

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Bottled Water and Water  
4 Vending Machines

5

6 Rules as Adopted

7 1550.3200 DEFINITIONS.

8 Subpart 1. **Scope.** The definitions in this part apply to  
9 parts 1550.3200 to 1550.3320.

10 Subp. 2. **Analytical unit.** "Analytical unit" means that  
11 portion of water taken from a sample for the purpose of analysis.

12 Subp. 3. **Approved source.** "Approved source" means a  
13 source of water that has been inspected and approved by the  
14 department, the plumbing found satisfactory under the plumbing  
15 code of the department of health, and the water has been  
16 sampled, analyzed, and found to be of a safe and sanitary  
17 quality.

18 Subp. 4. **Artesian water.** "Artesian water" means water  
19 from a well tapping a confined aquifer in which the water level  
20 stands above the top of the aquifer.

21 Subp. 5. **Bottled water.** "Bottled water" means water that  
22 is intended for human consumption and that is sealed in bottles  
23 or other containers with no added ingredients, except that it  
24 may contain safe and suitable antimicrobial agents. Bottled  
25 water may be used as an ingredient in beverages such as diluted  
26 juices and flavored bottled waters. It may not include food  
27 ingredients that are declared in ingredient labeling as "water,"  
28 "carbonated water," "disinfected water," "filtered water,"  
29 "seltzer water," "soda water," and "tonic water." The  
30 processing and bottling of bottled water must comply with Code  
31 of Federal Regulations, title 21, part 129, and other rules  
32 adopted by the department.

33 Subp. 6. **Bottled water plant.** "Bottled water plant" means  
34 a place in which bottled water is prepared for sale.

35 Subp. 7. **Carbonated water or sparkling water.** "Carbonated

1 water" or "sparkling water" means bottled water containing  
2 carbon dioxide.

3 Subp. 8. Corrosion-resistant materials.

4 "Corrosion-resistant materials" means materials that maintain  
5 acceptable sanitary surface characteristics under prolonged  
6 influence of the water to be contacted, the normal use of  
7 cleaning compounds and sanitizing solutions, and other  
8 conditions of the use environment.

9 Subp. 9. Department. "Department" means the Department of  
10 Agriculture.

11 Subp. 10. Distilled water. "Distilled water" means water  
12 produced by a process of distillation that meets the definition  
13 of purified water.

14 Subp. 11. Drinking water. "Drinking water" means water  
15 from an approved source.

16 Subp. 12. EPA. "EPA" means the United States  
17 Environmental Protection Agency.

18 Subp. 13. Fluoridated water. "Fluoridated water" means  
19 water containing fluoride. Water that meets this definition  
20 must comply with the United States Food and Drug Administration  
21 quality standards in Code of Federal Regulations, title 21,  
22 section 103.35(d)(2).

23 Subp. 14. Law. "Law" means applicable federal, state, and  
24 local statutes, ordinances, rules, and regulations.

25 Subp. 15. Lot. "Lot" means:

26 A. a collection of primary containers or units of the  
27 same size, type, and style produced under conditions as nearly  
28 uniform as possible and usually designated by a common container  
29 code or marking, or in the absence of any common container code  
30 or marking, a day's production during manufacture, process, or  
31 packing; or

32 B. a collection of primary containers or units  
33 transported, stored, or held under conditions as nearly uniform  
34 as possible.

35 Subp. 16. Mineral water. "Mineral water" means water that  
36 contains not less than 250 parts per million total dissolved

1 solids coming from a source tapped at one or more boreholes or  
2 springs, originating from a geologically and physically  
3 protected underground water source, distinguished from other  
4 types of water by its constant level of minerals and trace  
5 elements at the point of emergence from the source.

6 Subp. 17. **Operator.** "Operator" means a person who owns or  
7 operates a water vending machine.

8 Subp. 18. **Ozonation.** "Ozonation" means disinfection of  
9 bottled or vended water with sufficient ozone residue of 0.1 to  
10 0.4 parts per million in the bottled or vended water immediately  
11 after filling the container.

12 Subp. 19. **Plant operator.** "Plant operator" means a person  
13 who owns or operates a bottled water plant.

14 Subp. 20. **Purified water.** "Purified water" means water  
15 produced by distillation, deionization, ion-exchange treatment  
16 reverse osmosis, or other suitable process. Purified water must  
17 not contain more than ten parts per million total dissolved  
18 solids. Water that meets this definition and is vaporized and  
19 then condensed may be labeled distilled water.

