

Fact Sheet #11 Environmental Regulations



Many normal farm activities are exempt from environmental regulations. However, it is helpful to know what laws may impact your farm operations. These regulations tend to change frequently, so it is best to keep in contact with government officials or others who can assist you in complying with them. There are also a number of [best management practices](#) [BMPs] you can use to limit your farm's impact on the environment:

- Practice wise [fertilizer use](#) and [pesticide use](#). See Fact Sheet #12 on pesticides.
- Use [Integrated Pest Management](#) (IPM) techniques.
- Consider simple [manure management practices](#), such as installing fences to keep animals away from water sources.

Water Quality and Conservation

Listed below are some of the most common regulations that may impact your farm operation; contact the appropriate agency if you have questions about how the regulations may apply to your operation.

Wetlands Protection Act Regulations

If your farm is in the vicinity of a wetland, you may be affected by the Wetlands Protection Act Regulations. The Massachusetts Department of Environmental Protection (DEP) and Conservation Commissions are responsible for enforcing these regulations. The purpose of the Act is to preserve wetlands as a means of protecting public and private water supplies, wildlife habitat, and fisheries, as well as preventing flood and storm damage. To learn more about the Wetland Protection Act Regulations, contact the [Conservation Commission](#) for your city or town.

In general, activities related to the normal maintenance or improvement of land in agricultural or aquacultural use are exempt from the Wetlands Protection Act, provided they do not involve removing, filling, or dredging a salt marsh or filling in nearby flood-prone land. Some activities that may be subject to the rules include:

- Construction of farm buildings larger than 4,000 square feet
- Switching from maple sap or other forest products to crop or livestock production
- Construction, reconstruction or expansion of dykes, ponds and/or bypass channels

In order to alter waterways in or near a wetland, you will need to have a conservation plan certified by the Natural Resource Conservation Service (NRCS) and present the relevant portion to the Conservation Commission for their review.

Confined Animal Feeding Operations (CAFOs) are required to have nutrient management plans if applying manure to fields. For more information on CAFOs, see the

NPDES [website](#) or contact the regional CAFO specialist at (617) 918-1065.

Water Quality Regulations

Massachusetts has special regulations for areas that are important for supplying well water for drinking. These are called Zone II areas. If you are in a Zone II area, you must store your manure or fertilizer in a covered, contained storage area. Use of pesticides on the [Groundwater Protection List](#) may also be limited in these zones, depending on the amount of plant cover on the land.

See MDAR's "Water Quality and Pesticides"

[webpage](#) for details. To find out if your farm is located within a Zone II, check the DEP's Water Supply Protection Areas [map](#) or contact your local [DEP office](#).



Water Conservation

You must register with DEP in order to withdraw an average of more than 100,000 gallons of water per day from surface or ground water. If you think this may apply to you, contact DEP at (617) 292-5500.

Composting

Composting is a generally accepted agricultural practice. However, if you plan on using off-farm materials for compost on your farm, you will need to get a permit from MDAR or DEP. For information on the types of materials allowed under MDAR's permits and to download an application form, visit the department's [website](#) or contact the department at (617) 626-1700.

Hazardous Materials

Spills or releases of oil or other hazardous materials into the environment should be reported immediately to DEP in order to minimize potential environmental and human health impacts. Contact your local [DEP office](#) if you have any concerns in this area.

Air Quality

DEP implements air quality regulations, some of which relate to farm operations. For example, open burning is generally prohibited, but may be allowed for agricultural purposes such as pruning and disease control. Check with your local fire department to obtain a permit. Also, farm operators, particularly for large operations, must take care that any dust or odor generated is minimized so as to avoid causing or contributing to air pollution.

Special Plant Permits

Certain exotic plants can pose a threat to the environment. For example, water spinach [*Ipomoea aquatica*] is an aggressive plant that can invade waterways and has become an invasive species in the Deep South of this country. For this reason, in order to legally grow this crop in Massachusetts, you must have a valid [PPQ 526 Permit](#) from APHIS. New Entry has detailed information on the water spinach permitting process.

Funding is often available from MDAR (AEEP) and USDA (EQIP, CSP, etc) for environmental protection measures. See Fact Sheet #32 on Grant Opportunities for more information.