

APPROVED WATER SUPPLY

For Rural Food Businesses



This fact sheet is for Minnesota rural and on-farm food business owners. All water used in food service or food manufacturing must come from an approved source.

Minnesota laws on water source:

Minnesota Rules 4626.0980

<http://www.revisor.leg.state.mn.us/rules/?id=4626.0980>

Minnesota Rules 4720

<http://www.revisor.leg.state.mn.us/rules/?id=4720>

Minnesota Rules 4725

<http://www.revisor.leg.state.mn.us/rules/?id=4725>

Minnesota Statutes 31.175

<http://www.revisor.leg.state.mn.us/statutes/?id=31.175>

Water used in food establishments, including temporary ones, must be from an approved source; but that does not necessarily mean a public water supply. There are several options for sourcing water.

The size and frequency of operations of your on-farm or rural food business affects the requirement for the water source to be classified as either private or public. If your food business will have fewer than 25 people on the premises per day, on fewer than 60 days per year, your private residential well may be approved as a private (non-public) water source if it can be demonstrated that the well met the

construction code in place at the time the well was installed, and isolation distances have been maintained. If your days of operation and number of people present per day are more than 25 people on 60 days per year, see the sidebar: “What if my on-farm food business really takes off and I have a lot of people coming around?”

Public water supply.

If your farm or rural business location is already on a municipal or other type of public water supply, that is considered an approved source.

Note: While the public water supply is considered an approved source, there will still be a requirement for documentation that the plumbing that delivers the water to the food business site is up to code.

Haul In Water from Approved Source.

If your food operation is not served by a public water supply and you do not receive approval for use of a private well, you may be approved to haul in municipal or bottled water. The water must be transported in clean, food-grade containers or vessels.

Your location's private well.

If your farm or rural business is not connected to a public water supply, you can, as part of the licensing process, request approval of a private well on the property as an approved source of water. The well must meet the Well Code in order to be approved. Key components of the approval process are onsite inspection, review of well construction records, submission of water test results, and verification of isolation distances.

Onsite Inspection

Onsite inspection to verify code compliance is required for approval of a water source. The inspector will look for a unique well number, collect a well construction record or other documentation of the well's construction date, locate the well and document isolation distances from potential sources of contamination like a septic system or cattle pen, inspect the well head and take pictures of the pressure tank and pump (if visible).

Review of Well Construction Records.

When determining compliance with the Well Code the most definitive documentation is the well construction record. Well

contractors have been required to submit construction records to the County or State since 1974, but this was not rigorously enforced until the early 1990s. The Minnesota Well Index at <http://www.health.state.mn.us/divs/eh/cwi/> contains available records. If the well is older than the mid-1970s, the contractor who constructed it may still have a record; or a record or dated invoice may be found in your farm's files. If this is not available, other documentation can be requested to verify compliance with the Well Code. For a pre-code well (a well constructed prior to July 15, 1974), or a well with an unknown construction date, the least stringent Well Code requirements from 1974 to present will be applied.