20 Subp. 21. **Regulatory authority.** "Regulatory authority"  
21 means the department or the authorized home rule charter or  
22 statutory city or county responsible for licensing and  
23 inspection of vending machines.

24 Subp. 22. **Safe materials.** "Safe materials" means  
25 materials that may not reasonably be expected to result,  
26 directly or indirectly, in their becoming a component or  
27 otherwise affecting the characteristics of food. Food additives  
28 or color additives as defined in Section 201(s) or (t) of the  
29 federal Food, Drug, and Cosmetic Act are safe materials only if  
30 they are used in conformity with regulations established under  
31 Section 409 or 706 of that act. Other materials are safe  
32 materials only if, as used, they are not food additives or color  
33 additives as defined in Section 201(s) or (t) of the federal  
34 Food, Drug, and Cosmetic Act and are used in conformity with  
35 applicable regulations of the United States Food and Drug  
36 Administration.

1           Subp. 23. **Sample.** "Sample" means a representative  
2 container or consumer unit from a batch or lot of a continuous,  
3 production of each type of bottled drinking water consisting of  
4 primary containers or unit packages of product.

5           Subp. 24. **Sanitize.** "Sanitize" means effective  
6 bactericidal treatment of clean food contact surfaces of  
7 utensils and equipment by an approved process that is effective  
8 in destroying microorganisms, including pathogens, without  
9 adversely affecting the product or the safety of the consumer.

10           Subp. 25. **Spring water.** "Spring water" means water  
11 derived from an underground formation from which water flows  
12 naturally to the surface of the earth.

13           Subp. 26. **Steam.** "Steam" used in contact with water or  
14 water contact surfaces must be free from materials or additives  
15 other than those in Code of Federal Regulations, title 21,  
16 section 173.310.

17           Subp. 27. **Trihalomethane or THM.** "Trihalomethane" or "THM"  
18 means one of the family of organic compounds, named as  
19 derivatives of methane, in which three of the four hydrogen  
20 atoms in methane are each substituted by a halogen atom in the  
21 molecular structure.

22           Subp. 28. **Total trihalomethanes or TTHM.** "Total  
23 trihalomethanes" or "TTHM" means the sum of the concentration in  
24 milligrams per liter of the trihalomethane compounds  
25 (trichloromethane (chloroform), dibromochloromethane,  
26 bromodichloromethane, and tribromomethane (bromoform)), rounded  
27 to two significant figures.

28           Subp. 29. **Ultraviolet light treatment of water.**  
29 "Ultraviolet light treatment of water" means radiation at a  
30 wavelength of 240 to 280 nanometers (nm) applied at a minimum  
31 dosage of 16,000 microwatt seconds per square centimeter  
32 throughout the water disinfecting chamber. The disinfecting  
33 unit must have a maximum water depth in the chamber of three  
34 inches from the ultraviolet tube surface to the chamber wall,  
35 have a time delay mechanism to permit a two-minute warm-up  
36 unless left on at all times, and be installed with an intensity

1 meter and an automatic shut-down valve when the dosage is below  
2 required minimum. Ultraviolet lamps must be replaced when the  
3 intensity meter indicates less than 50 percent of the rated lamp  
4 intensity.

5 As an alternative to the intensity meter and automatic  
6 shut-down valve, an operator may use a portable meter to test  
7 the ultraviolet lamp intensity. Operators using a portable  
8 meter must post in each machine near the ultraviolet assembly a  
9 permanent instruction label specifying a safe test procedure, a  
10 minimum intensity level of 254 nanometers, a required six-month  
11 test interval, and replacement of the lamp when at less than 50  
12 percent of rated lamp intensity. A record of lamp testing and  
13 replacement must be signed, dated, and posted near the lamp  
14 assembly of each vending machine.

15 Subp. 30. **Vended water.** "Vended water" means water  
16 dispensed by a water vending machine.

17 Subp. 31. **Water dealer.** "Water dealer" means a person who  
18 imports bottled water or causes bulk water to be transported for  
19 bottling or as vended water for human consumption or other  
20 consumer uses.

21 Subp. 32. **Water vending machine.** "Water vending machine"  
22 means a device that, upon insertion of one or more coins or  
23 tokens or receipt of payment by other means, dispenses treated  
24 water into a container without the necessity of refilling the  
25 machine between each operation, including bulk water dispensing  
26 machines with water prepared in the machine or from a remote  
27 refillable tank and dispensed on a self-serve basis by a  
28 consumer, an operator, or an operator's employee.

