

**Lincoln County**  
**City-County Board of Health Agenda**  
**6:00 PM, March 11, 2020**  
**Lincoln County Courthouse**

- 1. Call to Order**
- 2. Approval of Minutes**
  - 1/8/2020 (amended)
  - 2/12/2020
- 3. New Business**
- 4. Program Reports:**
  - **Public Health**
    - COVID-19 (2019 Novel Coronavirus)
    - Communicable Disease Plan Checklist
  - **Environmental Health**
    - PM 2.5 Redesignation Update
    - Outdoor Burning Schedule
    - Vacation Rentals
  - **Solid Waste and Recycling**
    - Timber Management
  - **ARP**
    - O&M Update
    - OU1 Delisting
- 5. Focus Area Liaisons:**
  - **Superfund Sites**
    - Asbestos Site:
      - Hosting EPA/DEQ Informational Meeting
      - LASOC meeting – March 18, 6:00PM
- 6. City Representative Reports**
- 7. Health Officer Report**
- 8. Old Business**
  - Approval of Property Evaluation Notification (PEN) Regulation
- 9. Public comment**
- 10. Adjourn**

02.12.2020 BOH meeting minutes  
6:00 PM Courthouse

**Board Members Present:** George Jamison, Maggie Anderson, Laura Crismore, Sara Mertes, Jan Ivers, Deb Anderson (by phone), Mark Peck  
**LCHD Staff:** Kathi Hooper, Jennifer McCully, Amy Fantozzi, Bryan Alkire, Jake Mertes, Dr. Black, Jinnifer Mariman (by phone)  
**ARP Staff:** Virginia Kocieda, Elzhon Anderson  
**Public:** Cora Gilmore, Ray Stout (Kootenai Valley Record), Derrick Perkins (The Western News), Ron Mahoney, Chris Sommer, DC Orr

Agenda:	Discussion:	Action Item:
1. Call to order	Called to order at 6:00 PM by Jan Ivers.	
2. Approval of Minutes	<b>January minutes approval:</b> Laura made a request to revise the January minutes to reflect the City Council update.	
3. New Business	<p><b>Variance Request (The Shed):</b> Kathi Hooper updated the Board on the variance requested by Cora Gilmore, The Shed. The violation is of the Air Pollution Control ordinance which states that a solid fuel burning device cannot be operated without an operating permit and the department can only issue permits for EPA certified stoves.</p> <p>George Jamison made a motion to issue a temporary variance through April 15 for the wood stove and extend the temporary variance for the pizza oven through April 15, Deb Anderson seconded. Motion passed unanimously.</p> <p><b>2019 Annual Report:</b> Kathi Hooper presented the 2019 Annual Report to the Board.</p>	
4. Program Reports: Public Health	<p><b>2019-nCoV (2019 Novel Coronavirus):</b> Jennifer McCully updated the Board on the 2019-nCoV or 2019 Novel Coronavirus. There are currently no cases in Montana and no persons under investigation in Lincoln County.</p> <p><b>Free Testing Day:</b> Jennifer updated the Board on the Free Testing Day that Trista Gilmore offered. Rapid tests are available for HIV and Hepatitis C.</p>	
Environmental health	<b>April burn permits:</b> Kathi discussed April open burning permits. They are free permits and will be offered starting March 1 <sup>st</sup> .	
Solid Waste and Recycling	<b>Recycling update:</b> The brochure, Lincoln County Guide to Recycling, has been updated to reflect new totals and recycling requirements.	

<p>ARP</p>	<p><b>O&amp;M Update:</b> The draft DEQ Operations and Maintenance Manual document was reviewed by the workgroup. Comments were sent to DEQ to help edit the document. The Sampling Guidance document was released for review to the workgroup. This document contains the sampling protocols and requirements needed for future sampling activities.</p> <p><b>Comments for Draft Final O&amp;M Plan Document:</b> The EPA public comment period for the Operations &amp; Maintenance Plan document closed on Thursday, February 6<sup>th</sup>. Comments from members of the City-County Board of Health of Lincoln County, the Institutional Control Steering Committee, and Lincoln County Asbestos Resource Program were submitted collectively. To see a copy of the comments, please go to the Board of Health website.</p> <p><b>Libby Asbestos Superfund Site Lecture – University of Montana:</b> Dr. Tony Ward from the School of Public and Community Health Sciences at the University of Montana teaches an online environmental health class in the Master of Public Health program. Included in the curriculum is a lecture about the Libby Asbestos Superfund Site. Virginia will be giving the seminar Thursday, February 13<sup>th</sup>.</p>	
<p>5. Focus Area Liaisons</p>	<p><b>Asbestos Site</b></p> <ul style="list-style-type: none"> <li>▪ <b>Libby Asbestos Superfund Oversight Committee (LASOC) Meeting (Feb 10<sup>th</sup>):</b> Mark Peck updated the Board on the February 10<sup>th</sup> LASOC meeting. Liability and responsibility concerns and barriers to O&amp;M participation were discussed. The meeting log in, minutes and agendas can be found at <a href="https://deq.mt.gov/DEQAdmin/dir/libby/SATeam">https://deq.mt.gov/DEQAdmin/dir/libby/SATeam</a>.</li> <li>▪ <b>TriHydro Contract:</b> The contract has expired. Virginia and George feel like the agreement could be terminated.</li> <li>▪ <b>Liability and responsibility concerns:</b> Discussed under LASOC agenda item.</li> <li>▪ <b>Barriers to O&amp;M participation:</b> Discussed under LASOC agenda item.</li> <li>▪ <b>Institutional Control Steering Committee:</b> George presented a letter of thanks for Tom O’Bleness’s time on the IC Steering Committee.</li> </ul> <p>Mark made a motion approving the letter for Tom O’Bleness, Sara seconded. Motion passed unanimously.</p>	

02.12.2020 BOH meeting minutes  
6:00 PM Courthouse

	George asked the Board if they would be open to hosting a public meeting about the DEQ document. The Board agreed that they would be open to the idea.	
6. City Representative Reports	Laura stated to the Board that there is still no update from International Paper.	
7. Health Officer Report	No report	
8. Old Business	<b>Draft Final Property Evaluation Notification (PEN) Regulation:</b> George reviewed the Property Evaluation Notification Regulation with the Board and asked for Board comments.	
9. Public Comment	DC Orr commented about the history of the site from 2008 through 2016 and the reorganization of the Board of Health. He stressed that the Board has not restored trust from the community and questioned the validity of the ARP. He requested that the language about institutional controls be removed from the Record of Decision.	
10. Adjournment	Next meeting March 11 at 6:00 PM Meeting adjourned at 7:33 PM	

Chair, Board of Health

Date

Secretary, Board of Health

Date

01.08.2020 BOH meeting minutes  
6:00 PM Courthouse

**Board Members Present:** Mark Peck, Sarah Mertes, Laura Crismore, Jan Ivers, George Jamison, Maggie Anderson, Jinnifer Merriman, Deb Anderson via phone  
**Absent:**  
**LCHD Staff:** Kathi Hooper, Toya Laveway, Jake Mertes, Trista Gilmore, Virginia Kocieda, Dustin Webb, Dr. Black  
**Public:** D.C. Orr, Kathleen Sheffield

Agenda:	Discussion:	Action Item:
1. Call to order	Called to order at 6:00 PM by Jan Ivers	
2. Approval of Minutes	Minutes approved. Motion made by Laura and seconded. All approved.	
3. New Business	Board appointments: Mark and George were reappointed to BOH by commissioners. Election of officers: Chairperson, Vice Chairperson and Secretary were up for election. Maggie made motion to keep the board as is for another term and Laura seconded. All approved. Jan will continue as Chairperson, George as Vice Chairperson, Sara as Secretary.	
4. Program Reports:	Libby City Council Update: Approved request by Libby Outdoor Recreation Association to construct a parking area adjacent to FS128 on City property. Approved Kootenai Cross Country Ski Club to pave approximately a half-mile of existing course trail contingent upon the Delineation Assessment Report.	
Public Health	Trista gave influenza report, total cases in the Lincoln County are at about 80-100 all have been the strain of influenza B that is in the quadrivalent shot that most providers were giving this year. We have had 2 hospitalizations and no deaths at this time. There have been 498 influenza vaccines given this year and 53 mobile clinics have been reached including; Yaak, Fisher River, Halfway House, Trego, Fortine and the 3 main cities.  Toya gave highlights of the new tobacco 21 law of the 21 law and emergency ruling of e-cig flavors. 40 establishments in our county are licensed to sell tobacco or vaping products. Dustin and Toya have been doing establishment checks and most have complied by not having flavors available for purchase. Most of the questions were about the Tobacco 21 law vs the flavor ban. Maggie asked about if they needed training for checking ID's and Toya stated that the establishments visited seemed to be knowledgeable in ID checks but want the updated signage and calendars that show 21 instead of 18. For the adults over the 18 age that have been buying tobacco already, there is no grandfathering in for them.	

