



Janet L. Ivers, Chair
George Jamison, Vice Chair
City-County Board of Health for Lincoln County
418 Mineral Ave
Libby, Montana 59923

June 22, 2018

Dear Ms. Ivers and Mr. Jamison,

The Montana Department of Environmental Quality (DEQ) is in receipt of your letter dated June 14, 2018. The letter states the City-County Board of Health (BOH) for Lincoln County will withdraw as Petitioner for the proposed Controlled Groundwater Area (CGWA) unless DEQ agrees to remove the groundwater well restriction from the institutional controls (IC) for the Lincoln County Port Authority (LCPA) Property. While DEQ understands the frustration regarding the lengthy nature of negotiations, it appears there may be some misunderstandings, since the groundwater well restriction was removed from the most recent DEQ-proposed IC.

As you know, restricting the development of groundwater wells into the contamination plume within the Libby Groundwater Contamination site is necessary to prevent human exposure to the impacted groundwater and to avoid destabilizing the plume. During the development of the IC for Operable Unit 5 of the Libby Asbestos site, which overlies the groundwater plume, DEQ sought to create a protective multi-layered redundant approach to ensure that landowners in the vicinity avoid exposure to contaminated groundwater and avoid becoming a potentially liable party for the groundwater site. Hence, both deed restrictions and the CGWA were proposed.

DEQ sought to include restrictions associated with both asbestos and groundwater in the IC to maximize protectiveness, potentially minimize the number of recorded ICs for the LCPA properties, and ensure that prospective buyers do not mistakenly confuse the asbestos site delisting with the groundwater site.

After negotiations with the LCPA, DEQ agreed during a phone conference in October 2017 to remove the groundwater well restriction in exchange for a letter of support from LCPA to the BOH for the CGWA. DEQ provided a marked-up draft IC to LCPA in February 2018 that removed the well prohibition and the reference of the well restriction in the deed notice.

The February draft provided by DEQ includes two mentions of the Libby Groundwater Contamination site in the recitals. The language does not include any restriction of groundwater well installation or groundwater use, but merely acknowledges that the property is within the borders of the groundwater area. The restrictions that were included in previous versions were marked "deleted" in redline-strikeout. Additionally, in the June 7, 2018 meeting with the LCPA, Lisa DeWitt of DEQ affirmed that the

restriction for installation of groundwater wells could be removed from the environmental covenant, and also agreed that the previously agreed to letter of support for the CGWA would not be a requirement.

In July, EPA will present the BOH the information necessary to support the CGWA application. We appreciate your patience during these discussions and hope the BOH will continue to support this important step in protecting the public.

Respectfully,

A handwritten signature in blue ink that reads "Tom Livers". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Tom Livers
Director