29 Subp. 33. **Well water.** "Well water" means water taken from  
30 below the ground through a pipe or similarly installed device  
31 and using external force or vacuum.

32 1550.3210 PRODUCT QUALITY.

33 Subpart 1. **Standards.** Bottled water must be from an  
34 approved source and must not contain anything in a quantity that  
35 may be injurious to health. Bottled water must meet the

1 standards in Code of Federal Regulations, title 21, part 103,  
2 and other rules adopted by the department.

3       Subp. 2. **Microbiological quality.** Bottled water must meet  
4 the standard of microbiological quality in item A or B if a  
5 sample of analytical units of equal volume is examined by the  
6 methods described in applicable sections of "Standard Methods  
7 for the Examination of Water and Wastewater," 18th edition  
8 (1991), published by the American Public Health Association.  
9 The commissioner may accept other official methods of analysis  
10 when published in "Standard Methods for the Examination of Water  
11 and Wastewater." That publication is incorporated by reference,  
12 is not subject to frequent change, and is available at the state  
13 law library or from the American Public Health Association, 1015  
14 Fifteenth Street NW, Washington, D.C. 20005.

15           A. Multiple-tube fermentation method. Not more than  
16 one of the analytical units in the sample may have a most  
17 probable number of 2.2 or more coliform organisms per 100  
18 milliliters and no analytical unit may have a most probable  
19 number of 9.2 or more coliform organisms per 100 milliliters.

20           B. Membrane filter method. Not more than one of the  
21 analytical units in the sample may have 4.0 or more coliform  
22 organisms per 100 milliliters and the arithmetic mean of the  
23 coliform density of the sample may not exceed one coliform  
24 organism per 100 milliliters.

25       Subp. 3. **Physical quality.** Bottled water must meet the  
26 standards of physical quality in items A to C if a composite of  
27 analytical units of equal volume from a sample is examined by  
28 the method described in applicable sections of "Standard Methods  
29 for the Examination of Water and Wastewater," 18th edition  
30 (1991), which is incorporated by reference in subpart 2.

31           A. The turbidity must not exceed five units.

32           B. The color must not exceed 15 units.\*

33           C. The odor must not exceed threshold odor No. 3.\*

34 \* Mineral water is exempt from the standard.

35       Subp. 4. **Chemical quality.**

36           A. If a composite of analytical units of equal volume

1 from a sample is examined by the methods described in item B,  
2 bottled water must meet standards of chemical quality and may  
3 not contain chemical substances in excess of the concentrations  
4 listed in subitems (1) to (18), expressed in milligrams per  
5 liter:

- 6 (1) arsenic, 0.05;  
7 (2) barium, 1.0;  
8 (3) cadmium, 0.01;  
9 (4) chloride\*, 250.0;  
10 (5) chromium, 0.05;  
11 (6) copper, 1.0;  
12 (7) iron\*, 0.3;  
13 (8) lead, 0.05;  
14 (9) manganese\*, 0.05;  
15 (10) mercury, 0.002;  
16 (11) nitrate, 10.0;  
17 (12) organics:  
18 (a) Endrin  
19 (1,2,3,4,10,10-hexachloro-6,7-epoxy-  
20 1,4,4a,5,6,7,8,8a-octa-hydro-1,4-endo, endo-5,8-dimethane  
21 naphthalene), 0.0002;  
22 (b) Lindane  
23 (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer), 0.004;  
24 (c) Methoxychlor  
25 (1,1,1-trichloro-2,2-bis[p-methoxy-phenyl] ethane), 0.1;  
26 (d) total Trihalomethanes, 0.10;  
27 (e) Toxaphene (C<sub>10</sub>H<sub>10</sub>Cl<sub>8</sub>-technical  
28 chlorinated camphene, 67 to 69 percent chlorine), 0.005;  
29 (f) 2,4-D (2,4-dichlorophenoxyacetic acid),  
30 0.1;  
31 (g) 2,4,5-TP Silvex  
32 (2,4,5-trichlorophenoxypropionic acid), 0.01;  
33 (13) phenols, 0.001;  
34 (14) selenium, 0.01;  
35 (15) silver, 0.05;  
36 (16) sulfate\*, 250.0;

1 (17) total dissolved solids\*, 500.0;

2 (18) zinc\*, 5.0.