<p>Environmental Health</p>	<p>Dustin gave a report of the inspections that have been completed in 2019, 97% Completion of the establishments inspected, 81% of the restaurants were in the A range. This leads to 100% of State payout. The grades are updated by establishment on the County website for the years of 16,17,18,19. Dustin will have the food safety manager classes available to be given after finishing certification. He can proctor the tests of recertifying people at this time.</p>
<p>Air Quality</p>	<p>Kathi summarized DEQ's proposal for the EPA to re-designate Libby's PM 2.5 nonattainment area. Public comment is due on 2.3.20. There was a draft letter to have the board look over and approve and/or change. Sara asked if there is a continuance of all the preexisting regulations. The regs would stay the same and a graph was shown to the board to show the current vs past air quality numbers. Jake added that the American Lung Association does still count wildfire events but DEQ does not. Laura made motion to approve the drafted letter and Laura seconded and signed the letter.</p>
<p>Solid Waste and Disposal</p>	<p>The expansion application to DEQ was approved and the 10.5 acre asbestos cell is now part of the Libby Landfill license.</p>
<p>ARP</p>	<p>Virginia discussed extending the BOH/TriHydro contract beyond the December 31<sup>st</sup>, 2019 expiration date. We are waiting for EPA to approve spending the remaining budget from the original funds from the contract in 2020 and to spend additional funds from the standing cooperative agreement that funds ARP. This will cover work needed from the consultants at TriHydro to assist ARP in developing documents for Operations &amp; Maintenance (O&amp;M).</p> <p>Virginia is editing a scope of work for the new DEQ/BOH/County cooperative agreement to fund ARP in O&amp;M. A budget is being developed to fund activities detailed in the scope of work and office supplies/equipment for ARP's move happening this year.</p> <p>Comments from the BOH, IC Steering Committee, and ARP were collected and submitted to EPA during the public comment period for the draft final Institutional Control Implementation and Assurance Plan (ICIAP). Copies are available of the comments and they are posted on the BOH website. Comments from Senator Cuffe and Representative Gunderson were also submitted for the ICIAP.</p> <p>Public comment period for the draft final O&amp;M Plan document is now open. The document was released yesterday by the EPA. Print copies were distributed to BOH members. Two documents are available for review: a brochure/fact sheet (4-page documents) summarizing the O&amp;M Plan and the draft final O&amp;M Plan document itself. Virginia is requesting comments</p>

	<p>from the BOH by January 24<sup>th</sup>. Public notice was posted in the Western News. A link to the document is posted on the ARP Facebook page and printed copies of both documents are available at the Lincoln County Libraries in Libby and Troy.</p>	
5. Focus Area Liaisons	<p>Libby Asbestos Superfund Oversight Committee (LASOC) Meeting - There was a LASOC meeting in Helena in December 2019. Progress was made in terms of understanding the role of the committee and setting up the framework on how to spend funds established from HB 30. Mark said that the battle at this point is funding sampling and necessary cleanup on refusal properties. There is potential to use the money from what's left over from WR Grace, DEQ funding and HB 30. Traditionally of the tested places 7% have required a removal.</p> <p>No update on the groundwater site at this time.</p>	
6. Health Officer Report	<p>Dr. Black stated that the levels of influenza have not been as high in the county as in the state.</p>	
7. Old Business	<p>Panoramic View update is that the Spencer's have appealed to amend their complaint. MACO is representing the county in this appeal. On the advice of MACO and the County Attorney, the abatement order is on hold until the appeal is resolved.</p>	
8. Public Comment	<p>DC Orr: Stated that he spoke at BOH meeting on 12/11/19 and the minutes do not accurately reflect his comments. He stated that he would like to make comments on the O&amp;M measures but had not received answers to his questions. He stated community has been left uneducated and there is not community involvement. He asked where the public can get answers.</p> <p>Kathleen Sheffield: Invited everybody to the connect communities' program on referral process on 2/28/20, venue TBD. She also invited everybody to the Tall Cop presentation on 1/28/20 @ 6pm at the Maki center. Tall Cop will also present to the school district and law enforcement. Maggie added that local law enforcement representatives will attend the community Tall Cop presentation to answer resident's questions and introduce drug dogs.</p>	
9. Closed Session	<p>Civil Options in Light of EPA Final Determination (Closed- attorney-client privileged)</p> <p>Meeting is closed subject to MCA 2-3-203 subsection 4.</p>	

01.08.2020 BOH meeting minutes  
6:00 PM Courthouse

	<p>(4)(a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.</p>	
<p>10. Adjournment</p>	<p>Next meeting February 12 at 6:00 PM</p>	
	<p>Meeting adjourned</p>	

Chair, Board of Health \_\_\_\_\_ Secretary, Board of Health \_\_\_\_\_ Date \_\_\_\_\_ Date \_\_\_\_\_



# **Lincoln County Communicable Disease Response Plan**

**May 2017**

This document contains the plans and protocols regarding the investigation, identification, and containment of illnesses caused by pathogens, radiological hazards, and toxins. This is a hazard-specific annex to the Lincoln County All-Hazards Emergency Operations Plan. Should an actual event occur, the response may vary depending on the type of emergency situation. This plan will be reviewed and updated annually or as necessary by the Health Director, Public Health Emergency Preparedness Coordinator, or designee. This version supersedes all previous versions of this document.

**APPROVAL AND IMPLEMENTATION**  
**LCHD Communicable Disease Response Plan**

This document is hereby approved for implementation and supersedes all previous editions.

\_\_\_\_\_  
Signature  
Dr. Brad Black, MD  
Health Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Janet Ivers, Chair  
Board of Health

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Kathi Hooper, Director  
Health Department

\_\_\_\_\_  
Date

## Record of Distribution for 2017

Plan Holder Name	Agency/Department	Form of EOP Copy	Date of Distribution

## Record of Changes

Date	Revisions Made	Approved by:	Distribution Date
1/2016	Total re-write		
3/2020	Updated active surveillance contact list and expanded active surveillance list.		

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## **Introduction**

Communicable disease outbreaks, epidemic or pandemics are a threat to the public health and well-being. This plan was developed to be specific for guidelines for the prevention, mitigation and response to communicable diseases.

## **Purpose**

This plan was developed to ensure communicable disease monitoring and containment in an effort to save lives, mitigate loss and assist in preventing further catastrophe. The role of the LCHD is to:

- Gather and report communicable disease data: As directed by Montana ARM Chapter 114, data regarding reportable illnesses in the jurisdiction to Montana Department of Health and Human Services will be gathered and sent in a confidential manner
- Education: Provide accurate and comprehensive information about communicable diseases to the affected individual and provide guidance to health professionals as needed
- Delineate responsibilities to LCHD staff members: A team approach is considered the most successful manner to monitor and respond to emergency events
- Create a partnership with key surveillance partners and stakeholders: Communicate with designated key surveillance partners regarding the most effective methods of reporting and response during planning

Plans for communicable disease response, pandemic influenza and isolation and quarantine for the identification of pathogens or toxins of unknown origin are included in the document.

