

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF AMENDMENT AND
17.74.504, 17.74.505, 17.74.506,	)	REPEAL
17.74.507, 17.74.508, 17.74.511,	)	
17.74.512, 17.74.513, 17.74.514,	)	(METHAMPHETAMINE CLEANUP)
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	)	

TO: All Concerned Persons

1. On August 21, 2014, the Department of Environmental Quality published MAR Notice No. 17-366 regarding a notice of public hearing on the proposed amendment and repeal of the above-stated rules at page 1866, 2014 Montana Administrative Register, Issue Number 16.

2. The department has amended ARM 17.74.504, 17.74.505, 17.74.506, 17.74.507, 17.74.511, 17.74.512, 17.74.513, 17.74.514, 17.74.515, 17.74.517, 17.74.518 and repealed ARM 17.74.502, 17.74.503, 17.74.509, and 17.74.510 exactly as proposed. The department has amended ARM 17.74.508 as proposed, but with the following changes, stricken matter interlined, new matter underlined:

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

(a) provide 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

(b) through (5) remain as proposed.

3. The following comments were received and appear with the department's responses:

COMMENT NO. 1: A commenter expressed that requiring methamphetamine lab cleanup contractors to complete HAZWOPER supervisor training, before being certified by the department as a contractor, is unnecessary because methamphetamine-contaminated properties are not classified as hazardous waste sites.

RESPONSE: The proposed amendments to the methamphetamine cleanup program rules eliminate designations for certified workers and supervisors and retain certified contractors to align the rules with the requirements of Title 75, chapter 10, part 13, MCA. The department believes that requiring contractors to complete initial and refresher HAZWOPER training will ensure that individuals, seeking certification to decontaminate methamphetamine-contaminated properties, are properly trained to clean up contaminated property in a way that is protective of human health and the environment, regardless of whether a methamphetamine-contaminated property is designated a hazardous waste site. However, the department agrees that HAZWOPER supervisor training would not add a significant benefit to the knowledge and experience of cleanup contractors and is amending the rules to remove that requirement.

COMMENT NO. 2: A commenter stated that training course requirements covering HAZWOPER topics should be reduced and simply be a quick review with greater focus on cleanup, sampling, and work plans.

RESPONSE: The proposed rule amendments governing certified training providers, or training course content, do not require HAZWOPER training to be part of the curriculum offered by training providers for contractor certification. People seeking certification as a methamphetamine lab cleanup contractor must demonstrate to the department that the person has completed, and maintained, HAZWOPER training from any available training provider.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

By: /s/ Tracy Stone-Manning  
TRACY STONE-MANNING, DIRECTOR

Certified to the Secretary of State, October 14, 2014.