

## CHAPTER 390. WATER VENDING MACHINE REGULATIONS

[Authority:63 O.S.1981, §§ 1-1101 et seq.]

[Source:Codified 5-1-92]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 310:390-1-1. Purpose

The purpose of this chapter is to set forth requirements and controls for vending machines designed to dispense water intended for human consumption to assure:

- (1) consumers using such machines are given appropriate information as to the nature of the vended water;
- (2) the quality of the water vended meets acceptable standards for potability; and
- (3) the vending equipment is installed, operated, and maintained to protect the health, safety, and welfare of the consuming public.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

#### 310:390-1-2. Definitions

The following words or terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Approved"** means approved in writing by the Department.

**"Approved laboratory"** means a laboratory approved by the Commissioner of Health or certified by the U.S. Environmental Protection Agency (EPA), or certified (accredited) by a third-party organization acceptable to the Commissioner of Health.

**"Approved materials"** means materials approved by the Department as being free of substances which may render the water injurious to health or which may adversely affect the flavor, color, odor, or microbiological quality of the water.

**"Competent staff"** means a person or persons with demonstrated experience or knowledge and training concerning the proper operation of water vending machines.

**"Department"** means the Oklahoma State Department of Health and its duly designated representatives.

**"License"** means a license issued under and pursuant to the provisions of these rules and regulations.

**"Operator"** means any person who operates water vending machines.

**"Person"** means any individual, public or private corporation, company, association, partnership, municipality, or any other legal entity or its legal representative, agent, or assigns.

**"Potable water"** means water which shall be from an approved source and shall not exceed any maximum contaminant level ("MCL") established by EPA under the Safe Drinking Water Act if adopted by the FDA or by the State Board of Health.

**"Purified water"** means water produced by distillation, deionization, reverse osmosis, or other method as defined in the 20th edition of the "United States Pharmacopeia."

**"Vended water"** means water dispensed by a water vending machine.

**"Water vending machine"** means any self-service device which, upon insertion of a coin, coins, token, or by other means, dispenses unit servings of water into a container without the necessity of refilling the machine between each operation.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### SUBCHAPTER 3. TECHNICAL REQUIREMENTS

### **310:390-3-1. Operator requirements**

Each water vending machine operator shall:

- (1) Operate and maintain all water vending machines in a sanitary manner assuring that the product being dispensed into the container meets all finished product quality standards applicable to drinking water.
- (2) Maintain frequent and adequate water quality, monitoring to insure adherence to drinking water quality standards.
- (3) Take whatever investigative or corrective action is necessary to assure a potable water is supplied to consumers.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-3-2. Dispensing machine requirements**

Machines used to dispense vended water shall:

- (1) Comply with the construction and performance standards of the National Sanitation Foundation or any other group deemed acceptable to the Department or meet equivalent standards demonstrated to the satisfaction of The Department.
- (2) Be designed and constructed to permit easy cleaning and maintenance of all exterior and interior surfaces and component parts.
- (3) Have all parts and surfaces which come into contact with the water constructed of non-toxic, corrosion-resistant, and nonabsorbent material approved by the department or other approved standards and capable of withstanding repeated cleaning and sanitizing treatment.
- (4) Have a recessed or guarded corrosion-resistant dispensing spout.
- (5) Be designed so all treatment of the vended water by distillation, ion-exchange, filtration, ultraviolet light, reverse osmosis, mineral addition, or any other acceptable process is done in a consistent and effective manner.
- (6) Have an effective system of collection and handling of drip, spillage, and overflow of water.
- (7) Have a back-flow prevention device for all connections with the water supply according to the Oklahoma Plumbing License Act and the BOCA Plumbing Code or standards demonstrated to the satisfaction of The Department to be equivalent.
- (8) Disinfect vended water by ultraviolet light or other method approved by the Department prior to delivery into the customer's container.
- (9) Be equipped with monitoring devices designed to shut down operation of the machine when the disinfection unit or any other treatment process which the water vending is designed to perform fails to function.
- (10) Be equipped with a self-closing, tight-fitting door on the vending compartment if the machine is not located in an enclosed building.
- (11) Comply with the American Water Works Association (AWWA) specifications for granular activated carbon if used in the treatment of potable water (AWWA B604-74).
- (12) Be maintained in a clean and sanitary condition, free from dirt and vermin or any outside material which could serve as a harborage for bacterial growth.
- (13) Be located in an area that can be maintained in clean condition and in a manner that avoids insect and rodent harborage.
- (14) display, in a position clearly visible to customers, the following information: the name, license number, and address of the operator; the fact the water is obtained from an approved public or private water supply; a statement describing the treatment process including the chemical names of any preservatives or additives; if no treatment process is utilized a statement

to that effect; and a local or toll free telephone number that may be called for further information, service, or complaints.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

## **SUBCHAPTER 5. SERVICE, SAMPLING, AND RECORDS**

### **310:390-5-1. Service and records**

(a) **Service.** All parts and surfaces of the water vending machine shall be maintained in clean condition by the water vending machine operator. The vending chamber and vending nozzle shall be cleaned and sanitized each time the machine is serviced; whereas, all surfaces in contact with the vended water shall be maintained as a deposit free, visibly clean system.