## **Scope & Authority**

This communicable disease response plan is limited in scope to events that affect or potentially affect public health. This plan also contains activities that will be conducted during non-emergency phases. The implementation and responsibility of activation of the response portion of this plan is the Health Department Director, Health Officer, Board of Health or appointed designee(s) of these listed individuals and entities.

# Communicable Disease Response Plan

## Purpose

Montana law requires the reporting of suspected communicable diseases to the local Health Department. Timely reporting of suspected disease helps public health officials to conduct follow-up on cases of significance to protect the public's health, limit further spread of disease and assure that those affected are screened and treated appropriately. This will also help identify outbreaks or emerging health concerns.

## Protocol

Reportable diseases and suspicious trends should be reported to the Health Department as soon as possible for investigation. Those requiring immediate reporting include: Anthrax, Botulism, Plague, Poliomyelitis, SARS-CoV disease, Smallpox, Tularemia, Viral Hemorrhagic Fevers or any unusual illness or cluster of illnesses. A list of these reportable diseases and conditions and the timelines within which they must be reported are found on Appendix A. Reportable diseases fall within HIPAA medical privacy exceptions for release of information; therefore patient consent is not required

## Reporting Contacts

For reporting during regular hours: Monday–Friday 8:00–5:00 phone the Communicable Disease Coordinator at 406-283-2447 or fax reports to 406-283-2466.

For reporting after hours, holidays and weekends please call the Lincoln County Sheriff's Office Dispatch. Dispatch will call the public health call down list until someone is available to take the report:

- **Health Department 24/7: Lincoln County Sheriff's Department Dispatch at 406-293-4112.**

If you are unable to locate anyone locally and the report requires immediate response please phone the Department of Public Health and Human Services (DPHHS) Communicable Disease 24/7 reporting number at 406-444-0273 and they will put you in contact with someone from Helena.

## **Routine Disease Surveillance Protocol**

The following protocol has been developed to assure consistency in reporting and investigation of reportable communicable diseases. This protocol is applicable to all communicable diseases that may be reported in Lincoln County.

Disease reports may be received from hospitals, labs, physicians, the State Health Department or other health jurisdictions.

All reports will be reviewed by the Communicable Disease Coordinator within 24 hours of receipt. The coordinator will be responsible for investigation, completion and submission of reporting forms.

In the event of a report of communicable disease the following steps should be taken:

1. Confirm the report of communicable disease. This may be done by contacting the lab or health-care provider.
2. If the report comes as a result of testing by a physician.
  - a. Contact the physician to coordinate notification of the patient, assure that the physician knows the diagnosis and has communicated that to the patient before the Health Department makes contact with the patient.
  - b. Physicians should also be encouraged to inform the patient that the Health Department may be calling to investigate communicable diseases.
3. Notify other professionals as necessary. This may include:
  - a. The Sanitarian in cases of food borne illness, rabies or when exposure is not limited to humans.
  - b. The Health Officer and/or other medical providers in cases requiring mass prophylaxis, unusual events or when large numbers of people are involved.
  - c. Veterinarians would be notified in the case of animal illness or when increased surveillance of the animal population is required.
4. If the reported illness involves a case or case contact outside of Lincoln County, fax the information to MT DPHHS at 1-800-616-7460 for referral to the appropriate jurisdiction.
5. Locate the appropriate disease specific form and interviewing tool available in the DPHHS CD/Epi section of Sharepoint or a paper form is available in the communicable disease binder.

6. Review recommendations for treatment, isolation and communicability. The standard resource is the current American Public Health Association Control of Communicable Diseases Manual – current edition is 20<sup>th</sup> dated 2015.
7. Initiate contact with the person named in the report maintaining confidentiality in all contacts.
8. Conduct investigation of case using the appropriate guidelines. Solicit information about source, other contacts and treatment.
9. Educate the client about the disease and appropriate precautions including treatment, work restrictions, follow-up testing and prevention of spread of the disease.
10. Follow-up with any contacts assuring compliance with screening and treatment as appropriate.
11. Assure that necessary steps are taken to eliminate exposure of others to disease. This may include closure of food establishments, quarantine of animals or isolation of people. Increased surveillance may be implemented to identify additional cases. In taking these steps the Board of Health may be required to take action.
12. In the event that a communicable disease is of interest to the general public and the media assure that accurate information is given to the media and that client confidentiality is protected. Press releases and media contact are the responsibility of the Public Information Officer in consultation with the Lead Local Public Health Official, Health Officer or Board of Health.
13. Cases will be reported to MT DPHHS within 7 days or within the time guidelines for that specific disease.
14. For most reportable communicable diseases, data entry is required through Montana Infections Disease Information System (MIDIS) to complete case reports. Those diseases requiring paper forms may be faxed via the MT DPHHS confidential fax line 1-800-616-7460. *Email is not an acceptable method of disease reporting.*
15. File paper report in Communicable Disease file cabinet which is located in a locked file cabinet accessible only to communicable disease staff.
16. Conduct ongoing surveillance and case investigation until all cases have resolved and potential incubation periods have expired.
17. Highly active surveillance will be utilized to solicit case reports throughout an outbreak or as long as the potential remains utilizing the active surveillance contact list.



## Active Surveillance Protocol

The following active surveillance contact list is utilized by the Communicable Disease Coordinator to conduct ongoing surveillance on a weekly basis.

In the event of an outbreak or public health emergency the following expanded contact list would be contacted on a daily or more frequent basis to elicit case reports and assure ongoing reporting. Providers would be contacted by phone and/or fax as appropriate.

In the event of a mass outbreak or public health emergency all providers in Lincoln County would be notified of events however the following people have been designated as key contacts and are responsible for dissemination of information within their facilities.

### Active surveillance contact list:

Name	Title	Phone	Email	Cell Phone
Roger Riddle	CPMC Lab	406-283-7090	rridd@cabinetpeaks.org	
Stacey Wood	CPMC Infection Control	406-283-7059	swoo4@cabinetpeaks.org	
Emily Gary	Libby Clinic Nurse	406-293-8711	emilygary25@yahoo.com	
Allison Mischenko	CHC Nurse	406-283-6912	allison.mischenko@northwestchc.org	
Krystal Fleenor	Eureka Health Nurse	406-297-3145	kfleenor@nvhosp.org	
Kim Lane	Eureka Health Nurse	406-297-3145	klane@nvhosp.org	
Brad Black, MD	LC Health Officer	406-293-9274	brad@libbyasbestos.org	

**Expanded active surveillance contacts:**

Name	Title	Phone	Email	Cell Phone
Sarah Soete	Libby Care Center Nurse	406-293-6285	ssoete@cascadiahc.com	
Kimberly Gordon	Mountain View Manor Administrator	406-297-2541	kgordon1@good-sam.com	
Jim Mephram	Superintendent, Eureka School District	406-297-5650	jmephram@teameureka.net	
Craig Barringer	Superintendent, Libby School District	406-293-8811	barringerc@libbyschools.org	
Jacob Francom	Superintendent, Troy School District	406-295-4606	jfrancom@troyk12.org	



## Appendix A: List of Reportable Diseases in Montana

**LINCOLN COUNTY PUBLIC HEALTH**  
 418 Mineral Ave | Libby, MT 59923  
 Tel: (406) 283-2447 | Confidential Fax: (406) 283-2466  
 www.lincolnmthealth.com

