



ADMINISTRATIVE RULES OF MONTANA



17.38.208 TREATMENT REQUIREMENTS

- (1) The department adopts and incorporates by reference 40 CFR 141.70, which sets forth general surface water treatment requirements, with the following changes:
 - (a) 40 CFR 141.70(b)(1) is modified to read "It meets the requirements for avoiding filtration in 40 CFR 141.71 as amended in ARM 17.38.208, and the disinfection requirements in 40 CFR 141.72(a), or."
 - (b) 40 CFR 141.70(b)(2) is modified to read "It meets the filtration requirements in 40 CFR 141.73 and in ARM 17.38.205(1)(b)(ii), and the disinfection requirements in 40 CFR 141.72(a)."
 - (c) 40 CFR 141.70(c) is modified to read "Each public water supply system, except a transient noncommunity system, using a surface water source or a ground water source under the direct influence of surface water must be operated by qualified personnel who meet the requirements specified in Title 37, chapter 42, parts 1 through 3, MCA."
- (2) The department adopts and incorporates by reference 40 CFR 141.71, which sets forth requirements for avoiding filtration, except for the following changes:
 - (a) Only surface water sources from watersheds classified as A-Closed in ARM 17.30.621 may be considered for use as a public water supply source without filtration.
 - (b) "5 NTU" means "5.0 nephelometric turbidity units" for the purposes of this subchapter.
 - (c) The requirements concerning watershed protection listed in 40 CFR 141.71(b) (2) (i) through 141.71(b) (2) (iii) are replaced by the following items (i) through (iii) , respectively:
 - (i) characterize the watershed hydrology and land ownership by:
 - (A) documenting land-ownership areas and specific landowners;
 - (B) identifying point and non-point sources of pollution discharge, including roads and drainage ditches;
 - (C) identifying the location of septic tanks and other waste disposal facilities and their proximity to surface water; and
 - (D) producing a documented watershed map depicting all of the items in (2) (c) (i) through (iii) and assigning a reference number or other code by which to identify specific areas and impacts.
 - (ii) identify watershed characteristics and activities that may have an adverse effect on source water quality by:

- (A) documenting activities and specific land uses in all public areas on the watershed map, including pollution control measures practiced by the owner-agency and the population of users involved;
 - (B) identifying activities and improvements on all private lands (e.g., buildings; grazing or other agricultural uses and numbers of livestock involved; animal waste management practices; disposal of human wastes; population involved on a maximum and average-day basis; and use of fertilizers, pesticides, and herbicides) ; and
 - (C) identifying seasonal, short-term, and year-round impacts.
- (iii) monitor the occurrence of activities that may have an adverse effect on source water quality by:
 - (A) denoting minimum surveillance, monitoring methods, and frequency; and
 - (B) denoting the agency, contract personnel, or other party responsible for assessing impacts and the responsible party's qualifications.
- (d) The first two sentences in the last paragraph of 40 CFR 141.71(b)(2)(iii) are replaced with the following:

At a minimum, the supplier of a public water supply system shall demonstrate, through land ownership or department-approved written agreements with landowners within the watershed, or both, that it can control all human activities that may have an adverse impact on the microbiological quality of the source water or that may interfere with disinfection treatment. Adverse activities include, but are not limited to: recreational activities such as swimming, boating, camping, fishing, hiking, and hunting; and sewage and septic tank discharges. A supplier shall also demonstrate through land ownership or department-approved written agreements with landowners within the watershed, or both, that recreational activities such as fishing, swimming, boating and camping on the terminal water supply reservoir are prohibited. A terminal water supply reservoir is the area providing the storage of water immediately prior to treatment and delivery to the distribution system. A supplier shall control access on roads through land ownership or department-approved written agreements with landowners within the watershed. A supplier shall submit an annual report to the department that identifies any special concerns about the watershed and how the concerns are being addressed, describes activities in the watershed that affect water quality, and projects the adverse activities expected to occur in the future and describes how the supplier expects to address them.

