

**Department of Health**

**Office of Drinking Water**

**Interpretive or Policy Statement**

Revised – 02/29/2024

*Title:* Same Farm Exemption

*Number:*  
A.09

*References:* RCW 70A.125.010 (12); WAC 246-290-010; WAC 246-291-010; Chapter 246-358 WAC

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*Approved By:*

The Department of Health or designee can use the criteria in this policy to identify a water system that meets the criteria for a Same Farm Exemption (SFE), and their eligibility for the SFE. These include water systems that have four or fewer connections, all of which serve residences on the same farm. These water systems are excluded from the definition of a "Group B public water system" under [RCW 70A.125.010](#) (12), and all the connections must serve a single-family residence, as defined in [WAC 246-291-010](#) (62) and consistent with [WAC 246-290-010](#) (215). **The exemption does not apply to water systems that meet the definition of a Group A public water system, in accordance with [WAC 246-290](#) and [Title 40 CFR 141.2](#).**

These water systems may meet the criteria outlined in this document for the SFE, however other federal, state, or local permitting agencies may require these water systems to be served by an approved public water system. [WAC 246-291-010](#) (62) lists several potential water systems that must be approved as a public water system.

### **Same Farm is defined as:**

- For Group B public water systems: Water systems with four or fewer connections all of which serve residences on the same farm are excluded from the definition of "Group B public water system" [RCW 70A.125.010](#) (12). All the connections must serve a single-family residence, as defined in [WAC 246-291-010](#) (62).
- For Group A public water systems as defined in accordance with Chapter [246-290 WAC](#) and [Title 40 CFR 141.2](#): "Same farm" is defined in the Group A regulation, [WAC 246-290-010](#) (215).

### **Eligibility for Exemption**

If a water system requests the SFE to be exempt from the Group B water system regulations, the owner must sign and return the attached affidavit stating:

- The water system has four or fewer connections, all of which serve a single-family residence, as defined in WAC 246-291-010 (62).
- The *residences* served by the water system are all part of the "same farm" as defined under RCW 70A.125.010 (12), and WAC 246-291-010 (see Procedures document).
- The water system provides drinking water for fewer than twenty-five people per day.

A water system is not considered exempt until the Department of Health or its designee designates the water system as exempt by letter.

### **Maintaining Same Farm Exemption**

Every five years, the water system owner must reaffirm the system's status by resubmitting a signed affidavit provided by the Department of Health or its designee, as well as an updated Water Facilities Inventory (WFI) form indicating the number of residents.

### **Losing Same Farm Exemption**

If at any point, the water system no longer meets the criteria for "same farm" exemption, the exemption no longer applies, and the water system will be reclassified.

Reclassified or newly identified public water systems will need to obtain approval for the appropriate public water system and meet ongoing system requirements.

### **Coordinated Planning**

Even if a farm's water system is exempt from Group B regulations, it is a public water system for the purposes of the Coordination Act if the system was created after September 21, 1977. See [RCW 70A.100.030 \(3\)](#).

### **Farms with Employees**

An employer must provide potable water for their employees: [WAC 296-307-09512](#) (9).

Employees must be prohibited from drinking from irrigation ditches, creeks, or rivers. Potable water must meet the quality standards for drinking purposes of the state or local authority or must meet quality standards of the United States Environmental Protection Agency's National Interim—Primary Drinking Water Regulations, published in [40 C.F.R. Part 141](#) and [40 C.F.R. 147.2400](#).

***Requirements for Temporary Worker Housing (TWH)***

If the farm has temporary farm workers living onsite, chapter [246-358 WAC](#) and [WAC 296-307-16130](#) establishes potable water requirements for their housing.

The same farm exemption does not apply to public water systems providing drinking water for temporary worker housing, as defined in [RCW 70.114A](#). [WAC 246-358-055](#) requires TWH operators to “provide a safe and reliable supply of drinking water from an approved Group A or Group B public water system.”

The Department of Health is an equal opportunity agency. For persons with disabilities, this policy is available on request in other formats. To submit a request, please call 1-800-525-0127 (TTY 1-800-833-6388). For additional copies of this policy, call 1-800-521-0323.