### COMMUNICABLE DISEASE REPORTING

The following diseases must be reported IMMEDIATELY, whether suspected or confirmed, to Lincoln County Public Health (LCPH) in compliance with ARM 37.114.203. **Please fax the appropriate form to (406) 283-2466**

For questions, call *Riley Black, RN* at (406) 283-2447

- |  |   |
|--|---|
| Acquired Immune Deficiency Syndrome (AIDS)               | Legionellosis   |
| Anaplasmosis   | Leptospirosis   |
| Anthrax φ  | Listeriosis φ   |
| Arboviral diseases:                                      | Lyme Disease  |
| - California serogroup                                   | Lymphogranuloma venereum                                  |
| - Eastern equine encephalitis                            | Malaria   |
| - Powassan   | Measles (rubeola) φ                                       |
| - St. Louis Encephalitis                                 | Meningococcal disease ( <i>Neisseria meningitides</i> ) φ |
| - West Nile Virus  | Mumps   |
| - Western Equine Encephalitis                            | Pertussis φ   |
| Babesiosis   | Plague ( <i>Yersinia pestis</i> ) φ                       |
| Botulism φ   | Poliomyelitis φ   |
| Brucellosis φ  | Psittacosis   |
| <i>Campylobacter</i> φ                                   | Q fever ( <i>Coxiella burnetii</i> )                      |
| Chancroid  | Rabies (human and animal) φ                               |
| <i>Chlamydia trachomatis</i> infection                   | Rubella φ   |
| Colorado tick fever                                      | Salmonellosis φ   |
| Cryptosporidiosis  | Severe Acute Respiratory Syndrome (SARS) φ                |
| Coccidioidomycosis                                       | Shigellosis φ   |
| Cyclosporiasis   | Smallpox φ  |
| Dengue Virus   | <i>Streptococcus pneumoniae</i>                           |
| Diphtheria φ   | Syphilis φ  |
| Ehrlichiosis   | Tetanus   |
| <i>Escherichia coli</i> , Shiga-toxin producing (STEC) φ | Tickborne relapsing fever                                 |
| Gastroenteritis Outbreak (Noro Virus) φ                  | Toxic Shock Syndrome                                      |
| Giardiasis   | Transmissible spongiform encephalopathies                 |
| Gonorrheal infection φ                                   | Trichinellosis (Trichinosis) φ                            |
| Granuloma inguinale                                      | Tuberculosis φ  |
| <i>Haemophilus influenzae</i> φ                          | Tularemia   |
| Hansen's Disease (Leprosy)                               | Typhoid Fever φ   |
| Hantavirus Pulmonary Syndrome/Infection φ                | Varicella   |
| Hemolytic uremic syndrome, Post-diarrheal                | <i>Vibrio cholera</i> (Cholera)                           |
| Hepatitis A  | Vibriosis φ   |
| Hepatitis B  | Viral hemorrhagic fevers                                  |
| Hepatitis C  | Yellow fever  |
| Human Immunodeficiency Virus (HIV) φ                     | Outbreak in an institutional or congregate setting        |
| Influenza φ  |   |
| Lead Poisoning   |   |

DPHHS March 2017

φ- Indicates specimen/isolate that must be sent to the Montana Public Health Laboratory for confirmation  
 All diseases in black text must use COMMUNICABLE DISEASE CASE REPORT FORM only to report to LCPH  
 Any diseases in Green text must use CONFIDENTIAL SEXUALLY TRANSMITTED DISEASE CASE RECORD form only to report to LCPH  
 Any diseases in Red text must use SEVERE INFLUENZA CASE REPORT HOSPITALIZATIONS/DEATH form only to report to LCPH

# Checklist for Review & Approval of Communicable Disease Reporting Protocol(s)

**The following checklist will assist with review and documentation of routine and 24/7 communicable disease reporting and response processes. The checklist includes elements that are suggested for inclusion in your local protocol. The checklist should be submitted in your 3<sup>rd</sup> quarter progress report by no later than April 15th, 2020.**

*Protocols detailing how your agency conducts communicable disease surveillance and processes reports of interest.*  
**Included in protocol?**

Required Basic Elements:	Yes	No	Comments
a. Does your protocol describe the manner in which disease reports are received by your agency (e.g. confidential fax, phone reports, or mail)?	X		
b. Does your protocol describe how reports are reviewed? (e.g. reports reviewed centrally or by different units of your agency such as communicable disease, environmental health, family planning, etc.)?	X		
c. Does the protocol describe specifically who is responsible for evaluating reports and ensuring case investigation and control measures, as described in state rules, are implemented?	X		
<ul style="list-style-type: none"> <li>• If selected conditions are referred to various sections of the agency (e.g. foodborne illness to sanitarians), does your protocol indicate to whom these selected conditions are referred?</li> </ul>	X		
<ul style="list-style-type: none"> <li>• If your agency utilizes a team approach on some events, does the protocol indicate who comprises the team and what their general roles are?</li> </ul>	X		
d. Does the protocol describe how quickly reports are reviewed (e.g. day of receipts, within 24 hours, 48 hours, etc.)?	X		
e. Does it describe how information regarding local cases is stored (paper, electronic records, etc.) and who has access to information?	X		
f. Does it describe how reported cases/contacts from outside your jurisdiction are referred (e.g. called directly to jurisdiction, given to DPHHS)?		X	
g. Does your protocol describe who is responsible for completing reporting forms & who submits forms to DPHHS (i.e. Communicable Disease form, Foodborne Outbreak form)?	X		
h. Does the protocol outline a highly active surveillance procedure for use during outbreak/emergency events?		X	<i>Mentions expanding list, and frequency but not detailed.</i>
<b>Required Routine Active Surveillance Elements (Note: your agency may have detailed these efforts in a separate protocol):</b>			
a. Does your protocol detail how your agency conducts active surveillance?	X		
<ul style="list-style-type: none"> <li>• Does it list the key providers/laboratories routinely contacted?</li> </ul>	X		
<ul style="list-style-type: none"> <li>• Does it detail the frequency of your active surveillance calls with each contact?</li> </ul>	X		
<ul style="list-style-type: none"> <li>• Does it indicate which staff member(s) have been assigned the responsibility of conducting &amp; documenting active surveillance calls?</li> </ul>		X	
<ul style="list-style-type: none"> <li>• Standing request for release of Department of Veteran's Affairs medical record data is up to date for local health jurisdictions until 2021.</li> </ul>		X	<i>We have this, it's just not stated in the plan.</i>

Local Use/Notes:

**Protocol detailing your agency's 24/7 availability to receive and evaluate reports of concern.**

**Included in protocol?**

Required 24/7 elements:	Yes	No	Comments
a. Does the protocol describe a method to receive and immediately review emergency reported 24 hours a day 7 days a week?	X		
If your system relies on an answering service or dispatcher, have they been provided with a detailed written protocol that includes a list of contact numbers?	X		
b. Does the protocol describe how local providers, police, EMS, dispatch, etc. are made aware of the emergency number or system?		X	
c. Does the protocol provide for the periodic local testing of the 24/7 system?		X	
d. Does the protocol provide for the documentation and evaluation of all tests and actual after-hours calls?		X	

**Protocol detailing your agency's "Epi Team" approach to communicable disease events.**

**Included in protocol?**

Required Epi Team Elements:	Yes	No	Comments
a. Does the protocol provide for core and expanded team members?		X	LC does not have Epi. Team At this time.
Does the core team have at least one public health nursing and one environmental health staff members?		X	
b. Does the protocol define what conditions or events will require notification of the core team members (i.e. suspect foodborne illness, animal bite, etc.)?		X	
c. Does the protocol define what circumstances that may require expanding the team to include other members associated with your agency?		X	
d. Does the protocol define how information is shared among team members and within what timeframe?		X	

**Protocol detailing rabies response in your jurisdiction.**

**Included in protocol?**

Required rabies protocol elements:	Yes	No	Comments
a. Does the protocol identify partners for animal management and testing, rabies PEP recommendations, and PEP administration?	X		
b. Does the protocol how and when to notify public health regarding a potential exposure?	X		
c. Does the protocol define how to handle exposures differently when dealing with wildlife, bats, and cats, dogs, and ferrets?	X		
d. Does the protocol define how information is shared among rabies response partners and within a defined time frame?	X		

The above protocol/plan has been reviewed / revised as necessary and is satisfactory at this time.