(b) **Records.** A record of location, source of water supply, cleaning, sampling and maintenance operations shall be kept by the operator for each water vending machine and be available for inspection upon request.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-5-2. Sampling**

The vended water from each water vending machine shall be analyzed at least once every three months for total coliform and, if required by applicable regulations, other physical, chemical, or microbiological parameters. The analysis shall be performed by an approved laboratory and a copy of the analysis shall be available for inspection.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-5-3. Carbon filters**

The vended water from each water vending machine utilizing silver-impregnated carbon filters in the treatment process shall be analyzed at least once every three months for silver. The analysis shall be performed by an approved laboratory and a copy of the analysis shall be available for inspection.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-5-4. Frequency of analysis**

A more frequent analysis of the parameters may be required by the Department if there is evidence of unfitness of the vended water because of the presence of undesirable elements, compounds, or materials caused by the passage of water through the machines or device.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

## **SUBCHAPTER 7. LICENSE REQUIRED AND APPLICATION FOR LICENSE**

### **310:390-7-1. License application**

(a) Any person operating water vending machine or device shall have a valid license issued to such person by the Oklahoma State Commissioner of Health pursuant to Title 63 O.S.1981, Sections 1-1101 and following. Only a person who is in virtual compliance with the requirements of these rules and regulations shall be entitled to receive or retain such a license. Licenses are not transferable.

(b) Notwithstanding subsection (a), of this section, a water vending machine operator who is also a license holder under Title 63 O.S. Section 1-1118 (retail food license) and who operates water vending machines only within his licensed food establishment(s) shall not be required to

obtain a separate license under these regulations, but shall otherwise comply with the applicable requirements of these regulations.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-7-2. Issuance of license**

(a) Any person desiring to operate a water vending machine or device in Oklahoma shall make written application for a license on a form provided by the State Department of Health. The application shall contain such information as the Department deems necessary to determine that the operation of the water vending machine or device will not be injurious or hazardous to the health or safety of the public.

(b) A License shall be issued upon receipt of the following:

(1) Satisfactory evidence each model of machine intended to be used meets all requirements of Section 310:390-3-2 of these regulations.

(2) Satisfactory evidence or affidavit the sources of water supply used will be from a public water system certified as safe by the Department or a private system certified as safe and tested by the Department or by an approved laboratory.

(3) Satisfactory evidence the person applying for the license has:

(A) A competent staff for the local supervision of the operation of the machines;

(B) An acceptable maintenance program for the routine servicing of water vending machines to include written servicing instructions for the operator; technical manuals for the machine and water treatment appurtenances involved; and regularly scheduled service visits; and

(C) A signed application along with the appropriate fee.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-7-3. Expiration of license**

A license shall expire one year from the date of its issuance unless canceled or revoked prior to its expiration. For purposes of determining the expiration date of a vending license, the date of issuance shall be deemed to be the date that an approved application for licensure is first issued by a duly authorized representative of the Health Department.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-7-4. Expired license**

A license not renewed within ninety (90) days after the date of its expiration shall require payment of an amount equivalent to the initial license fee.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-7-5. License revocation or suspension**

Procedures for revocation or suspension of a license to sell or vend potable water are stated in the Oklahoma Administrative Procedures Act. Failure to comply with any of the applicable requirements of Article 11 of the Oklahoma Public Health Code or these Regulations shall constitute grounds for revocation or suspension of a license.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

## **SUBCHAPTER 9. INSPECTION, EMBARGO AND CONDEMNATION**

### **310:390-9-1. Access**

Representatives of the Oklahoma State Department of Health, after proper identification, shall be permitted to inspect any water vending machine or operation at any reasonable time for the purpose of determining compliance with this Chapter. The representative shall be permitted to examine the records of the operation to obtain information pertaining to the proper operation of the water vending machine and the quality of the vended water.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-9-2. Inspection**

As a condition of receiving a license and annually thereafter, the operator shall receive an inspection which must demonstrate compliance with the operational requirements of these regulations. Said inspection shall be conducted by the Department, by the FDA, or by a third party inspection organization (such as NSF) acceptable to the Department and on a form approved by the Commissioner.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]

### **310:390-9-3. Embargo and condemnation**

Vended water and associated equipment may be examined or sampled by the Oklahoma State Department of Health as often as necessary for enforcement of this Chapter. The Oklahoma State Department of Health may place an embargo on a water vending machine or machines in accordance with the provisions of Title 63 O.S. 1981, Section 1-1105.

[Source: Added at 8 Ok Reg 3103, eff 7-18-91 (emergency); Added at 9 Ok Reg 1457, eff 5-1-92]