



Commonwealth of Massachusetts
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Fact Sheet about Farms and Public Drinking Water

Farms provide a valuable resource for Massachusetts communities in terms of food production, family-friendly activities, land and natural resource protection, and more. As some farms, especially those with their own source of water (e.g. well or spring), expand their services to provide amenities like food, beverages, and public restrooms, they may cross the threshold to become a Public Water System (PWS).

What is a Public Water System?

As defined by the United States Environmental Protection Agency (USEPA), a PWS is a system that provides safe drinking water for human consumption for an average of at least 25 individuals per day for at least 60 days in a year. There are three types of PWS:

- A Community (COM) PWS serves at least 25 year-round residents. Examples include a municipal water system, apartments/condos, and mobile home parks.
- A Non-Transient Non-Community (NTNC) PWS serves at least 25 of the same individuals for approximately 4 or more hours per day, 4 or more days per week, for more than 6 months or 180 days per year. Examples include hospitals, schools, and workplaces.
- A Transient Non-Community (TNC) PWS serves at least 25 different individuals at least 60 days per year. Examples include campgrounds, restaurants, motels, **orchards, and farm stores. If a PWS, agricultural operations are usually TNCs.**

When does a farm become a Public Water System?

A farm may meet the definition of a regulated PWS if it provides water for human consumption to individuals as described above. “Human consumption” is more than just providing water for drinking. It includes water that is used in commercial or other settings for drinking, bathing, showering, cooking, dishwashing, or maintaining oral hygiene. Farms that prepare food or drinks for customers on-site or provide bathrooms or handwashing stations for customers may become a PWS due to these activities.

Additionally, if a farm employs more than 25 people who are on-site at least 60 days of the year and provides them with drinking water and bathroom facilities, then the farm may be a PWS.

There are currently over 50 agricultural operations in Massachusetts that are regulated by Massachusetts Department of Environmental Protection (MassDEP) as a PWS. They must comply with MassDEP drinking water regulations to ensure they are providing safe drinking water. This includes limiting activities in the immediate area around their water source and/or potentially relocating the water source if the land uses around it generate contaminants.

What does becoming a registered PWS mean?

Becoming a registered PWS comes with responsibilities and requirements to ensure that customers receive safe drinking water- including meeting the MassDEP Drinking Water Regulations ([310 CMR 22.00](#)). PWS are required, for example, to meet source permitting and water quality standards, perform and report regular water quality monitoring, hire a certified operator, pay an annual safe drinking water assessment fee (\$50 for TNC PWS), and notify their customers when they violate these requirements.

Alternatively, businesses (including farms) which have any of the following characteristics would generally not be considered a regulated PWS:

- Limit water usage to strictly non-human consumption (e.g., irrigation, livestock watering, non-food related equipment washing).
- Offer only food and beverages (including ice) prepared and packaged off-site.
- Do not provide public bathrooms; or provide porta potties and hand sanitation stations.
- Modify staffing levels or schedule to stay below the threshold of a PWS. (Note: businesses are still able to provide bathrooms and other consumptive uses to fewer than 25 employees.)
- Modify the amount of time the business is open to the public to less than 60 days annually.
- Connect to a nearby registered PWS.

Farms with these characteristics using their private well should follow the MassDEP Drinking Water Program [Private Well Guidelines](#) to ensure compliance with local requirements from the boards of health.

Resources Related to Farms and PWS Operations

Farms that are a regulated PWS have access to a variety of resources and technical assistance to help them achieve and maintain compliance with drinking water regulations.

- Farm owners can reference the [A Business Owner's Guide to Complying with Massachusetts State Drinking Water Rules](#) or the [Managing Your TNC System Guide](#) to help operate their system.
- The [New Drinking Water System Self Guide - Minimum System Permitting and Approval Process for TNC Source Pumping Less Than 10,000 GPD or 7 gpm](#) provides information about the requirements all new PWS must follow.
- The [Resources for New Drinking Water Operators](#) guide provides information on how to become a certified operator for your farm. Or use the [Certified Operator Directory](#) to hire a contract operator.
- Refer to the [Wellhead Protection Tips For Small Public Water Systems](#) for guidance on protecting your farm's water supply.
- MassDEP and its partners (e.g. [Massachusetts Rural Water Association](#), [RCAP Solutions](#)) offer free technical assistance.
- Farm owners may need to adhere to local and state plumbing requirements or architectural requirements (for toilet structures).

Who do I contact for more information?

Reach out to your [local Board of Health](#) or your [MassDEP Regional Office](#) if you have questions about whether your farm's activities could make you a PWS. Reach out to the MassDEP Drinking Water Program (program.director-dwp@mass.gov) if you have any questions about becoming a PWS and PWS requirements.