Date \_\_\_\_\_

\_\_\_\_\_  
Jurisdiction Health Officer (Must be signed by the acting health officer)

Date \_\_\_\_\_

\_\_\_\_\_  
Board of Health Chairperson (Must be signed by the acting Chairperson)

## Burning Schedule for Lincoln County

Outside the Air Quality Control District & Impact Zone L

Dec  
Jan  
Feb

**Burn Season Closed**  
No burning due to air quality concerns.

Mar  
Apr

**Spring Burning Season**  
No permit required  
Check Air Quality at 1-800-225-6779

May  
Jun

**Burn Permits Required**  
Info: [leftfiresafe.org/outdoor-burning](http://leftfiresafe.org/outdoor-burning)  
Contact Local USFS or DNRC Agency  
Check Air Quality at 1-800-225-6779

July  
Aug  
Sept

**It's FIRE SEASON in Montana**  
**\*\*NO DEBRIS BURNING\*\***  
Fire season may be extended as conditions warrant.

Oct  
Nov

**Fall Burning Season**  
No permit required  
Check Air Quality at 1-800-225-6779

Burn Permits are only required in May & June. They are **FREE** & available from your local fire protection agency. Please see the attached map for which USFS District or DNRC Office to contact in your area.

USFS - Troy District Office: 406-295-4693

USFS - Eureka District Office: 406-296-2536

USFS - Libby District Office: 406-293-7773

DNRC - Libby: 406-293-2711

In Lincoln County, Air Quality compliance is required for every burn. Call the DEQ Air Quality Hotline, the day you plan to burn, for updated ventilation and burning forecast **1-800-225-6779**.

County Burn regulations can be found at:  
[lincolncountymt.us/environmental-health/air-quality](http://lincolncountymt.us/environmental-health/air-quality)

## Burning Schedule for Lincoln County

Inside the Air Quality Control District & Impact Zone L

Dec  
Jan  
Feb

**Burn Season Closed**  
No burning due to air quality concerns.

Mar  
Apr

**Spring Burning Season**  
Management Burn Permit Required in March  
Residential Burning in April - Permit Required  
Check Air Quality at 406-293-5644

May  
Jun

**Management Burn Permits Required**  
[lincolncountymt.us/environmental-health/air-quality](http://lincolncountymt.us/environmental-health/air-quality)  
See Information Below  
Check Air Quality at 406-293-5644

July  
Aug  
Sept

**It's FIRE SEASON in Montana**  
**\*\*NO DEBRIS BURNING\*\***  
Fire season may be extended as conditions warrant.

Oct  
Nov

**Management Burn Permit Required in October**  
Burning closed in the month of November  
Check Air Quality at 406-293-5644

Management Burns are only permitted from March 1st - October 31st. A burn permit must be obtained. Verbal authorization is required the day you plan to burn. Contact **Jake Mertes 283-2444**  
**Burn Permit Inside Libby Rural Fire District: Steve Lauer 283-1883**  
**Burn Permit Outside Libby Rural Fire District: Jennifer Nelson - 283-2322**

**Residential Burning** is open April 1st - April 30th (Department may extend the residential burning season into the month of May.)

Contact Lincoln County Health Department for permit: **283-2442**  
In Lincoln County, Air Quality compliance is required for every burn. Call the Air Quality Hotline, the day you plan to burn, for updated ventilation and burning forecast **406-293-5644**

County Burn regulations can be found at:  
[lincolncountymt.us/environmental-health/air-quality](http://lincolncountymt.us/environmental-health/air-quality)

## Rules and Guidelines for Safe Burning

- ✓ Only natural vegetative debris may be burned.
- ✓ Check the local weather forecast and do not burn when high winds are forecast or when dry conditions prevail.
- ✓ Air Quality compliance is required for every burn.
- ✓ Call 1-800-225-6779 for ventilation and burning forecast.
- ✓ Build burn piles of manageable size and in areas clear of surrounding or overhanging vegetation.
- ✓ Build piles with dry materials so they burn clean and fast.
- ✓ Do not burn wet grass, needles, leaves, or material that will smolder or produce excess smoke.
- ✓ Burn piles should not be closer than 50-ft to any structure or 10-ft from any property line.
- ✓ Fires should be attended until completely out.
- ✓ Fires are not out until cold to the touch with no flame or smoke.
- ✓ Enough tools, water, and people should be available to extinguish your fire if necessary.
- ✓ Call 911 immediately if your fire does burn out of control.
- ✓ Fires are not allowed when burn restrictions are in effect or during periods of impaired air quality.
- ✓ Fires must be completely extinguished if any emission from the fire is detrimental to the health, safety, or welfare of any person; if it causes damage to property or business; or if it causes a nuisance to others.
- ✓ Landing piles must be broken apart & completely extinguished before the end of the permit period.
- ✓ Ignition may only occur during daylight hours.



*Fire Districts may recover costs incurred during response, control, or suppression of an unlawful or out-of-control fire. The person burning assumes responsibility for any damage, by emission or flame, to any structure, utility line/pole, tree or shrub, road or right-of-way, or other public or private edifice.*

## Rules and Guidelines for Safe Burning

- ✓ Only natural vegetative debris may be burned.
- ✓ Check the local weather forecast and do not burn when high winds are forecast or when dry conditions prevail.
- ✓ Air Quality compliance is required for every burn.
- ✓ Call 406-283-2442 for ventilation and burning forecast.
- ✓ Build burn piles of manageable size and in areas clear of surrounding or overhanging vegetation.
- ✓ Build piles with dry materials so they burn clean and fast.
- ✓ Do not burn wet grass, needles, leaves, or material that will smolder or produce excess smoke.
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- ✓ Landing piles must be broken apart & completely extinguished before the end of the permit period.
- ✓ Ignition may only occur during daylight hours.

**“Residential Burning”** means any outdoor burning conducted on a residential, farm, or ranch property to dispose of vegetative wastes.

**“Management Burning”** means any person, agency, institution, business or industry conducting any outdoor burning for any purpose except residential burning, including forestry/wildlife management, licensed landfill management, firefighter training exercises, commercial film productions, or fuel hazard reduction which is designated as necessary by a fire protection agency.

*Fire Districts may recover costs incurred during response, control, or suppression of an unlawful or out-of-control fire. The person burning assumes responsibility for any damage, by emission or flame, to any structure, utility line/pole, tree or shrub, road or right-of-way, or other public or private edifice.*

Comments on Partial Delisting of OU1 from Libby Asbestos Superfund Site

The following comments are submitted regarding the proposed partial deletion of OU1. While there is no objection to the deletion, there are additional concerns that should be recorded:

1. The O&M Plan for OU1 should be updated to be consistent with site-wide O&M provisions, including institutional controls as they are developed.
2. ARP will continue to work with the City of Libby and use established institutional controls to inform the public and City Workers of potential contamination that remains onsite when work is planned at OU1.
3. In the future, commercial development and other land use changes may occur on this property. The Montana Department of Environmental Quality implemented an environmental covenant intended to notify current and future landowners or area users of previous response actions completed at the site, the potential presence of contamination within the soil, and institutional control requirements. Although the covenant describes permissions need from EPA and DEQ in order to move forward with soil disruption, there is no mention of how abatement contractors will be paid if hired for soil removal, if and when sampling may be needed, and where the funds will come from to pay for these activities. ARP would like clarification on these topics related to future land use changes.



