

# City-County Board of Health for Lincoln County

418 Mineral Ave  
Libby, MT 59923



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June 14, 2018

Andrew Schmidt  
EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Tom Livers, Director  
Montana, DEQ  
P.O. Box 200901  
Helena, MT 59620-0901

Re: Separability of Ground Water and Asbestos Superfund Sites

Gentlemen:

About a year ago we were asked if the Board of Health (BOH) would consider serving as the Petitioner for a Controlled Ground Water Area related to the Ground Water Superfund Site. We expressed willingness then to consider it, and since have continued to actively participate. In November 2017 we identified four areas of concern, one being the concern that the two Sites (Libby Ground Water and Asbestos Superfund Sites) were linked by contingency language whereby the Port Authority's support and commitment to the CGA was required before the EPA and DEQ would move forward with an asbestos-only Environmental Covenant for OU5. Despite the O&M Plan for OU5 (Asbestos Site) being finalized by EPA and DEQ, the language in the Environmental Covenant persists.

On May 17, 2018, the Port Authority Board repeated this concern and informed DEQ that if the Ground Water elements were not removed from the proposed Environmental Covenants for the Port property that the County BOH would no longer participate in moving forward as the Petitioner for the CGA. The Port Authority Board includes all three of the County Commissioners, and thus represents a definitive position of the County. As an informational topic, this position was also described directly to the EPA Region 8 Administrator, Mr. Benevento, in his meeting with County officials here in Libby on June 4. All indications are that this is a DEQ issue.

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Given the other demands on our scant time and resources, this topic needs closure. This letter is to formally advise you that unless we have written confirmation from DEQ prior to June 25, 2018 that the Superfund Sites will be treated separately (specifically including removal of the Ground Water provisions from Asbestos Site covenants) then the BOH will discontinue efforts related to the CGA. The deadline is 7 months from our first raising the concern, and will be over a month since the Port Authority meeting in May.

Respectfully,

City-County Board of Health for Lincoln County

A handwritten signature in blue ink, appearing to read 'Janet L. Ivers', with a long, sweeping flourish at the end.

Janet L. Ivers  
Chair

A handwritten signature in blue ink, appearing to read 'George Jamison', with a large, stylized 'G' and 'J'.

George Jamison  
Vice Chair

cc: Port Authority Board, Lincoln County Commissioners, Mayor Teske (City of Libby), Lisa DeWitt (DEQ), Mike Cirian (EPA), Tina Oliphant (Port Authority)