



ADMINISTRATIVE RULES OF MONTANA



17.38.104 SIGNIFICANT DEFICIENCY

- (1) For the purposes of this rule, "significant deficiency" means any defect in design, operation, or maintenance of a public water supply system or public sewage system, or a failure or malfunction of the system, that the department determines causes, or has the potential to cause, the introduction of fecal, chemical, or other contamination into a drinking water supply or a source of ice. The term also includes practices and conditions that hinder the determination of the source or potential source of contamination, such as improper sample locations or sample taps.
- (2) If the department determines that a significant deficiency exists with a public water supply system or a public sewage system, the department shall provide written notice to the system owner. The system owner shall correct the deficiency in accordance with a plan and timeframe approved by the department.
- (3) If the department has reason to believe that a significant deficiency or sanitary defect may exist with a public water supply system or a public sewage system, the department may request the system owner to provide additional information to assist the department in making a final determination. The system owner shall provide the department with the requested information. If the system owner fails to supply the requested information, the department may make a determination based on available information about the potential risk of contamination from the system to drinking water or a source of ice, and the department may require the system owner to take measures that the department determines are appropriate to prevent contamination.

Authorizing statute(s): 75-6-104, 75-6-112, MCA

Implementing statute(s): 75-6-104, 75-6-112, MCA

History: NEW, 2013 MAR p. 212, Eff. 2/15/13; AMD, 2017 MAR p. 220, Eff. 2/18/17; AMD, 2024 MAR p. 253, Eff. 2/10/24.