



ADMINISTRATIVE RULES OF MONTANA



37.111.832 WATER SUPPLY SYSTEM

- (1) The department adopts and incorporates by reference ARM Title 17, chapter 38, subchapters 1 and 2, which set forth standards for design, operation, and maintenance of public water supplies; DEQ Circulars 1, 3, and PWS 5, published by the Department of Environmental Quality, which sets construction, operation, and maintenance standards for small water systems, and the Department Nonpublic Water Supply Circular Food and Consumer Safety 1-2016 (FCS 1-2016). Copies of these publications may be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.
- (2) In order to ensure an adequate and potable supply of water, a school must either:
 - (a) connect to a water supply system meeting the requirements of ARM Title 17, chapter 38, subchapters 1 and 2; or
 - (b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and an adequate public water supply system satisfying the requirements of ARM Title 17, chapter 38, subchapters 1 and 2, is not accessible, utilize a non-public system whose construction and use meet the standards set in Nonpublic Water Supply Circular Food and Consumer Safety 1-2016 published by the department.
- (3) A water supply system of a type other than described in this rule may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by the department or local health authority.
- (4) If a water supply system is used other than described in (2)(a) above, a school must submit a water sample at least quarterly to a laboratory licensed by the department to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 17.38.207 and following all testing requirements in Circular FCS 1-2016.
- (5) A school must replace or repair the water supply system serving it whenever the water supply:
 - (a) contains microbiological contaminants in excess of the maximum levels contained in ARM 17.38.207;
 - (b) exceeds the Maximum Contaminant Level (MCL) for all other contaminants in Circular FCS 1-2016; or
 - (c) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.
- (6) Common drinking cups or containers are prohibited.

- (7) Where water under pressure cannot be made available, the drinking water from an approved source must be stored in a clean and sanitized container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. Single service drinking cups must be provided.
- (8) Schools must sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures (HCF) must be sampled, unless the school or school district submits a testing plan to the DEQ to test a representative sample of potential HCFs in the school. Proposed testing plans will be approved or denied by the DEQ. Initial samples must be taken by December 31, 2021. All samples must be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead.
 - (a) Schools must submit to the department a basic schematic and inventory identifying plumbing materials, all fixture locations, and those fixtures meeting the definition of a HCF. Templates for creating the schematic and inventory are available from the department or the Montana Department of Environmental Quality (DEQ) and can be used to complete this requirement. Lead service lines must be clearly identified in the inventory and should be considered for replacement.
 - (b) The schematic and inventory must be maintained by the school and shall record any repair, modification, or change in water source that may result in a change in lead exposure from water. Sample results for each HCF must also be maintained in conjunction with the plan and inventory.
 - (c) All samples collected must be first-draw samples unless otherwise requested or approved by the department or DEQ and samples must be reported to DEQ.
 - (d) Each first-draw sample for lead must be 250 milliliters in volume and must have stood motionless in the plumbing system of each sampling site for at least six hours. For fixtures with hot and cold water, first-draw samples must only be collected from the cold water. First-draw samples may be collected by a school representative instructed in the proper sampling procedures specified in this rule.
 - (e) All sample results must be submitted electronically to DEQ in a format approved by the department. All sample results must be submitted to DEQ no later than 72 hours after the school has received the results. Sample results may be submitted to DEQ by certified labs on behalf of the school.
 - (f) All samples will be considered bin placement samples and must be placed into the appropriate bin in Table 1 unless otherwise designated by the department or DEQ. Follow-up actions are required for each HCF based on the bin placement.
 - (g) All schools must conduct follow-up sampling of each HCF according to the requirements of Table 2.
 - (h) Schools must make test results publicly available.
- (9) By September 1, 2021, all schools must create and implement a flushing program unless the school meets the waiver requirements indicated under (9)(c).
 - (a) Schools must use the template provided by the department to produce their flushing program.
 - (b) Flushing will be required following any period of time during which the school is inactive.

- (c) Schools may apply to DEQ for a flushing program waiver based on materials inventory and certification by the school that the school meets the lead-free definition as defined in Section 1417 of the Safe Drinking Water Act.

Table 1.

Bin Placement	Lead Detection	Follow-up Actions
1	Above 15.0 ug/L	Immediately discontinue use of the affected HCF by physical removal or plumbing disconnection. Remediation is required before the school can resume use of the HCF, subject to the follow-up sampling requirements of Table 2.
2	5.0 ug/L up to 15.0 ug/L	Evaluate the conditions at the affected HCF. Determine appropriate remedial action(s) to reduce lead concentration(s) to below 5.0 ug/L. Remediation is required before the school can resume use of the HCF, subject to the follow-up sampling requirements of Table 2. Schools may continue to use the HCF until remediation has occurred only if a daily flushing program for the HCF is implemented.
3	Below 5.0 ug/L	HCF below 5.0 ug/L does not require remedial action but routine monitoring must be conducted as stated in Bin 3 of Table 2.

Table 2.

Bin Placement	Follow-up Sampling Requirement
1	Each Bin 1 HCF will be required to be resampled after remediation to show effectiveness of the remediation effort before it is returned to service. The HCF must be resampled within one year of the sample taken after the remediation that returned the fixture to service to confirm that the HCF continues to deliver water below 5.0 ug/L.
2	Each Bin 2 HCF must be resampled after remediation. The HCF must be resampled within one year of the HCF's last sample.
3	Routine Monitoring - Each Bin 3 HCF must be sampled once every 3 calendar years to confirm that the HCFs continue to deliver water below 5.0 ug/L. Schools may submit a waiver to sample HCFs on an alternative frequency. Waivers must be submitted to the DEQ in writing using a form approved by the department. Sampling frequency may be adjusted by the DEQ based on test results and inventory.

Authorizing statute(s): 50-1-206, MCA

Implementing statute(s): 50-1-203, 50-1-206, MCA

History: NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425; AMD, 2020 MAR p. 47, Eff. 1/18/20.