

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
17.74.504, 17.74.505, 17.74.506,)
17.74.507, 17.74.508, 17.74.511,)
17.74.512, 17.74.513, 17.74.514,)
17.74.515, 17.74.517, 17.74.518)
pertaining to definitions,)
decontamination standards,)
performance, assessment, and)
inspection, performance standards,)
contractor certification and renewal,)
initial training course content, refresher)
training course, reciprocity, training)
provider certification, certified training)
provider responsibilities, denial,)
suspension, and revocation of)
certification, and fees and the repeal of)
ARM 17.74.502, 17.74.503, 17.74.509,)
and 17.74.510 pertaining to)
incorporation by reference--publication)
dates, incorporation by reference,)
worker and supervisor certification, and)
worker and supervisor certification)
renewal)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

(METHAMPHETAMINE CLEANUP)

TO: All Concerned Persons

1. On September 11, 2014, at 1:30 p.m., the Department of Environmental Quality will hold a public hearing in Room 136-137, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The department 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., September 2, 2014, 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.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

17.74.504 DEFINITIONS For the purposes of this subchapter, unless the context clearly indicates otherwise:

~~(1) "Basic course" means a training course sponsored or approved by the department for workers and supervisors who perform or supervise decontamination on CML sites.~~

(2) and (3) remain the same, but are renumbered (1) and (2).

~~(4) (3) "Certified contractor" means a person or company to whom the department who has been issued a CML decontamination contractor certificate under this subchapter.~~

(5) remains the same, but is renumbered (4).

(5) "CML" means a contaminated methamphetamine drug lab.

~~(6) "Certified person" means a person to whom the department has issued a CML decontamination worker certificate or a CML decontamination supervisor certificate under this subchapter.~~

~~(7) (6) "Contaminated" or "contamination" means polluted by hazardous chemicals from a CML so that the inhabitable property may be unfit for human habitation or use due to immediate or long-term hazards from such contamination. Inhabitable property that at one time was contaminated, but has been decontaminated in conformance with the requirements of this subchapter, is not "contaminated" once the department issues a certificate of fitness for the property.~~

(8) (7) "Decontaminated" or "decontamination" means the process of reducing levels of hazardous chemicals methamphetamine from a CML in affecting inhabitable property to the lowest practical level using currently available methods and processes level established in ARM 17.74.505. A property is considered decontaminated when the department issues a certificate of fitness for the property.

~~(9) (8) "Department" means the Montana Department of Environmental Quality.~~

~~(10) "Hazardous chemicals" means:~~

~~(a) methamphetamine as defined in (13); and~~

~~(b) precursor substances as defined in (15).~~

(11) remains the same, but is renumbered (9).

(10) "Initial course" means a training course sponsored or approved by the department for certified contractors who perform or supervise decontamination on CML sites.

~~(12) (11) "Initial site assessment" means the first evaluation of inhabitable property by a certified contractor to determine the nature and extent of observable contamination from a CML.~~

(13) and (14) remain the same, but are renumbered (12) and (13).

~~(15) "Precursor substances" means the following compounds:~~

~~(a) anthranilic acid;~~

~~(b) barbituric acid;~~

~~(c) chlorephedrine;~~

~~(d) diethyl malonate;~~

~~(e) d-lysergic acid;~~

~~(f) ephedrine;~~

~~(g) ergotamine tartrate;~~

~~(h) ethylamine;~~

~~(i) ethyl malonate;~~

~~(j) ethylephedrine;~~

~~(k) lead acetate;
(l) methylamine;
(m) methylformamide;
(n) methylephedrine;
(o) methylpseudoephedrine;
(p) n-acetylanthranilic acid;
(q) norpseudoephedrine;
(r) phenylacetic acid;
(s) phenylpropanolamine;
(t) piperidine;
(u) pseudoephedrine;
(v) pyrrolidine; and
(w) any other chemical compound(s) that the department determines was used in the clandestine manufacture of methamphetamine, or produced from such manufacture.~~

~~(16) remains the same, but is renumbered (14).~~

~~(17) (15) "Refresher course" means a department-sponsored or department-approved training course for previously certified CML decontamination workers and supervisors contractors.~~

~~(18) "Supervisor" means a person who is employed by a contractor, is on site during the decontamination of a CML, and is responsible for the activities performed.~~

~~(19) remains the same, but is renumbered (16).~~

~~(20) "Vacuum sample" or "microvacuum sample" means a nonairborne dust sample collected from a known surface area of a porous surface or material using standard microvacuuming techniques described in American Society for Testing and Materials, Method D5756-02, (November 2002), Standard Test Method for Microvacuum Sampling and Indirect Analysis of Dust by Transmission Electron Microscopy for Asbestos Mass Concentration.~~