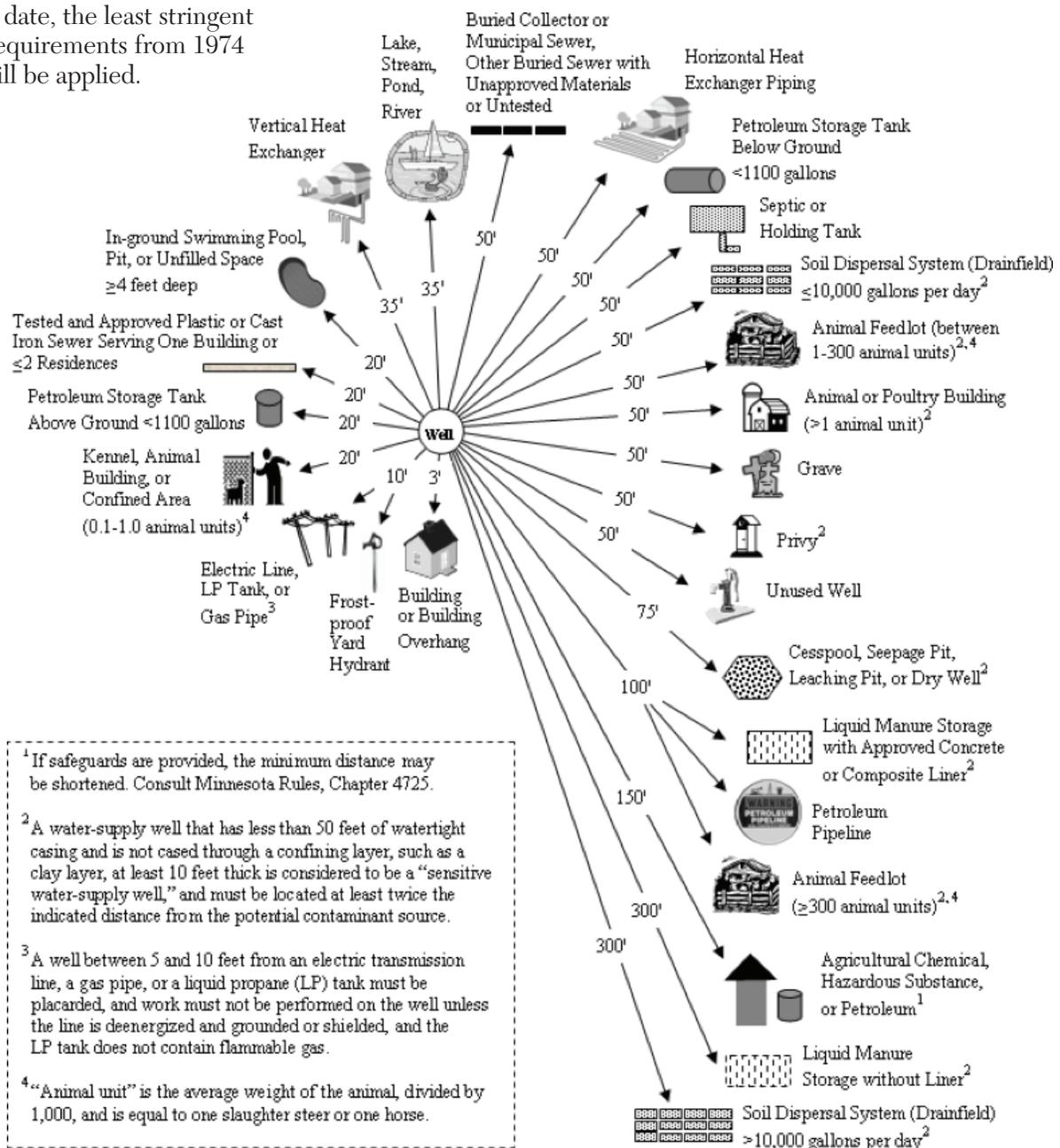
Water Test Results.

The well owner must submit water sample test results for total coliform (TC) bacteria and nitrate analyzed within the past year. The results must show no presence of total coliform and nitrate level less than 10 milligrams per liter.

Isolation Distances.

New wells are constructed with the correct isolation distances from potential sources of contamination

like a septic system or a cattle pen. Over time, uses of the area near the well can change. If a well meets construction standards but isolation distances have been violated since it was constructed, it cannot serve as an approved source of water. Isolation distances are shown in the diagram from the MDH, and are available on the MDH website: <http://www.health.state.mn.us/divs/eh/wells/construction/isolate.html>



Construction of a new well

Constructing a new well is another option. The Minnesota Department of Health estimates that a water well has a lifetime of 50 to 60 years. If your well is approaching that age and your business is being held back by shortcomings in your well's construction records or by isolation distance violations, it may be time for a new well. If this is your choice, consider the information about size and frequency of your business in the sidebar: "What if my food business really takes off?"

Is your business likely to grow to the point that a public water supply will be required? If that is possible, you should have your new well constructed to those standards so that the well is eligible to be used as a public water supply once that becomes necessary.

What if my rural or on-farm food business really takes off and I have a lot of people coming around?

Food Service:

If a food establishment (such as a restaurant) serves at least 25 people at least 60 days of the year, the business is required to use a public water supply under the federal Safe Drinking Water Act. If your location is not connected to an existing public water supply, you may be able to use your private well as a "transient noncommunity public water source" after evaluation for compliance with the **current** Minnesota Well Code.

Food Manufacturing:

The threshold of fewer than 25 people per day on fewer than 60 days per year applies to food manufacturing or food processing businesses, but the people present will most likely be employees rather than customers. If your business exceeds the threshold and is required to use a public water supply, the classification of the well may be "non-transient noncommunity public water source", meaning it regularly serves the same people for over 6 months per year.

If your business meets the definition requiring either a noncommunity transient or noncommunity nontransient public water supply, an inspector from the Minnesota Department of Health (MDH) Drinking Water Protection Program will review the well's construction record for compliance with the current Minnesota Well Code. The well will be evaluated for conversion to a public water supply source.

MDH will test the water for bacterial and nitrate contamination; and possibly other contaminants. You can learn more about the process at MDH's webpage for noncommunity public water supply systems: <http://www.health.state.mn.us/divs/eh/water/ncom/>

Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: misamail@umn.edu, 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>