3 \* Mineral water is exempt from the standard.

4 B. Analyses conducted to determine compliance with  
5 this subpart must be made in accordance with the methods  
6 described in the applicable sections of "Standard Methods for  
7 the Examination of Water and Wastewater," 18th edition (1991),  
8 which is incorporated by reference in subpart 2, or "Methods for  
9 Chemical Analysis of Water and Wastes," Environmental Monitoring  
10 and Support Laboratory, EPA-600/4-82-055, March 1983, United  
11 States Environmental Protection Agency. Analyses for organic  
12 substances must be determined by appropriate methods described  
13 in "Methods for Organochlorine Pesticides in Industrial  
14 Effluents" and "Methods for Chlorinate Phenoxy Acid Herbicides  
15 in Industrial Effluents," November 28, 1973, and "Part I: The  
16 Analysis of Trihalomethanes in Finished Waters by the Purge and  
17 Trap Method," Method 501.1 and "Part II: The Analysis of  
18 Trihalomethanes in Drinking Water by Liquid/Liquid Extraction,"  
19 Method 501.2 in Code of Federal Regulations, title 40, part 141,  
20 Appendix C.

21 Subp. 5. Radiological quality. If a composite of  
22 analytical units of equal volume from a sample is examined by  
23 the methods described in item D, bottled water must meet  
24 standards of radiological quality in items A to D.

25 A. The bottled water may not contain a combined  
26 radium-226 and radium-228 activity in excess of five picocuries  
27 per liter of water.

28 B. The bottled water may not contain a gross alpha  
29 particle activity (including radium-226, but excluding radon and  
30 uranium) in excess of 15 picocuries per liter of water.

31 C. The bottled water may not contain beta particle  
32 and photon radioactivity from manmade radionuclides in excess of  
33 that which would produce an annual dose equivalent to the total  
34 body or any internal organ of four millirems per year calculated  
35 on the basis of an intake of two liters of the water per day.  
36 If two or more beta- or photon-emitting radionuclides are



1 present, the sum of their annual dose equivalent to the total  
2 body or to any internal organ may not exceed four millirems per  
3 year.

4 D. Analyses conducted to determine compliance with  
5 this subpart must be made in accordance with the methods  
6 described in the applicable sections of "Standard Methods for  
7 the Examination of Water and Wastewater," 18th edition (1991),  
8 which is incorporated by reference in subpart 2, and "Interim  
9 Radiochemical Methodology for Drinking Water," Environmental  
10 Monitoring and Support Laboratory, EPA-600/4-75-008 (Revised),  
11 March 1976, United States Environmental Protection Agency.

12 Subp. 6. Volatile organic compounds.

13 A. Volatile organic compounds may not exceed the  
14 levels listed in subitems (1) to (7), expressed in milligrams  
15 per liter:

- 16 (1) benzene, 0.005;  
17 (2) carbon tetrachloride, 0.005;  
18 (3) 1,2-dichloroethane, 0.005;  
19 (4) 1,1-dichloroethylene, 0.007;  
20 (5) 1,1,1-trichloroethane, 0.20;  
21 (6) trichloroethylene, 0.005;  
22 (7) vinyl chloride, 0.002.

23 B. Analyses conducted to determine compliance with  
24 this subpart must be made in accordance with a relevant method  
25 contained in "Methods for the Determination of Organic Compounds  
26 in Drinking Water," ORD Publications, CERL, EPA/600/4-88/039,  
27 December 1988. Copies are available from the National Technical  
28 Information Service, United States Department of Commerce, 5285  
29 Port Royal Road, Springfield, VA 22161.

30 (1) Method 502.1 - "Volatile Halogenated Organic  
31 Compounds in Water by Purge and Trap Gas Chromatography"  
32 (applicable to volatile organic compounds).

33 (2) Method 502.2 - "Volatile Organic Compounds in  
34 Water by Purge and Trap Capillary Column Gas Chromatography with  
35 Photoionization and Electrolytic Conductivity Detectors in  
36 Series" (applicable to volatile organic compounds).

1 (3) Method 503.1 - "Volatile Aromatic and  
2 Unsaturated Organic Compounds in Water by Purge and Trap Column  
3 Gas Chromatography" (applicable to volatile organic compounds).