~~(21) (17) "Wipe sample" means a surface sample collected by wiping a sample medium on surface materials in accordance with common industry standards the field equipment and sampling guidance in National Institute for Occupational Health and Safety, Manual of Analytical Methods, 4th Ed., Method 9100, Lead in Surface Wipe Samples (Issue 2, May 1996).~~

~~(22) "Worker" means a person who is employed by a contractor and who performs decontamination of a CML.~~

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend the definitions in ARM 17.74.504 to reflect changes in the CML cleanup industry and how the CML program has evolved since the time the initial rules were adopted. The principle change that guides much of this rule proposal is a need to use the term "certified contractor" exclusively in these rules to make the reference consistent with 75-10-1304, MCA. Referring to "certified contractor" as the only certified person that may safely clean up methamphetamine contamination reflects the fact that the statutes regarding compliance with CML cleanup standards remain voluntary and a relative reduction in

the need for CML decontamination allows the department to propose regulations that better meet the conditions seen in communities across Montana and still provide for a protective regulatory framework. When these rules were first adopted, there was a need to distinguish among the various experience, skill, and training levels of individuals involved in CML cleanups and to offer an occupational progression that no longer applies to the CML cleanup industry. The following information summarizes the remainder of the changes being proposed in this section. The term "basic course" in (1) is being eliminated and redefined as an "initial course" in (9). Because the department is proposing to offer a certification that combines "worker" and "supervisor" definitions, under the existing definition of "certified contractor," the course name should reflect the fact that there is no longer a basic or advanced course, but rather an "initial" course that covers the necessary information to be certified. The department is proposing to strike the reference to a company as having been issued a "certified contractor" certificate. The department believes that 75-10-1304, MCA, allows the department to certify a contractor and the contractor's employees as individuals rather than certifying a company. The purpose of these rules and the enabling statutes is to provide a protective cleanup standard administered by qualified individuals. Certifying a company does not provide the department with the assurance that each person working to clean up a CML has the appropriate training as proposed in this subchapter. The department is proposing to delete the definition of "certified person" because it refers to the definitions of certified "supervisor" and "worker." The department is proposing to remove the definitions of "worker" and "supervisor" and replace those terms with "certified contractor" and make the necessary clerical amendments to account for the proposed change elsewhere in this rule. The department is proposing to amend the definition of "contaminated" or "contamination" to establish that a property subject to these rules is no longer contaminated once the department issues a certificate of fitness. The department is proposing to amend the definition of "decontaminated" or "decontamination" by removing the phrase "hazardous chemicals" and replacing it with "methamphetamine." Additionally, the department is proposing to coordinate the definition of "decontaminated" or "decontamination" with the proposed changes in ARM 17.74.505. The department is proposing to delete references to "hazardous chemicals" and "precursor substances" because the compounds and chemicals used in the manufacture of methamphetamine are evolving. The department is proposing to broaden the definition of "wipe sample" to allow changing industry standards to dictate appropriate methods rather than rely on a federal standard from 1996. Finally, the department is proposing to strike the reference to "vacuum sample" because these types of samples are rarely used and don't provide the department or the public with any information that assists in determining levels of contamination or appropriate cleanup standards.

17.74.505 DECONTAMINATION STANDARDS (1) The CML decontamination standards are as follows standard is:

(a) ~~a~~ surface wipe samples ~~and vacuum samples~~ for methamphetamine may not exceed 0.1 micrograms (10^{-6} gram) per 100 square centimeters;

(b) ~~volatile organic compounds (VOCs) may not exceed 1.0 part per million VOCs in air; and~~

~~(c) in the event a phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface wipe samples for lead may not exceed 20.0 micrograms per square foot, and vapor samples for mercury may not exceed 50.0 nanograms (10⁻⁹-gram) per cubic meter in air.~~

AUTH: 75-10-1303, MCA

IMP: 75-10-1303, MCA

REASON: The department is proposing to simplify the CML decontamination standard by removing references to volatile organic compounds and lead and mercury limits for certain types of methamphetamine manufacturing. The department is proposing to keep the surface wipe sample standard. Requiring surface wipe samples with a minimum standard for the detection of methamphetamine is protective of human health and the environment.

