

# City-County Board of Health for Lincoln County

418 Mineral Ave  
Libby, MT 59923



August 15, 2019

US Environmental Protection Agency- Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Attention: Andrew Schmidt, P.G.  
Remedial Project Manager  
Superfund Remediation Program

Re: Update on Petitioner Role

Dear Mr. Schmidt:

This letter is an update on the proposed role for the City-County Board of Health for Lincoln County (BOH) to be the petitioner for the proposed Controlled Groundwater Area (CGA).

As you are aware, there have been prior concerns voiced by the Port Authority and City of Libby related to the groundwater resource. In November of last year, we deferred action based on Port Authority concerns. Subsequently we have been advised by them that their request for us to defer action is withdrawn, but have also received a request from the City of Libby to defer action pending their negotiations with International Paper. Copies of both letters are attached, as well as posted on our website.

The BOH, consistent with our prior precedent with the Port Authority request, agreed in our meeting on August 14, 2019 to also honor the City's request to defer action as the Petitioner.

We are all hopeful that these issues, as well as changes to the Petition support materials, can be resolved soon. We are mindful of the need to address the purpose of the CGA

Sincerely,

A handwritten signature in black ink that reads "George F. Jamison".

George F. Jamison  
Vice Chair

Encls.

cc via email: BOH, Lincoln County Commissioners, Port Authority Board, City of Libby



*Economic Development - Libby, MT*

Lincoln County Port Authority

P. O. Box 1071, Libby, MT 59923

Voice (406) 293-8406 Fax (406) 293-5387

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June 20, 2019

Jan Ivers, Chair  
George Jamison, Vice-Chair  
Lincoln County City-County Board of Health  
418 Mineral Ave.  
Libby, MT 59923

Re: Resolution of Concerns: Controlled Groundwater Area

Dear Jan and George,

This letter is to inform you that the Lincoln County Port Authority has resolved their concerns related to the Board of Health serving as a petitioner for the Controlled Groundwater Area, therefore the Port Authority's earlier request for the Board of Health to defer a decision based on Port Authority considerations is now withdrawn.

Sincerely,

Jerry Bennett  
Board Chairman



## *City of Libby*

952 E. SPRUCE | POST OFFICE BOX 1428

LIBBY, MT. 59923 | Phone 406-293-2731 | Fax 406-293-4090 | Website: [www.cityoflibby.org](http://www.cityoflibby.org)

24 July 2019

City-County Board of Health Chair Person Ms. Ivers,

I respectfully request the Board of Health pause its sponsorship of the proposed Control Groundwater Area (CGA). International Paper (IP) has exercised its option to cancel the water payment agreement it has had with the City of Libby since 2009. IP has indicated it wishes to negotiate a new agreement with the City and the City is preparing to enter those negotiations.

The City's current well ban IP will seek to keep in place as a part of any new water payment agreement is a form of institutional control the EPA requires be kept in place to prevent use and exposure of the contaminated groundwater in the Libby area. Likewise, the Controlled Groundwater Area the Board of Health is sponsoring would be another form of institutional control to serve that same purpose.

In the past IP and the EPA have assured the City that the existence of a Controlled Groundwater Area would not lessen the need for the City's well ban. However, our legal counsel has advised me that if the development of the Controlled Groundwater Area were paused until the City had a new water payment agreement with IP the City would be in a better position to negotiate with IP which will result in a better agreement for the City.

There-for I request that the Board of Health pause its efforts to create a Controlled Groundwater Area until the City has a new water payment agreement with International Paper.

Brent Teske

City of Libby Mayor