4 (4) Method 524.1 - "Volatile Organic Compounds in  
5 Water by Purge and Trap Gas Chromatography/Mass Spectrometry"  
6 (applicable to volatile organic compounds).

7 (5) Method 524.2 - "Volatile Organic Compounds in  
8 Water by Purge and Trap Capillary Column Gas Chromatography/Mass  
9 Spectrometry" (applicable to volatile organic compounds).

10 1550.3220 BOTTLED WATER PROCESS REQUIREMENTS.

11 Subpart 1. **Filtering; processing; packaging.** Bottled  
12 water, including mineral water, must be processed and packaged  
13 according to Code of Federal Regulations, title 21, parts 110  
14 and 129, and other rules adopted by the department.

15 Subp. 2. **Microbiological controls.** Bottled water  
16 production, including transporting, processing, packaging, and  
17 storage, must be conducted under conditions and controls  
18 necessary to minimize the potential for microbiological  
19 contamination of the finished product.

20 Subp. 3. Bottled water must not be transported or stored  
21 in bulk tanks or processed or bottled through equipment or lines  
22 used for nonfood products.

23 Subp. 4. Bottled water plant operators and water dealers  
24 must develop and maintain procedures for product recall and must  
25 implement those procedures for a product for which the operator  
26 or dealer knows or has reason to believe circumstances exist  
27 that may adversely affect its safety for the consumer. Plant  
28 operators and water dealers must notify the department within 48  
29 hours of all recalls.

30 Subp. 5. Artesian water may be collected with the  
31 assistance of external force to enhance the natural underground  
32 pressure so long as those measures do not alter the physical  
33 properties, composition, and quality of the water.

34 Subp. 6. Spring water must be collected only at the spring  
35 or through a bore hole that is adjacent to the point of

1 emergence. Spring water collected with the assistance of  
2 external force to protect the water must be from the same  
3 underground stratum as the spring and must retain all the  
4 physical properties of and be of the same composition and  
5 quality as the water that flows naturally to the surface of the  
6 earth.

7 1550.3230 SOURCE WATER MONITORING.

8 Subpart 1. Sampling and analysis. A plant operator is  
9 responsible for sampling and analysis of source water for the  
10 contaminants in part 1550.3210. The monitoring must be at least  
11 annually for chemical contaminants and weekly for  
12 microbiological contamination if the source is other than a  
13 community public water system. Additionally, source water must  
14 be analyzed once every four years for radiological contaminants.

15 Subp. 2. Source water exemption.

16 A. Plant operators using a community public water  
17 system for source water may substitute municipal testing results  
18 for chemical and radiological contaminant requirements of this  
19 part.

20 B. Plant operators using a noncommunity public water  
21 system for source water may request a variance from the  
22 commissioner to reduce the frequency of testing if they provide  
23 documentation that the source water consistently meets the  
24 chemical and radiological contaminant requirements of this  
25 part. The variance may not be longer than three years between  
26 testing.

27 Subp. 3. Other known contaminants. If a bottled water  
28 plant operator, water dealer, or regulatory agency knows or has  
29 reason to believe that a contaminant not otherwise monitored is  
30 present in the source water because of a spill, release of a  
31 hazardous substance, or otherwise, and its presence would create  
32 a potential health hazard to consumers, the plant operator or  
33 water dealer must monitor the source water for that contaminant.

34 Subp. 4. Periodic monitoring of detected contaminants.  
35 Detection of contaminants in source monitoring required by this

1 part must be followed immediately by a program of periodic  
2 monitoring to confirm the presence in the source water of the  
3 contaminants. If a listed, unregulated contaminant is confirmed  
4 to be present in the source water at a concentration that  
5 exceeds a published level allowed by the EPA, United States Food  
6 and Drug Administration, or department, the plant operator or  
7 water dealer must use appropriate treatment techniques to remove  
8 or reduce the contaminant in the product water below the  
9 concentration and must use a program of periodic monitoring for  
10 the contaminant in the source water until the contaminant is not  
11 detectable in the source water.

12 **Subp. 5. Monitoring and analysis personnel; records.**

13 Required source water sampling and required analysis must be  
14 performed by the plant or by a competent commercial laboratory  
15 using approved methods of analysis. Records of the required  
16 sampling and analyses must be maintained on file at the plant  
17 for at least two years and must be available for official review  
18 upon request by the commissioner or any of the commissioner's  
19 authorized agents.

