



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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June 25, 2020

Ref: 8SEM-RB

Jenny Chambers, Division Administrator
Montana Department of Environmental Quality
Waste Management & Remediation Division
P.O Box 200901
Helena, Montana 59620-0901

Re: Libby Asbestos Superfund Site, Operable Units 4 & 7
Operational and Functional Determination

Dear Ms. Chambers:

This letter is in regard to the operational and functional determination for Operable Units 4 and 7 (OUs 4 & 7) of the Libby Asbestos Superfund Site. The National Oil and Hazardous Substances Pollution Contingency Plan provides that:

A remedy becomes “operational and functional” either one year after construction is complete, or when the remedy is determined concurrently by EPA and the State to be functioning properly and is performing as designed, whichever is earlier. (40 C.F.R. § 300.435(f)(2))

As documented in the June 2020 OUs 4 & 7 Remedial Action Report, remedial action has been completed. Additionally, the operational and functional (O&F) period will conclude on June 30, 2020 and the Libby OUs 4 & 7 O&M Plan has been finalized. Therefore, the EPA has determined that the remedies at both operable units, OU4 and OU7, are operational and functional. EPA plans to transition into the operation and maintenance (O&M) period for OUs 4 and 7 beginning on July 1, 2020.

Requirements for O&M include conducting an annual inspection, preparing an annual report, educating the public to maintain the protective remedy in place, managing past and future information regarding property investigations, response actions, and presence of known remaining LA and LA source materials in surface soil and subsurface soil, and within currently inaccessible areas of buildings, and evaluating/updating institutional controls. Anticipated level of effort and cost for these activities are detailed in the recent Final O&M Plan for OUs 4 and 7 and the Final Institutional Control Implementation and Assurance Plan (ICIAP) for OUs 4 and 7. Both documents have gone through a public comment period and responsiveness summaries for these public comment periods have been included as appendices to each of the respective documents. As part of future five-year reviews, the EPA will reevaluate the protectiveness of the remedy at OUs 4 and 7 using current data.

Please feel free to contact me at (303) 312-6844 or by email at Urdiales.Aaron@epa.gov, if you have any questions or comments regarding this letter.

Sincerely,

Aaron Urdiales
Branch Chief
Superfund Remedial Branch

cc: Dania Zinner, EPA
Mike Cirian, EPA
Stan Christensen, EPA
Max Greenblum, EPA
Jason Rappe, Montana DEQ
Carolina Balliew, Montana DEQ
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