

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF EXTENSION OF
17.55.102, 17.55.108, 17.55.111, and)	COMMENT PERIOD ON
17.55.114 pertaining to definitions, facility)	PROPOSED AMENDMENT,
listing, facility ranking, and delisting a)	ADOPTION, AND REPEAL
facility on the CECRA priority list; adoption)	
of New Rules I through V pertaining to)	(CECRA REMEDIATION)
incorporation by reference, proper and)	
expeditious notice, third-party remedial)	
actions at order sites, additional remedial)	
actions not precluded, and orphan share)	
reimbursement; and repeal of ARM)	
17.55.101 pertaining to purpose)	

TO: All Concerned Persons

1. On October 15, 2009, the Department of Environmental Quality published MAR Notice No. 17-296 regarding a notice of public hearing on the proposed amendment, adoption, and repeal of the above-stated rules at page 1730, 2009 Montana Administrative Register, issue number 19. On November 12, 2009, the department published notification in the Montana Administrative Register that it was extending the public comment period until November 20, 2009, to provide interested persons additional time to comment.

2. In a letter dated November 16, 2009, a number of legislators requested that the department prepare an economic impact statement as provided for in 2-4-405, MCA. That statement was prepared by the department and sent to the Environmental Quality Council on February 16, 2010. The impact statement may be viewed at the department's web site at http://deq.mt.gov/StateSuperfund/PDFs/cecra_rules_ecis.pdf. In addition, a copy of the economic impact statement can be obtained from the department at the address contained in paragraph 3 below. Also, some commentors requested that the department prepare an economic impact statement on the rules and delay final adoption of the rules until the economic impact was considered. Because of the interest in the economic effect of the proposed rules, the department has determined that it will provide a supplemental comment period for the purpose of accepting written comments only on the economic impacts of the proposed rules and rule amendments.

3. Written data, views, or arguments pertaining to the economic impact of the proposed rules and rule amendments may be submitted to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901, faxed to (406) 444-4386, or e-mailed to ejohnson@mt.gov no later than May 14, 2010.

4. The department will make reasonable accommodations for persons with

disabilities who wish to participate in this rulemaking action or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., May 3, 2010, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

5. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; e-mailed to ejohnson@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

6. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL QUALITY

/s/ John F. North BY: /s/ Richard H. Oppen
JOHN F. NORTH RICHARD H. OPPEN, Director
Rule Reviewer

Certified to the Secretary of State, April 5, 2010.