20 **1550.3240 FINISHED PRODUCT MONITORING.**

21 **Subpart 1. Periodic monitoring.** To assure that bottled  
22 water complies with part 1550.3210, the following product  
23 monitoring using representative samples derived from the bottled  
24 product must be performed:

25 A. for microbiological contaminants in part  
26 1550.3210, analyze weekly a representative sample from a given  
27 lot for each size of container produced by the plant; and

28 B. for chemical, physical, and radiological  
29 contaminants in part 1550.3210, analyze annually a  
30 representative sample from a given lot for each size of  
31 container produced by the plant.

32 **Subp. 2. Monitoring and analysis personnel.** The required  
33 product water sampling and required analysis must be performed  
34 by the plant or by a competent commercial laboratory using  
35 approved methods of analysis.

1           Subp. 3. **Records.** Records of required sampling and  
2 analysis must be maintained at the plant for at least two years  
3 and must be available for official review upon request by the  
4 commissioner or any of the commissioner's authorized agents.

5 1550.3250 LABELING REQUIREMENTS.

6           Bottled water must conform to applicable federal and state  
7 labeling requirements and be labeled in compliance with items A  
8 to L.

9           A. If bottled water comes from a municipal source and  
10 has not been treated to meet the definition of distilled water  
11 or purified water, the label must state "from a municipal  
12 source" immediately and conspicuously preceding or following the  
13 name of the water without intervening written, printed, or  
14 graphic matter other than item M in type size at least one-half  
15 the size of the statement of identity and not less than 1/16 of  
16 an inch.

17           B. Mineral water may be labeled "mineral water."  
18 Mineral water with total dissolved solids content below 500  
19 parts per million must be labeled with the statement "low  
20 mineral content" and mineral water with total dissolved solids  
21 greater than 1,500 parts per million must be labeled with the  
22 statement "high mineral content." The statement must appear on  
23 the principal display panel following the statement of identity  
24 in type size not less than one-half the size of the statement of  
25 identity but in no case of less than 1/16 of an inch.

26           C. Spring water may be labeled "spring water."

27           D. Well water may be labeled "well water."

28           E. Artesian water may be labeled "artesian water."

29           F. Purified water must be labeled "purified water"

30 and the method of preparation must be stated on the label,  
31 except that purified water produced by distillation may be  
32 labeled "distilled water."

33           G. Drinking water may be labeled "drinking water."

34           H. A bottler, distributor, or vendor of bottled water  
35 whose corporate name, brand name, or trademark contains the

1 words "spring," "well," "artesian," "mineral," or any derivative  
2 of those words, must label each bottle with the type of bottled  
3 water as defined in part 1550.3200, in typeface at least equal  
4 to the size of the typeface of the corporate name, brand name,  
5 or trademark, if the type of the bottled water is different from  
6 the type stated or implied in the corporate name, brand name, or  
7 trademark. Product identity must be located near the corporate  
8 name, brand name, or trademark.

9 I. The use of the word "spring" or a derivative of  
10 that word, other than in a trademark, trade name, or company  
11 name, to describe water that is not spring water is prohibited.

12 J. A product meeting more than one definition in part  
13 1550.3200 may be identified by any of the applicable product  
14 types defined in part 1550.3200, except when otherwise  
15 specifically prohibited.

16 K. Supplemental printed information and graphics  
17 concerning recognized uses of the water may appear on the label  
18 but may not be false or misleading.

19 L. Bottled water, the quality of which is below that  
20 prescribed by this part, may be labeled with a statement of  
21 substandard quality complying with subitems (1) to (3).

22 (1) If the microbiological quality of bottled  
23 water is below that prescribed by part 1550.3210, subpart 2, the  
24 label must bear the statement of substandard quality specified  
25 in Code of Federal Regulations, title 21, part 130.14(a).

26 (2) If the physical, chemical, or radiological  
27 quality of bottled water is below that prescribed by part  
28 1550.3210, subparts 3, 4, and 5, the label must bear the  
29 statement of substandard quality specified in Code of Federal  
30 Regulations, title 21, part 130.14(a), except that, as  
31 appropriate, instead of or in addition to the words "contains  
32 excessive bacteria," the following statements may be used:

33 (a) "excessively turbid," "abnormal color,"  
34 and/or "abnormal odor" if the bottled water fails to meet the  
35 requirements of part 1550.3210, subpart 3, item A, B, or C;

36 (b) "contains excessive ....., " with the

1 blank filled in with the name of the chemical for which a  
2 maximum contaminant level in part 1550.3210, subpart 4, is  
3 exceeded (e.g., "contains excessive arsenic," "contains  
4 excessive trihalomethanes");

5 (c) "contains excessive chemical substances"  
6 in lieu of the statement in unit (b) if the bottled water is not  
7 mineral water and the bottler prefers this statement;

8 (d) "excessively radioactive" if the bottled  
9 water fails to meet the requirements of part 1550.3210, subpart  
10 5.