17.74.506 DECONTAMINATION PERFORMANCE, ASSESSMENT, AND INSPECTION (1) For the department to confirm, pursuant to 75-10-1305(4), MCA, that the decontamination standards in ARM 17.74.505 ~~have~~ has been met for an inhabitable property where clandestine methamphetamine manufacturing has taken place, and for the department to remove the property from the list of contaminated property maintained pursuant to 75-10-1306, MCA, all sampling, submittal of samples, and work performed to assess the extent of contamination ~~and comply in compliance with the~~ CML decontamination standards and disposal of contaminated material must be performed by the department or by contractors, ~~supervisors, and workers~~ certified by the department pursuant to this subchapter to perform that work. (2) and (3) remain the same.

AUTH: 75-10-1303, MCA

IMP: 75-10-1303, MCA

REASON: The department is proposing to revise ARM 17.74.506 to use the term "certified contractor" exclusively in these rules to make the term consistent with 75-10-1304, MCA.

17.74.507 PERFORMANCE STANDARDS (1) ~~A~~ Only certified contractors performing a CML decontamination project pursuant to this subchapter shall may:
(a) perform all a contamination assessment and decontamination work and disposal dispose of contaminated material pursuant to this subchapter ~~only with certified workers and supervisors~~;
(b) file a work plan with, and obtain written approval of the plan from, the department prior to beginning ~~the~~ a decontamination project;
(c) perform all work in accordance with the department-approved work plan; and
(d) ~~station on site, at all times decontamination work is being performed, a contractor-employed certified supervisor to oversee the project; and~~
(e) (d) have final clearance sampling conducted by an independent certified contractor who is not employed by the certified contractor ~~described in (1), and who~~

is certified by the department pursuant to this subchapter to performing that the decontamination work.

(2) Department approval of a work plan does not relieve a certified contractor from compliance with any other applicable requirements including, but not limited to, state and local building codes, occupational safety and health standards, and the solid waste, hazardous waste, and asbestos requirements in ARM Title 17, chapters 50, 53, and 74.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to revise ARM 17.74.507 for the same reasons described in ARM 17.74.506.

17.74.508 CONTRACTOR CERTIFICATION AND RENEWAL (1) An applicant for department certification as a CML decontamination contractor shall submit to the department:

~~(a) evidence of department certification for each employee who will work on a CML decontamination project;~~

~~(b) documentation that the contractor has at least one department certified CML decontamination supervisor;~~

~~(c) a completed CML decontamination contractor certification application form; and~~

~~(d) the fee prescribed in ARM 17.74.518.~~

~~(2) CML decontamination contractor certification is valid for two years from the date of issuance.~~

~~(3) A certified CML decontamination contractor applying for renewal of certification prior to the expiration of the current certificate, or a previously certified contractor applying for certification following expiration of the previous certificate, shall follow the requirements of (1)(a) through (d).~~

(a) provide evidence of successful completion of HAZWOPER training, including initial 40-hour HAZWOPER and current eight-hour HAZWOPER refresher, conducted pursuant to 29 CFR 1910.120; and

(b) successfully complete the initial CML decontamination course and submit to the department within 60 days after completing the course:

(i) written evidence of successful completion of the initial course;

(ii) a completed CML decontamination certified contractor application; and

(iii) the fee established in ARM 17.74.518.

(2) A CML decontamination certificate is valid for two years from the date of issuance.

(3) A person renewing as a CML decontamination certified contractor shall submit the following information to the department for approval at least ten days before the expiration of the current certificate:

(a) a completed contractor certification renewal form provided by the department;

(b) written evidence the renewal applicant has successfully completed a department-sponsored or department-approved refresher training course; and

(c) the fee established in ARM 17.74.518.

(4) If a previously certified contractor does not apply for a renewal of a contractor certification within one year following the expiration of the certification, the person must obtain certification under the provisions of this rule.

(5) A CML decontamination certified contractor shall make the CML decontamination certificates, or other acceptable proof of certification, available for inspection at all times during a CML decontamination project that is being performed pursuant to this subchapter.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing amendments to ARM 17.74.508 to modify the certification and renewal requirements for CML decontamination contractors for the reasons presented in ARM 17.74.504 that describe the proposal to use the phrase "certified contractor" exclusively in this subchapter. The department recognizes that eliminating the designations and training standards of workers and supervisors, as proposed in ARM 17.74.504, requires those specific skills to be included in the initial course described in ARM 17.74.511. The foundation of any cleanup certification of potentially dangerous substances requires basic HAZWOPER training. The department is adding this requirement to ensure the basic knowledge required for workers and supervisors is in place for the remaining CML certification. The proposed requirements for certification and renewal will simplify the current certification process and maintain the necessary information the department needs to ensure CML certified contractors are able to meet minimum cleanup standards and be protective of human health and the environment.

