



ENVIRONMENTAL QUALITY COUNCIL

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December 18, 2009

TO: Environmental Quality Council (EQC) Members

FR: Todd Everts, EQC Staff Attorney

RE: Proposed CECRA Administrative Rules

At the request of the Chairman and as a part of EQC statutory agency oversight responsibilities, the Council will be receiving a presentation from the Department of Environmental Quality at the January EQC meeting on some proposed CECRA Remediation administrative rules that were generated partly in response to a June 2008 Legislative Performance Audit on State Superfund Operations. Given the public interest in these rules, the DEQ extended the comment period on the original administrative rule notice until November 20, 2009. A copy of the notice to extend the comment period is attached. In January, DEQ will explain the rationale for the rules and the EQC will also receive public comment regarding the rules.

CI2255 9349hsxg.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF EXTENSION OF
17.55.102, 17.55.108, 17.55.111, and)	COMMENT PERIOD ON
17.55.114 pertaining to definitions, facility)	PROPOSED AMENDMENT,
listing, facility ranking, and delisting a)	ADOPTION, AND REPEAL
facility on the CECRA priority list; adoption)	
of New Rules I through V pertaining to)	(CECRA REMEDIATION)
incorporation by reference, proper and)	
expeditious notice, third-party remedial)	
actions at order sites, additional remedial)	
actions not precluded, and orphan share)	
reimbursement; and repeal of ARM)	
17.55.101 pertaining to purpose)	

TO: All Concerned Persons

1. On October 15, 2009, the Department of Environmental Quality published MAR Notice No. 17-296 regarding a notice of public hearing on the proposed amendment, adoption, and repeal of the above-stated rules at page 1730, 2009 Montana Administrative Register, issue number 19. The department is publishing this amended notice to extend the public comment period as provided in the next paragraph because a representative of a non-governmental organization requested additional time to comment.

2. Written data, views, or arguments may 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 November 20, 2009. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

3. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking action 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., November 17, 2009, 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.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL QUALITY

<u>/s/ John F. North</u>	BY: <u>/s/ Richard H. Opper</u>
JOHN F. NORTH	Richard H. Opper, Director
Rule Reviewer	

Certified to the Secretary of State, November 2, 2009.