system is not required to take responsibility over an exempted consecutive non-community system. If a consecutive system is exempt, it remains classified as a PWS. Wholesale systems are not required, but are strongly encouraged, to take responsibility over new line extensions. Massachusetts does not offer incentives to wholesalers for taking over consecutive systems.

G. New York

- **Applies Federal Exemption Criteria:** Yes, but only by practice, no regulatory or statutory basis
- **Status of Consecutive if Criteria Met:** Not a PWS; Exempted from DW Regulations, but Consecutive responsible for distribution lines.

New York applies the federal criteria; however, this application is not contained in statute, rule, or guidance. If a system meets the criteria, the system is considered a customer of the wholesaler and is not classified as a PWS. The wholesaler is responsible for the water quality of an exempted consecutive system, but is not responsible for maintaining the distribution lines within the exempted system. If there is a leak in the distribution, it is the consecutive system's responsibility to correct. Either the wholesaler or consecutive is responsible for DBP monitoring, depending on contractual arrangements. The state limits the formation of consecutives through its construction approval process. If better alternatives exist, the state can object.