Virginia P Kocieda, PhD.

Director, Lincoln County Asbestos Resource Program



**HEALTH AND ENVIRONMENT REGULATIONS**  
**CHAPTER 1: Control of Air Pollution**  
**Subchapter 2: Libby Amphibole (LA) Property Evaluation Notification (PEN)**  
Revision March 11, 2020

I. REGULATION, AUTHORITY AND PURPOSE

- A. The City/County Board of Health for Lincoln County (Board of Health) was created as the Local Board of Health for Lincoln County by an Inter-local Agreement between the City of Libby and Lincoln County with authority under Mont Code Ann. § 50-2116(2)(c)(v)(A) to enact public health regulations to protect public health, safety, and welfare and to facilitate Institutional Controls selected by the United States Environmental Protection Agency (USEPA) and Montana Department of Environmental Quality (DEQ) for the Libby Asbestos Superfund Site.
- B. The Board of Health finds there is a threat to public health, safety, and welfare posed by the environmental conditions that led the USEPA to designate the Libby Asbestos Superfund Site. That threat was largely mitigated by completion of remedial actions performed by the USEPA. The remedial action included leaving some contamination in place. As such, the final remedial action condition as well as ongoing and future changes on properties must be maintained to ensure protectiveness of the remedy.
- C. The Board of Health collaborates with the DEQ and the USEPA to continue to protect public health, safety, and welfare by ensuring that the Libby Asbestos Superfund Site remedies remain protective and LA asbestos is properly managed to ensure protectiveness of the remedy.
- D. The Lincoln County Asbestos Resource Program (ARP) is a Board of Health directed public health program that was established in 2012 with the mission of reducing potential exposure to LA asbestos that is found within the Libby Asbestos Superfund Site and the surrounding areas of Lincoln County. A key goal of the Board of Health directed ARP to minimize burden on the community members themselves. The program was developed by the USEPA as a pilot study as the Environmental Resource Specialist (ERS) program and through a cooperative agreement passed on to Lincoln County ARP program in January 2014 and modified under the guidance of the Board of Health to its current program under the guidance of the Board of Health and is currently funded through a cooperative agreement/grant from the USEPA.
- E. DEQ is responsible for future Operation and Maintenance (O&M) of the Site, and funding from DEQ is anticipated for ARP to support O&M activities.
- F. The Board of Health has chosen to implement this Property Evaluation Notification Regulation pursuant to its authority under Mont Code Ann. § 50-2-116(2)(c)(v)(A) to protect public health, safety, and welfare.

II. GENERAL PROVISIONS

- A. Title: These regulations shall be known as the “LIBBY AMPHIBOLE (LA) ASBESTOS PROPERTY EVALUATION NOTIFICATION (PEN)”.

- B. Authority: Authorization for these regulations is through Montana Code Annotated (MCA) § 50-2-116(2)(c)(v)(A).
- C. Purpose: The purpose of this regulation is to reduce the possibility of the public's exposure to LA asbestos as a result of Applicable Activities, as defined in Definitions in Section F.2 of this regulation. These activities shall be referred to as Applicable Activities. This PEN regulation is focused on providing LA asbestos property information, data, education, and evaluations to protect the public during Applicable Activities. This PEN regulation is an institutional control listed within the Operating Unit 4 and Operating Unit 7 Institutional Control Implementation and Assurance Plan (ICIAP). Note that this PEN regulation is separate from the Montana Asbestos Control Act, DEQ Asbestos Control Program requirements, or other due diligence processes, and does not replace or supersede the associated regulations on asbestos in Montana.
- D. Contingent Applicability: Implementation and execution of this regulation is dependent upon the existence and continued functionality and funding of the ARP. Similarly, success of the ARP is highly dependent upon the existence of this regulation. If the ARP ceases to exist or is unable to effectively function from lack of funding or other reasons, then this regulation will be suspended until the ARP, or other BOH designated organization, is functional and able to again support implementation and execution. Such suspension shall not be effective until the Board of Health affirmatively votes to suspend this regulation.
- E. Jurisdiction: This LA PEN regulation governs activities within the Libby Asbestos Superfund Site National Priorities List boundary which is composed of eight Operable Units, all of which are located in Lincoln County, Montana. Jurisdiction includes Operable Units 1, 2, 4, 5, and 7. Operable Unit 3 (the Former Libby Vermiculite Mine), Operable Unit 6 (Burlington Northern Santa Fe Railroad and Rail corridors) and Operable Unit 8 (Roadways) are excluded from the requirements of this LA PEN regulation. Descriptions of the jurisdictional areas included within each Operable Unit governed by this PEN regulation are detailed in each respective Record of Decision and summarized below:
1. Operable Unit 1 is the former Export Plant, and is situated on the south side of the Kootenai River, just north of the downtown area of the City of Libby, Montana. OUI includes the embankments of Montana Highway 37, the former Export Plant, and the Riverside Park. The property is bounded by the Kootenai River on the north, Highway 37 on the east, the Burlington Northern Santa Fe railroad thoroughfare on the south, and the State of Montana property on the West (EPA, May 2010a). These areas and boundaries are shown the Operable Unit 1 Record of Decision Exhibit 2-2 (EPA, May 2010a). Currently in the final stages of Deletion from the NPL.
  2. Operable Unit 2 includes area impacted by contamination released from the former Screening Plant. These areas include the former Screening Plant, the Flyway property, a privately-owned property, and the Rainy Creek Road Frontage and Highway 37 right-of-way adjacent to Rainy Creek Road (EPA, May 2010b). These areas and boundaries are shown in the Operable Unit 2 Record of Decision Exhibit 22 (EPA, May 2010b). Formally Deleted from the NPL on April 10, 2019.

3. Operable Unit 4 is called Libby Residential/Commercial areas. Operable Unit 4 is defined as the residential, commercial, industrial (not associated with Grace Mining Operations), and public properties, including schools and parks, in and around the City of Libby (EPA, February 2016). The boundaries for Operable Unit 4 are shown in Exhibit 1-2, Figure 1-2, and Figures 5-2 through 5-16 in the Operable Unit 4 through 8 Record of Decision (EPA, February 2016).
4. Operable Unit 5 is called the Former Stimson Lumber Company. Operable Unit 5 is defined geographically by the parcel of land that included the former Stimson Lumber Company. OU5 is bounded by the high bank of Libby Creek to the east, the Burlington Northern Santa Fe railroad to the north, and properties within Operable Unit 4 to the south and west (EPA, February 2016). The boundaries for Operable Unit 5 are shown in Exhibit 1-2, Figure 1-2, and Figures 5-17a through 5-17b in the Operable Unit 4 through 8 Record of Decision (EPA, February 2016).
5. Operable Unit 7 is called Town of Troy, and is defined as the residential, commercial, and public properties in and around the Town of Troy, Montana located 20 miles west of downtown Libby (EPA, February 2016). The boundaries for Operable Unit 7 are shown in Exhibit 1-2, Figure 1-2, and Figures 5-21 through 5-25 in the Operable Unit 4 through 8 Record of Decision (EPA, February 2016).

F. **Definitions:** The following definitions shall apply in the interpretation and enforcement of this regulation. The word "shall" as used in this regulation indicates a mandatory requirement.