11 (3) Bottled water containing a substance at a  
12 level considered injurious to health is adulterated, whether or  
13 not the water bears a label statement of substandard quality.

#### 14 1550.3260 SODA WATER AND SOFT DRINK EXEMPTION.

15 Bottled soft drinks, soda, seltzer, or other products  
16 commonly recognized as soft drinks and labeled with a common or  
17 usual name other than one of those in part 1550.3200 is exempt  
18 from parts 1550.3200 to 1550.3260. Water that is not in  
19 compliance with parts 1550.3200 to 1550.3260 may not be labeled  
20 as "artesian water," "bottled water," "distilled water,"  
21 "drinking water," "fluoridated water," "mineral water,"  
22 "purified water," "spring water," or "well water."

#### 23 1550.3270 OPERATOR REQUIREMENTS.

24 Water vending machine operators must operate and maintain  
25 all water vending machines in a sanitary manner, maintain  
26 adequate water quality monitoring, and take investigative or  
27 corrective action necessary to assure that a safe and sanitary  
28 water is supplied to consumers.

#### 29 1550.3280 VENDING MACHINE REQUIREMENTS.

30 Machines used to dispense vended water must comply with the  
31 construction and performance standards set by the National  
32 Automatic Merchandising Association and other rules adopted by  
33 the department and must:

34 A. be designed and constructed to permit easy

1 cleaning and maintenance of all exterior and interior surfaces  
2 and component parts;

3 B. have all parts and surfaces in contact with the  
4 water constructed of approved, safe materials,  
5 corrosion-resistant, and nonabsorbent material capable of  
6 withstanding repeated cleaning and sanitizing treatments;

7 C. have a recessed or guarded corrosion-resistant  
8 dispensing spout so constructed that neither the spout or the  
9 guard contacts the bottle;

10 D. be designed so all treatment of the vended water  
11 by distillation, ion-exchange, filtration, ultraviolet light,  
12 reverse osmosis, mineral addition, or other acceptable process  
13 is done in an effective manner;

14 E. have an effective system of collection and  
15 handling of drip, spillage, and overflow of water through an  
16 approved sewage disposal system operated according to law;

17 F. have a backflow prevention device approved by law  
18 of all connections with the water supply;

19 G. disinfect vended water by ultraviolet light or  
20 other method approved by the department before delivery into the  
21 consumer's container;

22 H. be equipped with monitoring devices designed to  
23 shut down operation of the machine when the disinfection unit  
24 fails to function;

25 I. be equipped with a self-closing, tight-fitting  
26 door on the vending compartment or other method of protecting  
27 the filler compartment acceptable to the commissioner;

28 J. be maintained in a clean and sanitary condition,  
29 free from dirt and vermin;

30 K. be located in an area that can be maintained in a  
31 clean condition and in a manner that avoids insect and rodent  
32 harborage;

33 L. have all plumbing to and within the vending  
34 machine, including the treatment equipment and piping, meet the  
35 plumbing code requirements of the Department of Health; and

36 M. display, in a position clearly visible to



1 customers, the following information:

2 (1) the operator's name;

3 (2) the operator's address;

4 (3) a statement describing the source of the

5 water and any treatment process including the chemical names of

6 any preservatives or additives;

7 (4) a local or toll-free telephone number that

8 may be called for information, service, or complaints; and

9 (5) the statement "from a municipal source" if

10 the water is from a community public water system. Vended water

11 treated to meet the definition of distilled or purified water is

12 exempt if the machine is so labeled.

13 1550.3290 SERVICE; SAMPLING; RECORDS.

14 Subpart 1. **Cleaning; maintenance.** All parts and surfaces

15 of water vending machines must be maintained in a clean and

16 sanitary condition by the operator. The vending chamber and

17 vending nozzle must be cleaned and sanitized each time the

18 machine is serviced. Surfaces in contact with the vended water

19 must be maintained as a deposit-free, visibly clean system. A

20 record of cleaning and maintenance operations must be kept by

21 the operator at company headquarters for each water vending

22 machine and be available for inspection upon request.

