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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

Water and Wastewater Facility Operators Certification Board

Policy on “De Minimus” Distribution Systems

Approved: July 29, 2003

Interpretation of the Scope of Regulation 100:

A public water system whose entire distribution system falls within the jurisdiction of the Water Well Construction and Pump Installation Contractors Act shall be considered to have a “de minimus” distribution system, not subject to the requirement of supervision by a certified distribution system operator.

Background: CRS 25-9-101, *et seq.* and Regulation 100 both require that each distribution system in the state be placed under the direct supervision of an appropriately certified distribution system operator. Some distribution systems, particularly those associated with small non-community water systems, are minimal in that they consist of a well pump and a single water line leading to single pressure tank inside of a building.

The minimal arrangement described above – pump, water line, and pressure tank - is included in the definition of a water distribution system in both CRS 25-9-102(6) and Regulation 100, section 100.2(21). The statute and regulation both define a distribution system as “any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to the consumer.”

However, the minimal system described above also falls under the definition of pumping equipment in the Water Well Construction and Pump Installation Contractors Act.

Overlapping Jurisdiction: CRS 37-91-101, *et seq.* and the associated regulation (2CCR 402-2) require, to paraphrase, that all well installation and repair and that *all pumping equipment installation, repair and modification* must be performed by a contractor licensed by the Board of Examiners of Water Well Construction and Pump Installation Contractors. This Board is a part of the Colorado Division of Water Resources (Office of the State Engineer).

CRS 37-97-102(13) defines “Pumping Equipment” as “any pump or other device used or intended for use in withdrawing or obtaining ground water, including, but not limited to, . . . any water lines up to and including the pressure tank and any coupling appurtenant thereto.”

Analysis:

In the case described above, the small water system may be required to have a certified distribution system operator and at the same time be subject to the requirement that all repairs and modifications to the system be made by a licensed pump installer. In addition, the water quality within the system must be monitored by a certified water treatment operator.

In order to avoid multiplicative and potentially redundant certification/licensing requirements on small public water systems, the Division recommends the adoption of the following interpretation of Regulation 100: *A public water system whose entire distribution system falls within the jurisdiction of the Water Well Construction and Pump Installation Contractors Act shall be considered to have a “de minimus” distribution system, not subject to the requirement of supervision by a certified distribution system operator.*

Examples: 1) A school has a well with the water line feeding directly into a pressure tank located in the basement of the school building. Repairs and modifications on the well pump and water line up to the outlet of the pressure tank must be made by a licensed pump installer. Beyond the pressure tank there is only the interior plumbing of the building. The distribution system is “de minimus” because the entire distribution system falls within the jurisdiction of the Water Well Construction and Pump Installation Contractors Act.

2) A school has a well and pressure tank. From the pressure tank, water is distributed to several buildings and outlying athletic facilities. Repairs and modifications on the well pump and water line up to the outlet of the pressure tank must be made by a licensed pump installer. Inside each building, the water lines are part of the plumbing system and are not subject to operator certification requirements. Between the pressure tank and the points at which the water lines enter each building, there is a distribution system for which a certified distribution system operator is responsible.

Summary:

In light of the potential and actual multiplication of certification and licensing requirements under existing statutes (CRS 25-9-101, *et seq.* and CRS 37-91-101, *et seq.*), the Board has approved the above interpretation of the scope of Regulation 100.