1. LA asbestos is specific to the form of naturally occurring amphibole asbestos comprised of a range of mineral types and morphologies, and associated with the Libby vermiculite deposits in the region near the Libby Asbestos Superfund Site (EPA, February 2016). LA asbestos forms durable, long, thin structures that are generally respirable, can reasonably be expected to cause disease, and is considered to be the contaminant of concern at the Libby Asbestos Superfund Site (EPA, February 2016).
2. "Applicable Activities" means activities related to real property to include:
  - a. Excavation, grading, and landscaping;
  - b. Interior or exterior demolition, repair, modification, disturbance of material, or remodeling of permanent or temporary structures;
  - c. Transfer of real property regardless of whether any comfort letter has been issued by USEPA or any other agency;
  - d. Change in Land Use Category or Property Use Area as used in Sections 2.3 and 4.2 of the *Remedial Design Report, Revision 1, Libby Asbestos Site Operable Units 4 & 7* (April 5, 2017); and
  - e. Any dividing of land, including through subdivision, family transfer, Court-ordered division, or other division of land.
3. "LA Asbestos Property Evaluation" means a required evaluation, performed by the ARP, to include evaluation of data and information related to LA asbestos based on the notification by a property owner or interested party who has submitted a PEN due to planned Applicable Activities within the jurisdiction

(Section E above). The LA Asbestos Property Evaluation will be performed by the ARP to provide information relative to the potential for LA Asbestos exposure related to the Applicable Activity as detailed. This regulation details the PEN notification requirements and the associated LA Asbestos Property Evaluation elements to be provided in an effort to protect the remedy and public health.

4. "Days" means business days (i.e., Monday, Tuesday, Wednesday, Thursday, and Friday), excluding holidays observed by Lincoln County and ARP.
5. "Person" is any individual, institution, partnership, business, corporation, association, or other private or government entity.
6. "Property" is real property that is fixed property, principally land and structures. This regulation applies to the Applicable Activities related to real property within the jurisdiction.

G. Severability: If any provision of this Regulation is declared invalid by any court or tribunal, the remaining provisions of this Regulation shall not be affected thereby.

### III. LIBBY AMPHIBOLE ASBESTOS PROPERTY NOTIFICATION PROCESS

A. LA Asbestos Property Evaluation Notification (PEN) Process Requirements: Prior to performing Applicable Activities within the above defined jurisdiction, a person is required to notify the ARP of the proposed Applicable Activities through the PEN process.

B. Applicability Specifics:

1. The following Applicable Activities within the jurisdiction require a PEN:
  - a. Excavation, grading, and landscaping;
  - b. Interior or exterior demolition, repair, modification, disturbance of material, or remodeling of permanent or temporary structures;
  - c. Transfer of real property regardless of whether any comfort letter has been issued by USEPA or any other agency;
  - d. Change in Land Use Category or Property Use Area as used in Sections 2.3 and 4.2 of the *Remedial Design Report, Revision 1, Libby Asbestos Site Operable Units 4 & 7* (April 5, 2017); and
  - e. Any dividing of land, including through subdivision, family transfer, Court-ordered division, or other division of land.
2. In addition to the defined Applicable Activities, the following activities within the jurisdiction also require a PEN:
  - a. These requirements are applicable to modification or construction of wastewater systems requiring disturbance of surface or subsurface soils.
  - b. These requirements are applicable to any division of property, including through subdivision, family transfer, Court-ordered division, or other division of land. Subdivision definitions, requirements, and permits are authorized by separate entities and regulations. The Lincoln County Subdivision regulations contain specific requirements related to

examination of potential LA related issues as a condition of approval of the subdivision. Division of property exempt from the Subdivision regulations is however an Applicable Activity requiring a PEN.

- c. These requirements are applicable to government entities performing Applicable Activities within the jurisdiction.
- d. Emergency response activities (such as floods, fires, natural disasters, building collapse, sinkholes, earthquakes, etc.) where the excavation, modification, or demolition activities are conducted in response to a property emergency. In this case, the ability to submit a PEN form beforehand is not feasible. Thus, the property owner shall notify ARP of the emergency response activity within three (3) business days to determine if a post-facto PEN notification or inspection is required.

3. Exclusions to PEN Process include the following:

- a. Remodeling activities that are cosmetic in nature (e.g. wallpaper installation or removal, carpet installation or removal, painting, installing built-in furniture, etc.) that will not disturb the existing interior flooring (excluding carpet), interior walls, ceilings, structural elements, exterior siding, roofing, foundations, utility penetrations or insulation;
- b. Exterior landscaping or remodeling that will not disturb surface or subsurface soil (e.g., concrete repair/staining, replace slats on decking, staining or painting fencing, etc.); or
- c. Emergency response activities (such as floods, fires, natural disasters, building collapse, sinkholes, earthquakes, etc.) where the excavation, modification, or demolition activities are conducted in response to a property emergency. In this case, the ARP shall be notified the next business day to determine if a post-facto PEN notification or inspection is required.

C. PEN Requirements: The notification of intent to perform Applicable Activities for a property shall be made to the ARP by the owner of the property, or the owner's authorized agent, on a form provided by the ARP (electronic or hard-copy) and/or through the Montana811 utility locate request process.

1. Notification for those Applicable Activities regulated by Montana811 through MCA Title 69, Chapter 4, Part 5 are automatically notified to the ARP when submitted through the Montana811 notification process and will serve as notification to ARP relative to the PEN process. If activities are limited to those regulated by Montana811 then no additional PEN-specific ARP form is required.
2. Applicable Activities not captured under Montana811 Notifications within the jurisdiction will require preparation and submittal of the ARP PEN form signed and dated by the applicant, and will include the following information, at a minimum:
  - a. The name, address, email address, and telephone number of the person who owns the real property;
  - b. The name, address, email address and telephone number of the person submitting the PEN.
  - c. The physical address of the property or a legal description if a physical address is not assigned where the Applicable Activity will take place;

- d. The name, address, email address, and phone number of the person who will be responsible for performing the Applicable Activity, if it is not the owner of the real property. If a contractor is to be used, provide their name, address, telephone number, and any asbestos related credentials or certifications;
- e. Confirmation that Montana811 has been notified, if applicable; and
- f. A description of the proposed activity, including:
  - i. The general nature and extent of the project including the project objective, including a specific statement regarding whether division of property is an objective;
  - ii. Estimated location, mass, area, and volume (as applicable) of the media or building materials that will be disturbed or removed;
  - iii. If already proposed, any mitigating or best management practices that are planned to reduce or eliminate the exposure to LA asbestos and/or vermiculite, if anticipated, and measures to reduce the generation of dust;
  - iv. Planned activities for transporting and disposing of building materials, soil, waste, disturbed materials, and potential LA asbestos and/or vermiculite; and
  - v. If the Applicable Activity is the sale of real property or change in Land Use Category, the description should state "sale of property" or "Change in Land Use Category".

D. Fee: No fee will be associated with a PEN for the owner or person submitting the notification.

E. PEN and LA Asbestos Property Evaluation Process: PEN forms shall be submitted to ARP and a subsequent LA Asbestos Property Evaluation conducted. In addition to the "ARP Required Response" outlined in Section III.E. below, ARP is authorized to do none, any, or all of the following activities in response to a PEN submission:

- 1. Collection of prior information related to LA investigations, inspections, site records, evaluations, designs, remedies, communications, etc. as may be available from EPA documents and database, DEQ Libby Instance Response Manager database, or other accessible sources;
- 2. Site observations, including reference to available maps/figures and other available records, and an ARP site visit of the subject property (on or near the property depending on access permission granted by the owner);
- 3. Discussion with owner, PEN applicant, or contractor representatives related to property conditions and proposed activities;
- 4. An evaluation of prior information and site observations in relation to former and current land use, existing conditions, future land use, and proposed activities at the property;
- 5. Summarization of collected information, site observations, evaluations;
- 6. Recommendations as may be specific to the Subdivision approval process for follow up activities, such as sampling, evaluations, and cleanups;

7. Recommendations for Best Management Practices, available resources to support the activity, and informational/educational materials;
8. Follow up site visit, if applicable;
9. Dialog and communication summary;
10. Assistance in identifying a remediation contractor, if applicable;
11. Guidance related to possible mitigation of expenses for the incremental cost to the project attributable to the presence of LA;
12. Evaluations and/or recommendations specific to the Subdivision review and approval process;
13. Updates to property evaluation and pertinent applicable activities or inspections will be uploaded and tracked by ARP in the DEQ Libby Instance Response Manager database.