- (e) The department adopts and incorporates by reference 40 CFR 141.171, which sets forth requirements, in addition to the requirements in 40 CFR 141.71, for avoiding filtration.
- (3) The department adopts and incorporates by reference 40 CFR 141.72, which sets forth treatment requirements for public water suppliers that use surface water.
- (4) The department adopts and incorporates by reference the following:
 - (a) 40 CFR 141.43(a) and (d), which set forth prohibition on use of lead pipes, solder, and flux;
 - (b) 40 CFR 141.61(b), which sets forth best available technologies (BATs) for synthetic and volatile organic contaminants;

- (c) 40 CFR 141.62(c), which sets forth BATs for inorganic contaminants, and 40 CFR 141.62(d), which sets forth small system compliance technologies (SSCT) for arsenic;
- (d) 40 CFR 141.63(e) and 141.63(f), which set forth BATs for microbiological contaminants;
- (e) 40 CFR 141.64(a)(2), 141.64(b)(1)(ii), 141.64(b)(2)(ii), and 141.64(b)(2)(iii), which sets forth BATs for disinfection byproducts;
- (f) 40 CFR 141.66(g) and 40 CFR 141.66(h), which set forth BATs and small system compliance technologies (SSCT) for radionuclides, respectively;
- (g) 40 CFR 141.76(a) and (c), which set forth recycle provisions;
- (h) 40 CFR 141.81, which sets forth the applicability of lead and copper corrosion control treatment steps to small, medium, and large water systems;
- (i) 40 CFR 141.82, which sets forth a description of the lead and copper corrosion control requirements;
- (j) 40 CFR 141.83, which sets forth lead and copper source water treatment requirements;
- (k) 40 CFR 141.84, which sets forth lead service line replacement requirements;
- (l) 40 CFR Part 141, Subpart J, which sets forth requirements for the use of non-centralized treatment devices;
- (m) 40 CFR Part 141, Subpart K, which sets forth treatment technique requirements for acrylamide and epichlorohydrin;
- (n) 40 CFR 141.135, which sets forth treatment technique requirements for control of disinfection byproduct precursors;
- (o) 40 CFR 141.170, which sets forth general treatment requirements in addition to the requirements in 141.70 for public water suppliers that use surface water;
- (p) 40 CFR 141.173(b), which sets forth treatment requirements, in addition to the requirements in 40 CFR 141.72, for public water suppliers that use filtered surface water;
- (q) 40 CFR 141.500, which sets forth general treatment requirements, in addition to the requirements in 141.70, for public water suppliers that use surface water or GWUDISW and that serve fewer than 10,000 people;
- (r) 40 CFR 141.501, which identifies the public water suppliers that are subject to the requirements of 40 CFR Part 141, Subpart T;
- (s) 40 CFR 141.502 which stipulates the effective date for the requirements of 40 CFR Part 141, Subpart T, except that "January 14, 2005" is changed to "January 1, 2005";
- (t) 40 CFR 141.503, which stipulates that public water suppliers that use surface water or GWUDISW and that serve fewer than 10,000 people must comply with the applicable requirements of 40 CFR Part 141, Subpart T;
- (u) 40 CFR 141.510 and 141.511, which set forth requirements for construction of finished water storage reservoirs for public water suppliers that use surface water or GWUDISW and that serve fewer than 10,000 people;

- (v) 40 CFR 141.520, 141.521 and 141.522, which stipulate that public water suppliers that use surface water or GWUDISW, do not provide filtration, and that serve fewer than 10,000 people must comply with the new watershed protection requirements of 40 CFR Part 141, Subpart T; and
- (w) 40 CFR 141.552, which describes microbiological contaminant removal efficiencies that public water suppliers must demonstrate to obtain state approval of alternative filtration technologies.

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

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

History: NEW, 1991 MAR p. 1492, Eff. 8/16/91; AMD, 1994 MAR p. 2131, Eff. 8/12/94; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 1167, Eff. 5/1/98; AMD, 2000 MAR p. 3400, Eff. 12/8/00; AMD, 2003 MAR p. 1279, Eff. 6/27/03; AMD, 2004 MAR p. 3016, Eff. 1/1/05; AMD, 2006 MAR p. 540, Eff. 2/24/06; AMD, 2008 MAR p. 2625, Eff. 12/25/08; AMD, 2009 MAR p. 1794, Eff. 10/16/09; AMD, 2012 MAR p. 1141, Eff. 6/8/12; AMD, 2017 MAR p. 220, Eff. 2/18/17; AMD, 2024 MAR p. 253, Eff. 2/10/24.