23 Subp. 2. **Analysis of water.** Vended water must be from a

24 community public water system or other approved source. The

25 operator is responsible for monitoring the source and vended

26 water from each vending machine. The sampling and analysis must

27 be performed once every three months for total coliforms and the

28 source water once each year for chemical, physical, and

29 radiological contaminants in part 1550.3210. Purified water

30 must be analyzed once every three months for total coliforms and

31 total solids. The required sampling must be performed by

32 qualified personnel and analyzed by a competent laboratory using

33 approved methods of analysis in part 1550.3210. Records of

34 sampling and analysis must be maintained on file at company

35 headquarters for at least two years and must be available for

1 official review upon request by the commissioner or any of the  
2 commissioner's authorized agents.

3       Subp. 3. **Silver.** Vended water from each water vending  
4 machine using silver-impregnated carbon filters in the treatment  
5 process must be analyzed once every six months for silver. The  
6 analysis must be performed by a competent laboratory using  
7 approved methods of analysis in part 1550.3210. Records of  
8 sampling and analysis must be maintained on file for at least  
9 two years and must be available at company headquarters for  
10 official review by the commissioner or any of the commissioner's  
11 authorized agents.

12       Subp. 4. **More frequent analysis.** A more frequent analysis  
13 of the parameters in this part may be required by the department  
14 if there is evidence of unfitness of the vended water because of  
15 the presence of undesirable elements, compounds, materials, or  
16 microorganisms caused by the passage of water through the  
17 machines.

18       Subp. 5. **Source water exemption.**

19           A. Plant operators using a community public water  
20 system for source water may substitute municipal testing results  
21 for chemical and radiological contaminant requirements of this  
22 part.

23           B. Plant operators using a noncommunity public water  
24 system for source water may request a variance from the  
25 commissioner to reduce the frequency of testing if they provide  
26 documentation that the source water consistently meets the  
27 chemical and radiological contaminant requirements of this  
28 part. The variance may not be longer than three years between  
29 testing.

30 1550.3300 REVIEW OF PLANS.

31       Before construction or major remodeling of a bottled water  
32 plant, or when an existing structure is converted to use as a  
33 bottled water plant, properly prepared plans and specifications  
34 for construction, major remodeling, or conversion must be  
35 submitted to the department for review and approval. The plans

1 and specifications must show the proposed layout, arrangement,  
2 mechanical plans, construction materials of work areas, and the  
3 type and model of proposed fixed equipment and facilities. The  
4 department will treat the plans and specifications as  
5 confidential or trade secret information according to law and  
6 will approve the plans and specifications if they meet the  
7 requirements of parts 1550.3200 to 1550.3260. A bottled water  
8 plant may not be constructed, extensively remodeled, or  
9 converted except according to plans and specifications approved  
10 by the department.

11 1550.3310 PREOPERATIONAL INSPECTION.

12 If plans and specifications are required by part 1550.3300,  
13 the department must inspect the bottled water plant before the  
14 start of operations to determine compliance with the approved  
15 plans and specifications and with the requirements of parts  
16 1550.3200 to 1550.3260.

17 1550.3320 EXISTING BOTTLED WATER PLANTS AND VENDING MACHINES.

18 Building facilities, equipment, and vending machines in use  
19 before the effective date of parts 1550.3200 to 1550.3320 that  
20 do not fully meet the design and fabrication requirements of  
21 parts 1550.3200 to 1550.3320 are acceptable if they are in good  
22 repair, capable of being maintained in a sanitary condition,  
23 produce a safe and sanitary water meeting the requirements of  
24 parts 1550.3210 to 1550.3250 or 1550.3270 to 1550.3290  
25 respectively, and the water contact surfaces comply with part  
26 1550.3200, subpart 22.

27 New building facilities and new equipment for which  
28 contractual obligations are incurred before the effective date  
29 of parts 1550.3200 to 1550.3320 that do not fully meet the  
30 design and fabrication requirements of parts 1550.3200 to  
31 1550.3320 are acceptable if they are capable of being maintained  
32 in a sanitary condition, produce a safe, potable water meeting  
33 the requirements of parts 1550.3210 to 1550.3250 or 1550.3270 to  
34 1550.3290 respectively, and the water contact surfaces comply  
35 with part 1550.3200, subpart 22.