



ADMINISTRATIVE RULES OF MONTANA



17.74.353 APPLICABILITY--ASBESTOS PROJECT REQUIREMENTS

- (1) All asbestos projects must be conducted in accordance with the requirements of this subchapter and 40 CFR 61, subparts A and M, with the following exceptions:
 - (a) the minimum quantities of regulated asbestos-containing material (RACM) specified in 40 CFR 61.145(a)(1)(i) and (ii) and (4)(i) and (ii) do not apply;
 - (b) for purposes of 40 CFR 61.145(a)(1), (a)(2), and (a)(4), the minimum quantities of asbestos provided in 75-2-502(3), MCA, apply;
 - (c) in 40 CFR 61.145(b)(1), pertaining to notification requirements, "Provide the department with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, facsimile, email, the department online permitting system, or hand delivery is acceptable, and delivery of the notice is complete when the department receives the notice and the appropriate fee as specified in ARM 17.74.406" is substituted for "Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable";
 - (d) in 40 CFR 61.145(b)(3). pertaining to the written notice of intention to demolish or renovate, "Notice must be received by the department as follows:" is substituted for "Postmark or deliver the notice as follows:"; and
 - (e) alternate work practices may be used if approved in writing by the department in advance. Requests for alternate work practices must:
 - (i) be submitted by the owner or operator on a form provided by the department and include the fee specified in ARM 17.74.406;
 - (ii) explain why compliance with this subchapter and 40 CFR 61, subpart M is neither practical or feasible; and
 - (iii) demonstrate that the proposed alternate work practice provides results at least as stringent as the methods required in this subchapter.
- (2) For purposes of this subchapter, inspections required by 40 CFR 61.145(a) must be conducted by a Montana-accredited asbestos inspector.

Implementing statute(s): 75-2-503, MCA

History: NEW, 2006 MAR p. 1574, Eff. 6/23/06; AMD, 2011 MAR p. 2264, Eff. 10/28/11; AMD, 2024 MAR p. 723, Eff. 4/13/24.