



DATE: November 10, 2015

TO: Interested Persons

FROM: Ed Thamke, Chief  
Waste and Underground Tank Management Bureau

SUBJECT: **"Asbestos Fee Rule" Rulemaking Status**

On July 30, 2015, the Department of Environmental Quality (DEQ) published Montana Administrative Register (MAR) Notice No. 17-371 regarding a notice of public hearing on the proposed amendment and repeal of the below-stated rules at page 974, 2015 MAR, Issue Number 14 regarding the proposed **"Asbestos Fee Rules"**:

- ARM 17.74.359, 17.74.364, 17.74.401, 17.74.402, and 17.74.403 pertaining to annual asbestos project permits, training provider requirements, permit fees, accreditation and accreditation renewal fees, and course approval and renewal fees, and the repeal of ARM 17.74.404 pertaining to course audit fees.

DEQ received requests to extend the public comment period for the proposed amendment and repeal of the above-stated rules in order to take comments from the Asbestos Advisory Group (AAG), which was recently formed under authority of House Bill 434 passed by the 2015 Legislature. DEQ accommodated this request and extended the public comment period to November 2, 2015 in order to address any comments received from AAG members and any other person who wished to submit comments.

The AAG members selected were notified of their appointment on September 2, 2015. The Department felt that this did not allow sufficient time for the members to come up to speed with their mission and address any questions or concerns regarding the "Asbestos Fee Rule" prior to the November 2<sup>nd</sup> comment period end. In consideration that the AAG has a legislative mandate to examine Montana's asbestos regulations and provide salient recommendations on suggested opportunities for improvement, including funding, the Department has decided to allow this rule notice to toll, or expire.

Once it has been determined that sufficient stakeholder input has been achieved and comments and concerns have been addressed, DEQ will re-initiate the rulemaking process, including a new filing and publication date, hearing, public comment period, filing, and adoption date.

DEQ wants to ensure adequate stakeholder participation and appreciates your patience in this matter. Please do not hesitate to contact me at 406-444-6748 or [ethamke@mt.gov](mailto:ethamke@mt.gov) if you have any questions or concerns. Thank you for your participation and/or interest.