



## ADMINISTRATIVE RULES OF MONTANA



### 17.4.302 DEFINITIONS

The following definitions apply throughout this subchapter:

- (1) "Circumstances" means a violator's culpability associated with a violation.
- (2) "Continuing violation" means a violation that involves an ongoing unlawful activity or an ongoing failure to comply with a statutory or regulatory requirement.
- (3) "Extent" of the violation means the violator's degree of deviation from the applicable statute, rule or permit.
- (4) "Gravity" of the violation means the degree of harm, or potential for harm, to human health or the environment, or the degree of adverse effect on the department's administration of the statute and rules.
- (5) "History of violation" means the violator's prior history of any violation, which:
  - (a) must be a violation of a requirement under the authority of the same chapter and part of the violation for which the penalty is being assessed;
  - (b) must be documented in an administrative order or a judicial order or judgment issued within three years prior to the date of the occurrence of the violation for which the penalty is being assessed; and
  - (c) may not, at the time that the penalty is being assessed, be undergoing or subject to administrative appeal or judicial review.
- (6) "Nature" means the classification of a violation as one that harms or has the potential to harm human health or the environment or as one that adversely affects the department's administration of the statute and rules.

**Authorizing statute(s):** 75-2-111, 75-2-112, 75-2-503, 75-5-201, 75-6-104, 75-10-204, 75-10-405, 75-10-503, 75-10-1202, 75-11-204, 75-11-505, 75-20-105, 76-4-104, 82-4-112, 82-4-205, 82-4-321, 82-4-422, MCA

**Implementing statute(s):** 75-1-1001, 82-4-1001, MCA