17.74.511 ~~BASIC~~ INITIAL TRAINING COURSE CONTENT (1) For departmental approval, ~~basic worker and supervisor~~ initial CML decontamination training courses must include, at a minimum:

(a) information on state and federal laws, rules, and regulations applicable to clandestine methamphetamine manufacturing sites including, but not limited to:

~~(i) precursor drugs;~~

(ii) and (iii) remain the same, but are renumbered (i) and (ii).

(b) through (i)(iv) remain the same.

~~(2) Training for supervisors must also include:~~

~~(a) (i) techniques for obtaining necessary information for making to make site assessments, including;~~

~~(b) (i) initial site assessments;~~

(c) through (g) remain the same, but are renumbered (ii) through (vi).

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.511 for the same reasons described in ARM 17.74.506. Changing the term "basic" to "initial"

when describing the necessary coursework and training acknowledges the department's proposal to certify CML contractors under a training plan that requires an overall understanding and specific expertise in CML cleanup techniques to ensure the protection of human health and the environment.

17.74.512 REFRESHER TRAINING COURSE (1) For department approval, CML decontamination ~~worker and supervisor~~ refresher training courses must include, at a minimum:

(a) through (d) remain the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.512 for the same reasons described in ARM 17.74.506 and 17.74.508.

17.74.513 RECIPROCITY (1) The department shall provide reciprocal certification for contractors, ~~supervisors, and workers~~ trained and certified in another state when the standards and training of the other state are substantially similar to those of this subchapter.

(2) An applicant for reciprocity shall submit to the department:

(a) and (b) remain the same.

(c) evidence of successful completion of HAZWOPER training, including initial 40-hour HAZWOPER and current eight-hour HAZWOPER refresher, and HAZWOPER supervisor training conducted pursuant to 29 CFR 1910.120; and

(d) the fee prescribed in ARM 17.74.518; ~~and~~

~~(e) for supervisor reciprocal certification only, evidence of successful completion of HAZWOPER supervisor training, conducted pursuant to 29 CFR 1910.120.~~

(3) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.513 for the same reasons described in ARM 17.74.506.

17.74.514 TRAINING PROVIDER CERTIFICATION (1) A person may not provide ~~basic initial or refresher~~ CML decontamination ~~worker or supervisor contractor or refresher~~ training for department certification of ~~decontamination workers or supervisors~~ contractors, unless the department has approved the instructors and courses and issued a training provider certificate to the person.

(2) An applicant for training provider certification shall submit to the department at least ~~60~~ 45 days before the requested approval date:

(a) remains the same.

(b) a list of all instructors and a description of their qualifications, including their proof of department certification and a description of the instructor's knowledge

and experience to properly train ~~workers and supervisors~~ contractors, and documentation of academic or field experience in CML decontamination;
(c) through (3) remain the same.

AUTH: 75-10-1304, MCA
IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.514 for the same reasons described in ARM 17.74.506. The department is also seeking to reduce the number of days that an applicant for training provider certification must submit the required information for approval. The department has developed an efficient system to review and certify training provider applications since Title 75, chapter 10, part 13, MCA, was enacted. The department would require the applicant to submit the training provider certification application to the department at least 45 days, instead of at least 60 days, prior to final department approval. The reduction will allow training providers, who hold certificates or registrations from the department for other similar training programs, to be responsive to situations where the need for CML cleanups, and certified contractors, may increase unexpectedly. Additionally, adding a proof of certification requirement will ensure the required protective standards are being offered to people enrolled in training courses.

17.74.515 CERTIFIED TRAINING PROVIDER RESPONSIBILITIES (1) A certified CML decontamination training provider shall:

(a) notify the department in writing at least ~~30~~ ten days before any training is scheduled to begin. The notification must include the dates and times of the training and the address of the location where training will be conducted;

(b) and (c) remain the same.

(d) obtain department approval in writing in advance of any changes to the training; including, but not limited to, changes involving the course instructor or changes in course materials.

~~(2) When requested by the department, a training provider shall confirm successful completion of training courses by applicants seeking worker or supervisor certification.~~

(3) remains the same but is renumbered (2).

(3) A training provider shall submit to the department a list of attendees within ten days following the completion of the course. The list must identify:

(a) the name and address of the training provider who provided the course;

(b) the dates, name and brief description of the course;

(c) the names of each participant;

(d) each participant's certificate number; and

(e) confirmation of each participant's successful completion of the course.

(4) A training provider shall require that training course attendees provide proof of identity.