F. ARP Required Response:

1. Notifications shall be submitted at least three (3) full business days prior to the initiation of Applicable Activities. Once notified, the ARP has two full business days to discuss activities to be performed and to respond by giving the current property status. Day one begins the next operating business day after the PEN form submittal to the ARP. The timeline for ARP's discussion with the applicant is based on expected circumstances. If there are unforeseen circumstances, ARP will provide notice to the applicant of a modified timeline.
2. Once a complete PEN form is submitted, the ARP shall review the notification and perform the ARP LA Asbestos Property Evaluation to assess the potential for LA asbestos exposure based on previous LA asbestos evaluations, remedies, and inspections. If the PEN notification is incomplete, the ARP may request additional information prior to performing or completing their Evaluation.
3. Notifications to ARP are separate from, and not limited to, other required notifications under local, county, state, or federal law.

G. Evaluation Reporting: Upon completion of the LA Asbestos Property Evaluation, the ARP will communicate the findings to the applicant and/or owner, and document the communication. Different PEN deliverables will be offered according to the applicable activity:

1. Response for excavation, grading, landscaping activities: After receiving a completed PEN form, a phone call and/or email to the PEN requestor explaining the current status of the property will suffice as a completed PEN response. Confirmation that Montana811 utility locate has been notified of planned digging activity will be requested. Please see Section III B (1) for details on Montana811 utility locates and the PEN notification. If follow-up is needed, an additional evaluation performed by ARP may be conducted. An additional phone call, email

and/or letter would summarize the findings of this additional evaluation and any additional steps that need to be taken. Best management practices and guidance for disposal, relevant to the applicable activity, will be shared with the PEN requestor. A summary of PEN activities, and associated records or documents, will be retained in DEQ and/or ARP databases or files.

2. Response for interior/exterior demolition, repair, modification, disturbance of material, or remodeling to permanent or temporary structures: After receiving a completed PEN form, a phone call and/or email to the PEN requestor explaining the current status of the property will suffice as a completed PEN response. If follow-up is needed, an additional evaluation performed by ARP may be conducted. An email and/or letter would summarize the findings of this additional evaluation and any additional steps that need to be taken. Best management practices and guidance for disposal, relevant to the applicable activity, will be shared with the PEN requestor. A summary of PEN activities, and associated records or documents, will be retained in DEQ and/or ARP databases or files.
3. Response for sale of real property: After receiving a completed PEN form, a phone call and/or email to the PEN requestor explaining the current status of the property will suffice as a completed PEN response. After communicating with the buyer and/or seller of real property, ARP will develop a letter detailing the current status of the property and activities performed on the property during cleanup. The letter can be delivered electronically or by mail. See Section E 3(G) on Disclosure of LA Asbestos Property Evaluation in Sale of Property. Maintenance requirements for installed engineering controls, relevant to the specific remedy on the property, will be shared with the PEN requestor. A summary of PEN activities, and associated records or documents, will be retained in DEQ and/or ARP databases or files.
4. Response for Change in Land Use Category or Property Use Area: After receiving a completed PEN form, ARP will make a phone call and/or send an email to the PEN requestor explain the current status of the property. An additional evaluation performed by ARP may be required which entails the analysis of previous sampling, if any, within the proposed work area, researching property files of surrounding properties near the proposed work area, and a visual soil inspection of the work areas. A detailed report summarizing the findings of this additional evaluation, along with an ARP recommendation for any additional steps that need to be taken will be given to the PEN requestor. Best management practices and guidance for disposal, relevant to the applicable activity, will be shared with the PEN requestor. A summary of PEN activities, and associated records or documents, will be retained in DEQ and/or ARP databases or files.
5. Response for any division of property, including through subdivision, family transfer, Court-ordered division, or other division of land: The Lincoln County Subdivision Regulations require an APR evaluation initiated through a PEN submission as part of the subdivision application review. After receiving a completed PEN form, ARP will make a phone call and/or email to the PEN requestor explaining the current status of the property. An additional evaluation performed by ARP is required which entails the analysis of previous sampling, if any, within the proposed work area, researching property files of surrounding



properties near the work area and a visual soil inspection of the proposed work areas. A detailed report summarizing the findings of this additional evaluation, along with an ARP recommendation and any additional steps that need to be taken will be given to the PEN requestor. This letter may be included in the new subdivision package for the County Planner to receive. Best management practices and guidance for disposal, relevant to the applicable activity, will be shared with the PEN requestor. A summary of PEN activities, and associated records or documents, will be retained in DEQ and/or ARP databases or files.

- H. Disclosure of LA Asbestos Property Evaluation in Sale of Property: Sellers of real property shall submit a PEN application as outlined in Section III.B.2. above. Sellers shall provide a copy of the resulting LA Asbestos Property Evaluation to any buyer, or buyer's agent, prior to sale of seller's property. At buyer's request, seller shall also provide a copy of the resulting LA Asbestos Property Evaluation to any third parties (for example, lending institutions, insurers, etc.).
- I. Individuals not performing Applicable Activities, but who wish to obtain a LA Asbestos Property Evaluation for a property, may contact ARP to submit a request for a LA Asbestos Property Evaluation. ARP, at its discretion, may initiate the PEN process on any property within the jurisdiction of this regulation. Those LA Asbestos Property Evaluation will be processed based on ARP availability.
- J. Penalties: Violations of any provision of this regulation is counter to the USEPA Libby Asbestos Superfund Site remedy, operation and maintenance, and institutional control measures. Violations of this notification could result in exposure to or spreading of LA contamination and may be subject to enforcement provisions by the BOH under MCA § 50-2-124. Failure to comply may exclude consideration of any financial assistance that may be available.
- K. Effective Date: Once the regulation is adopted by the City/County Board of Health for Lincoln County, the requirements of this regulation shall not become effective until the City/County Board of Health for Lincoln County passes a resolution stating the effective date of this regulation.

#### IV. REFERENCES

EPA, 2010a. *Record of Decision for Libby Asbestos Superfund Site, The Former Export Plant Operable Unit 1.* Libby Asbestos Site, Libby, Montana. Prepared for the EPA by CDM Federal Programs Corporation. EPA Document: 1154081.

EPA, 2010b. *Record of Decision for Libby Asbestos Superfund Site, The Former Screening Plant and Surrounding Properties Operable Unit 2.* Libby Asbestos Site, Libby, Montana. Prepared for the EPA by CDM Federal Programs Corporation. EPA Document: 1154082.

EPA, 2016. *Record of Decision for Libby Asbestos Superfund Site – Libby and Troy Residential and Commercial Properties, Parks and Schools, Transportation Corridors, and Industrial Park – Operable Units 4 through 8.* Libby Asbestos Site, Libby, Montana. Prepared for the EPA by CDM Federal Programs Corporation. EPA Document: 1563024.

EPA, 2020. *Operable Units 4 and 7, Institutional Control Implementation and Assurance Plan*. Libby Asbestos Superfund Site, Libby, Montana. Prepared for the EPA by CDM Smith. EPA Document: (to be determined). *In preparation*.

EPA, 2020. *Operable Units 4 and 7, Operations and Maintenance Plan*. Libby Asbestos Superfund Site, Libby and Troy Residential and Commercial Properties, Parks, and Schools. Prepared for the EPA by CDM Federal Programs Corporation. EPA Document: (to be determined). *In preparation*.

DEQ, 2020. *Operable Units 4 and 7, Operations and Maintenance Manual*. Libby Asbestos Superfund Site. Prepared for DEQ by Weston Inc. *In preparation*.

Lincoln County, 2019. *Lincoln County Subdivision Regulations*. Prepared to comply with the Montana Subdivision and Platting Act.