

**Department of Health
Office of Drinking Water**

Notice of Adoption – Policy Statement

Title: Same Farm Exemption | A.09.2

Issuing Entity: Department of Health

Subject Matter: Criteria for a Water System to be Eligible for the Same Farm Exemption.

Effective Date: May 1, 2025

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Washington State Department of Health

Office of Drinking Water

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Policy Statement

Title:	Same Farm Exemption
Policy Statement Number:	A.09.2
References:	RCW 70A.125.010 (12); WAC 246-290-010; WAC 246-291-010; Chapter 246-358 WAC
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Approved By:	Holly Myers, Director, Office of Drinking Water

The Department of Health (WA DOH) or designee should 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 [chapter 246-290 WAC](#) 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.

Definitions

- **Same Farm** means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A public water system. [WAC 246-290-010\(215\)](#).
- **Group B public water system** means a public water system that is not a Group A public water system, and is defined and referenced under WAC [246-291-005](#). Water systems with four or fewer connections all of which serve residences on the same farm may be exempted from the definition of "Group B public water system" [RCW 70A.125.010\(12\)](#).
- **Group A public water system** means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. [Title 40 CFR 141.2](#)

Eligibility for Exemption

If a water system requests the SFE 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(56); and
- The water system provides drinking water for fewer than twenty-five people per day for less than 60 days per year.

A water system is not considered exempt until WA DOH or its designee designates the water system as exempt by letter, following the receipt and review of the exemption criteria documents.

Maintaining Same Farm Exemption

Every five years, the water system owner must reaffirm the system's status by resubmitting a signed affidavit provided by WA DOH or its designee, as well as an updated Water Facilities Inventory (WFI) form indicating the number of residents. WA DOH will collect this data and send reminders as staffing capacity allows.

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 be contacted by WA DOH staff with instructions on how 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 under [RCW 70A.100.030\(3\)](#) for the purposes of the Coordination Act if the system was created after September 21, 1977.

Farms with Employees

According to [WAC 296-307-09512](#), an employer must provide potable water for their employees..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 on-site, [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 TWH, as defined in [chapter 70.114A RCW](#). [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.”

In Re: _____)

)

_____ Water System)

AFFIDAVIT OF SAME FARM
DESIGNATION

_____ COUNTY)

)

ID# _____)

STATE OF WASHINGTON)

) ss

County of _____)

I, _____, being first duly sworn on oath, depose and say: That I _____ own _____ water system (attach property address, parcel sketch, water facilities inventory form) and that said system serves four or fewer connections, all of which serve residences on the “same farm”, as defined in WAC 246-290-010 or 246-291-010.

I understand that this affidavit is in effect for five years and that if the population increases where it meets the definition of a Group A water system (RCW 70.A.125 and WAC 246-290), the water system no longer meets the criteria for “same farm” exemption and the exemption is revoked. A Group A water system is defined as a water system providing service to fifteen or more service connections or regularly serving at least twenty-five year-round residents; or twenty-five or more different people each day for sixty or more days within a calendar year; or one thousand or more people for two or more consecutive days within a calendar year.

(Owners Signature)

SUBSCRIBED AND SWORN to before me this _____ day of _____.

Notary Public in and for the state of Washington

My Commission Expires: _____