

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.74.301, 17.74.350 through 17.74.357,))
17.74.359, 17.74.360, 17.74.361,)
17.74.364, and 17.74.365; the adoption)
of New Rules I through IV; and the)
repeal of ARM 17.74.303 pertaining to)
incorporation by reference, OSHA)
preclusion, and asbestos project)
management)

NOTICE OF SECOND PUBLIC
HEARING AND EXTENSION OF
COMMENT PERIOD ON
PROPOSED AMENDMENT,
ADOPTION, AND REPEAL

(ASBESTOS)

TO: All Concerned Persons

1. On April 14, 2011, the Department of Environmental Quality published MAR Notice No. 17-317 regarding a notice of public hearing on the proposed amendment, adoption, and repeal of the above-stated rules at page 493, 2011 Montana Administrative Register, issue number 7. The department held a public hearing at 1:30 on May 4, 2011, and the initial comment period was scheduled to close on May 12, 2011.

2. On June 1, at 1:30 p.m., the department will hold a second public hearing in Room 35, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules. This second hearing will supplement the hearing held on May 4, 2011.

3. The board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing 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 23, 2011, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

4. The department is also extending the time within which to submit written comments. Written data, views, or arguments may be submitted to Elois Johnson at the contact information listed in paragraph 3, and must be received no later than 5:00 p.m. on June 9, 2011. Persons who testified at the initial hearing, or who submitted comments during the initial comment period, need not testify again or resubmit their comments. Any such previous testimony and comments will be included in the rulemaking record.

5. A second hearing is being scheduled and the comment period is being extended because the initial proposal notice was not sent to persons on the interested persons list for the department's asbestos rulemaking proceedings within three days of publication of the notice in the Montana Administrative Register, as is

required by 2-4-302, MCA. The second hearing and extended comment period are intended to provide these persons the required advance notice of hearing and the required period of time to prepare and submit comments.

6. The rules proposed to be amended, adopted, and repealed remain the same as published in MAR Notice No. 17-317.

7. Jane Amdahl, attorney for the department, or another attorney for the department, has been designated to preside over and conduct the hearing.

8. 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, e-mail, 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 supply; 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 Avenue, P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to Elois Johnson at ejohnson@mt.gov, or may be made by completing a request form at any rules hearing held by the board.

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

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ David Rusoff
DAVID RUSOFF
Rule Reviewer

BY: /s/ Richard H. Oppen
RICHARD H. OPPER
Director

Certified to the Secretary of State, May 2, 2011.