

Summary of Proposed Asbestos Fee Rules MAR 17-371

Current ARM 17.74.359 Annual Asbestos Project Permits	Proposed Amendments to ARM 17.74.359 Annual Project Permits
Annual asbestos project permit allows a facility to conduct asbestos projects during the period the permit is active.	Annual asbestos project permits will change to allow a facility to conduct asbestos projects for a year.
The project permit expires one year after issuance unless the facility owner applies for renewal at least 45 days before the expiration date and the department approves the application.	All annual asbestos project permits will expire on December 31 of the year for which the permit is issued unless the facility owner applies to renew by November 15 and the department approves the application.
An application for renewal of an annual asbestos project does not have to report the amount of regulated asbestos-containing material proposed to be disturbed or removed during the permit period. An application may reference any required information that has been previously submitted.	An application for renewal of an annual asbestos project will have to report the amount of regulated asbestos-containing material proposed to be disturbed or removed during the permit period. An application must reference any required information that has been previously submitted.
N/A	An amendment to the permit is required when: <ul style="list-style-type: none"> • the amount of regulated asbestos-containing material being disturbed exceeds 20 percent of the amount of asbestos-containing material identified according the amount of regulated asbestos-containing material proposed to be disturbed or removed during the permit period that was approved in the permit application.

Current ARM 17.74.364 TRAINING PROVIDER REQUIREMENTS	Proposed changes to ARM 17.74.364 TRAINING PROVIDER REQUIREMENTS
The two year period does not exist.	The training course approval period is the two-year period beginning January 1 of the year following the year the training course is first approved by the department. The department will not accept applications for training course approval before October 1 of the year previous to the training course approval period.
<p>All training course materials and examinations must be submitted to the department in advance for approval. A person may apply for approval of a training course by submitting all of the following to the department at least 45 calendar days prior to the proposed date of course presentation:</p> <ul style="list-style-type: none"> • a list of the instructors who will teach the course and documentation of the instructors' qualifications, which must include significant academic and/or field experience in asbestos control; • a course schedule indicating the time allotted and the instructor for each subject; 	<p>All training course materials and examinations must be submitted to the department in advance for approval. A person may apply for approval of a training course for January 1 by submitting all of the following to the department by November 15 of the preceding year:</p> <ul style="list-style-type: none"> • a list of the proposed instructors who will teach the course and documentation of the instructors' qualifications, which must include significant academic and/or field experience in asbestos control; • a course schedule indicating the time allotted and the proposed instructor for each subject;

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Current ARM 17.74.364 TRAINING PROVIDER REQUIREMENTS	Proposed changes to ARM 17.74.364 TRAINING PROVIDER REQUIREMENTS
<p>The department must be notified in advance of any proposed changes in the content of training courses, examinations, or instructors. The department shall approve or deny in writing any proposed changes in training course or examination contents or change in instructor(s).</p>	<p>A training course provider shall notify the department 45 days in advance of implementation of any changes in the content of approved training courses, examinations, or instructors during the two-year course approval period. The department shall approve or deny in writing any proposed changes in training course or examination contents or change in instructor(s) within ten working days of receiving the changes.</p>
<p>The department may audit an approved training course and examination. The department may audit a training course following any change in the course.</p>	<p>The department will no longer audit an approved training course and examination or audit a training course following any change in the course.</p>
<p>Training provider course approval doesn't expire but courses are audited.</p>	<p>Training provider course approval expires at the end of the two-year approval period, unless the training provider applies for renewal by November 15 of the year that the approval period expires. A training provider seeking to renew course approval shall provide the department with the required information listed and pay the appropriate fee. The training course fees are as follows:</p> <ul style="list-style-type: none"> (a) courses approved \$1,000 (b) courses approved \$2,000 (c) initial course renewal \$300 (d) refresher course renewal \$200