AUTH: 75-10-1304, MCA
IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.515 for the same reasons described in ARM 17.74.506. The department is also proposing to clarify the requirements that training providers must complete following the delivery of a course. These new requirements allow the department to review and monitor the qualifications of course providers and will guarantee that each provider submits the required information in a consistent way to ensure a certified cleanup contractor is registered with the department. The department is proposing to require any notification of a scheduled training to be at least ten days, instead of at least 30 days. The department has developed an efficient system to review information from training providers since ARM Title 75, chapter 10, part 13, MCA, was enacted and believes those efficiencies should be reflected in information submission deadlines.

17.74.517 DENIAL, SUSPENSION, AND REVOCATION OF CERTIFICATION (1) The department may deny, suspend, or revoke the certification of a CML decontamination ~~worker, supervisor,~~ contractor, or training provider who fails to meet any of the requirements of this subchapter.

(2) The department may suspend or revoke the certification of a ~~decontamination worker, supervisor,~~ contractor, or training provider who obtains a certificate by error, fraud, or misrepresentation.

(3) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.517 for the same reasons described in ARM 17.74.506.

17.74.518 FEES (1) For any CML decontamination training and testing of training providers or contractors, ~~workers, or supervisors~~ provided by the department, or through a contract with a third-party trainer, the department shall charge reasonable ensure fees that cover the cost of the training and testing.

(2) Concurrent with submittal of an application under this subchapter, the applicant shall pay the following fees:

~~(a) \$500 for each initial, renewal, or reciprocal CML decontamination worker certificate application;~~

~~(b) \$500 for each initial, renewal, or reciprocal CML decontamination supervisor certificate application;~~

(c) and (d) remain the same, but are renumbered (a) and (b).

(3) remains the same.

AUTH: 75-10-1304, MCA

IMP: 75-10-1304, MCA

REASON: The department is proposing to amend ARM 17.74.518 for the same reasons described in ARM 17.74.506, and is eliminating certain fees for certifications the department is proposing to strike from the rules.

4. The rules proposed for repeal are as follows:

17.74.502 INCORPORATION BY REFERENCE -- PUBLICATION DATES (AUTH: 75-10-1303, 75-10-1304, MCA; IMP: 75-10-1303, 75-10-1304, MCA), located at page 17-8409, Administrative Rules of Montana.

17.74.503 INCORPORATION BY REFERENCE (AUTH: 75-10-1303, 75-10-1304, MCA; IMP: 75-10-1303, 75-10-1304, MCA), located at page 17-8409, Administrative Rules of Montana.

17.74.509 WORKER AND SUPERVISOR CERTIFICATION (AUTH: 75-10-1304, MCA; IMP: 75-10-1304, MCA), located at pages 17-8413 and 17-8414, Administrative Rules of Montana.

17.74.510 WORKER AND SUPERVISOR CERTIFICATION RENEWAL (AUTH: 75-10-1304, MCA; IMP: 75-10-1304, MCA), located at pages 17-8414 and 17-8415, Administrative Rules of Montana.

REASON: The department is proposing to repeal ARM 17.74.502 and 17.74.503. In 2005, the Montana Legislature approved a bill setting indoor decontamination standards for remediation of property contaminated by the manufacture of methamphetamine. The department adopted rules implementing the provisions of Title 75, chapter 10, part 13, MCA, in 2006. The two rules being repealed refer specifically to outdated editions of the Code of Federal Regulations, the Montana Code Annotated, and federal, state, and industry guidelines that the department adopted to meet the intent of the statute. ARM 17.74.502 incorporates by reference federal training provisions that are regularly updated and commonly known by individuals certified in hazardous materials and hazardous material cleanup operations. The rule's reference to the 2005 edition of the MCA is superfluous and adds no benefit to people regulated under this subchapter. ARM 17.74.503 represents standards and methodologies that have been stricken or refined in ARM 17.74.505 and are no longer necessary to implement the statute. The department is also proposing to repeal ARM 17.74.509 and 17.74.510 in order to be consistent with the reason provided in ARM 17.74.506, which removes references in the subchapter to worker and supervisor certification.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also 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 5:00 p.m., September 18, 2014. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

6. Kirsten Bowers, attorney for the Department of Environmental Quality, has been designated to preside over and conduct the hearing.

7. 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 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 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 department.

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL QUALITY

/s/ John F. North BY: /s/ Tracy Stone-Manning
JOHN F. NORTH TRACY STONE-MANNING, Director
Rule Reviewer

Certified to the Secretary of State, August 11, 2014.