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Current ARM 17.74.401 PERMIT FEES	Proposed changes to ARM 17.74.401 PERMIT FEES
<p>Concurrent with submittal of an asbestos project permit, application, the applicant, shall submit a permit fee, to the department as follows:</p> <p>(a) asbestos project permit10.0% of the contract volume, as defined below:</p> <p>Contract volume" means, for purposes of calculating the asbestos project permit fee, the itemized contract charges directly associated with conducting the asbestos project. If there is no itemization of charges, the total of all charges associated with the contract is the contract volume. The cost of the asbestos project permit fee is not included in the determination of the contract volume if the fee is separately itemized in the contract.</p> <p>(b) annual permit.....\$2,000</p> <p>(c) amendments to annual permit.....\$600</p>	<p>An applicant for an asbestos project permit, or for an annual facility permit, shall submit with the application the applicable permit fee plus the applicable asbestos unit measurement fee, based on the projected amount of asbestos-containing material to be disturbed under the permit, to the department as follows: according to the schedule below:</p> <p>The project permit fees are as follows:</p> <p>(a) asbestos unit measurement \$20 per each 50 square, 50 linear, or 50 cubic feet</p> <p>(b) asbestos project permit\$100</p> <p>(c) demolition notice without project.....\$150</p> <p>(d) demolition notice as part of project permit.....\$75</p> <p>(e) emergency notifications.....\$300</p> <p>(f) demolition or project permit revision.....\$100</p> <p>(g) work practice waiver\$100</p> <p>(h) annual permit..... \$4,000</p> <p>(i) annual permit amendment.....\$700</p>
<p>"Contract volume" means, for purposes of calculating the asbestos project permit fee, the itemized contract charges directly associated with conducting the asbestos project. If there is no itemization of charges, the total of all charges associated with the contract is the contract volume. The cost of the asbestos project permit fee is not included in the determination of the contract volume if the fee is separately itemized in the contract.</p>	<p>"Asbestos unit measurement (AUM)" means, for purposes of calculating the asbestos project permit fee or the annual facility permit fee, each unit of regulated asbestos-containing material equal to 50 square, 50 linear, or 50 cubic feet rounded to the next highest 50-foot increment.</p>
<p>The asbestos project permit applicant shall submit a copy of the contract to the department to verify the contract volume specified in the permit application.</p>	<p>"Base amount" means:</p> <ul style="list-style-type: none"> • the amount of regulated asbestos-containing material that an annual facility permit holder may disturb with an annual facility permit, or an annual facility permit amendment, during the year the annual facility permit is in effect; or • the amount of regulated asbestos-containing material that a permittee may disturb with an asbestos project permit.

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Current ARM 17.74.401 PERMIT FEES	Proposed changes to ARM 17.74.401 PERMIT FEES
N/A	<p>The base amount of asbestos-containing material that may be disturbed upon payment of the following annual facility permit fee is:</p> <ul style="list-style-type: none"> • 5,000 square, 5,000 linear, or 5,000 cubic feet for an annual facility permit fee; • 1,500 square, 1,500 linear, or 1,500 cubic feet for an annual facility permit amendment fee.
N/A	<p>The base amount of asbestos-containing material that may be disturbed upon payment of an asbestos project permit fee is 100 square, 100 linear, or 100 cubic feet.</p>
N/A	<p>The total asbestos unit measurement fee may not exceed \$25,000 for asbestos project permits or annual facility permits in the year the permit is in effect.</p>
N/A	<p>A permit holder shall maintain and submit to the department, within 60 days of project completion or within 60 days of expiration of the annual asbestos project permit period, a record of the amount of asbestos-containing material disturbed during the period the permit is in effect, along with any additional asbestos project permit fee for asbestos-containing material disturbed under the permit that exceeds the amount initially permitted by more than 50 square, 50 linear, or 50 cubic feet.</p>
N/A	<p>The project permit fees are as follows:</p> <ul style="list-style-type: none"> (a) asbestos unit measurement \$20 per each 50 square, 50 linear, or 50 cubic feet (b) asbestos project permit\$100 (c) demolition notice without project.....\$150 (d) demolition notice as part of project permit\$75 (e) emergency notifications.....\$300 (f) demolition or project permit revisions\$100 (g) work practice waiver.....\$100 (h) annual permit..... \$4,000 (i) annual permit amendment.....\$700
<p>The fee for requested inspections of asbestos projects is \$500 for each inspection.</p>	<p>No requested inspection fee.</p>

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<p>Current ARM 17.74.402 ACCREDITATION AND ACCREDITATION RENEWAL FEES</p>	<p>Proposed changes to ARM 17.74.402 ACCREDITATION AND ACCREDITATION RENEWAL FEES</p>
<p>(1) A person seeking accreditation or renewal of accreditation in an asbestos-related occupation shall pay a fee to the department. The fees for accreditation or renewal of accreditation are:</p> <p>(a) asbestos project worker.....\$45</p> <p>(b) asbestos project contractor/supervisor\$170</p> <p>(c) asbestos inspector.....\$170</p> <p>(e) asbestos management planner\$170</p> <p>(e) asbestos project design.....\$170</p>	<p>Except for persons applying for accreditation based on completion of an initial training course that has been approved by another state having accreditation requirements at least as stringent as Montana's, a person shall pay a \$250 out-of-state accreditation. A person seeking accreditation or renewal of accreditation in an asbestos-related occupation shall pay a fee to the department. according to the schedule The asbestos occupation accreditation fees are as follows:</p> <p>(a) asbestos project worker.....\$200</p> <p>(b) asbestos project contractor/supervisor\$200</p> <p>(c) asbestos inspector.....\$200</p> <p>(d) asbestos management planner\$200</p> <p>(e) asbestos project designer.....\$200</p> <p>(f) out-of-state accreditation.....\$250</p>
<p>For accreditation or accreditation renewal based on completion of an initial or refresher training course that has been approved by another state having accreditation requirements at least as stringent as Montana's, a person shall pay a surcharge of \$15 plus the accreditation or accreditation renewal fee for an application as shown below or \$35 plus the accreditation or accreditation renewal fee for an application:</p> <p>(a) asbestos project worker.....\$45</p> <p>(b) asbestos project contractor/supervisor\$170</p> <p>(c) asbestos inspector.....\$170</p> <p>(d) asbestos management planner.....\$170</p> <p>(e) asbestos project designer.....\$170</p>	<p>For accreditation based on completion of an initial training course that has been approved by another state having accreditation requirements at least as stringent as Montana's, a person shall the out-of-state accreditation fee of \$250.</p>

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Current ARM 17.74.402 ACCREDITATION AND ACCREDITATION RENEWAL FEES	Proposed changes to ARM 17.74.402 ACCREDITATION AND ACCREDITATION RENEWAL FEES
<p>For simultaneous, i.e., on the same application with the same date, accreditation or accreditation renewal in more than one asbestos-related occupation, the fee is \$325 plus any applicable surcharges, or the total of the two highest fees plus any applicable surcharges for those two occupations, whichever is less.</p>	<p>The asbestos occupation accreditation fees are as follows:</p> <ul style="list-style-type: none"> (a) asbestos project worker.....\$200 (b) asbestos project contractor/supervisor\$200 (c) asbestos inspector.....\$200 (d) asbestos management planner\$200 (e) asbestos project designer.....\$200 (f) out-of-state accreditation.....\$250

Current ARM 17.74.403 COURSE APPROVAL AND RENEWAL FEES	Proposed changes to ARM 17.74.403 COURSE APPROVAL AND RENEWAL FEES
<p>A person seeking approval of a training course for accreditation in an asbestos-related occupation shall pay to the department a fee of \$1,100 per course</p>	<p>A person seeking approval or a renewal of a training course for accreditation in an asbestos-related occupation shall pay to the department the fee established below: The asbestos occupation accreditation fees are as follows:</p> <ul style="list-style-type: none"> (a) asbestos project worker.....\$200 (b) asbestos project contractor/supervisor\$200 (c) asbestos inspector.....\$200 (d) asbestos management planner\$200 (e) asbestos project designer.....\$200 (f) out-of-state accreditation.....\$250
	<p>A person who has received approval of a training course by the department on or before effective date of this rule and the person intends to continue to provide training under the approved course after the effective date of this rule shall pay the fee for approval of a training course established below. Payment of the fee allows the training provider to continue to offer courses through the 2 year course approval period. The training course fees are as follows:</p> <ul style="list-style-type: none"> • courses approved on or before [the effective date of rule] \$1,000 • courses approved after [the effective date of rule] \$2,000 • initial course renewal \$300 • refresher course renewal \$200

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Current 17.74.404 COURSE AUDIT FEES	Current 17.74.404 COURSE AUDIT FEES
<p>A person offering a training course or refresher course for accreditation in an asbestos-related occupation that is audited by the department, as required under subchapter 3, shall pay the following fees, as applicable, within 60 days after receiving a bill from the department:</p> <ul style="list-style-type: none"> (a) asbestos project worker course..... \$480 (b) asbestos project contractor/supervisor course..... \$800 (c) asbestos inspector course..... \$800 (d) asbestos management planner course..... \$480 (f) asbestos project designer course..... \$480 (g) asbestos inspector course and asbestos management planner course presented in conjunction..... \$960 (h) refresher course..... \$200 (i) two or more refresher courses presented consecutively..... \$320 <p>(2) For audits of approved training courses and refresher courses offered outside the state of Montana, in addition to the fees required in (1), the course provider shall pay actual and necessary department staff travel expenses as defined and provided in 2-18-501 through 2-18-503, MCA</p>	<p>REPEAL</p>