

**IC Steering Committee
Agenda
DEC 03, 2018
6:00 pm
Lincoln County Courthouse**

1. Call to Order and Pledge of Allegiance
2. 10/01/18 Minutes Review
3. Commissioner update
4. Update on evaluation program
5. Real estate transaction disclosure process
6. Update on O&M planning
7. Review of 24 OCT letter from Commissioners to EPA Region 8 Administrator Benevento and the follow up visit and the meeting with commissioners on 29 NOV.
8. Review letter of from Governor Bullock to the EPA
9. ARP Update
10. Public Comment
11. Next Meeting
12. Adjourn

10.01.18 IC Steering Committee meeting minutes

7:00 PM Courthouse

Committee Members Present: T. Oedewaldt, V. Kocieda, L. Bauer, R. Mahoney, G. Jamison, T. O’Bleness, M. Peck
Absent: T. Oliphant
Support / Other Attendees: Mandy Harcourt, N.Pyle
Public: None

Agenda:	Discussion:	Action Item:
1. Call to order	Meeting called to order by G. Jamison at 7:01pm Started with Pledge of Allegiance	
2. 07/02/2018 Minutes	Motion to approve: L. Bauer Second: V. Kocieda Approved unanimously	
3. Commissioner Update	M. Peck stated that the O&M group is making progress but is still lacking a driver. M. Peck believes that having a facilitator that can take diverse groups and keep everything focused would be beneficial for the group to make progress needed in the near term. The EPA and DEQ have been open to the idea. M. Peck plans on approaching Tom Stoops to discuss options to retain a facilitator. The decision would be brought before the Advisory Team, and be fun by State funds.	M Peck to pursue facilitator option with DEQ.

10.01.18 IC Steering Committee meeting minutes

7:00 PM Courthouse

<p>4. Asbestos Superfund Advisory Team Meeting Update</p>	<p>G. Jamison gave an update regarding the liaison position and redirection of the O&M effort for DEQ and the County. The liaison position had been reposted, in an attempt to attract someone willing to take the position at the salary level DEQ was willing to offer. However there were no additional qualified candidates that applied for the position, and DEQ was unwilling to make an offer that would have been accepted. The DEQ then developed a list of 8 options to consider moving forward. One of the options was for the county to assume the majority of the O&M duties and drop the of the liaison position as established in SB315. This option was supported by the County and DEQ and a bill has been drafted to amend SB315 to reflect this. The bill will require State Legislative approval after they reconvene in January 2019. Meanwhile the planning for O&M is being based on the proposed scenario.</p>	
<p>5. UPDATE on O&M Planning Activities</p>	<p>N. Pyle stated that the new POTS data base is moving forward smoothly. G. Jamison discussed the funding matrix and that it is still in the works. They were asked to add what activities the SB 315 funding can be used for. The EPA has stated that we will get funding for Trihydro.</p>	<p>Continue planning and preparation for O&F and O&M.</p>
<p>6. ATSDR/ Public Health Monitoring Update</p>	<p>V. Kocieda stated that she and N. Pyle met with the CARD regarding future programs with the ATSDR. V. Kocieda updated the group on ATSDR cancer study. Dr. Black published a paper stating LA has been found to be connected to autoimmune diseases.</p>	
<p>7. Lab Services Information Update</p>	<p>R. Mahony gave an update on Lab Services including Chain of Custody forms.</p>	
<p>8. Agenda For Discussion Points While Meeting With Lenders/ Realtors</p>	<p>N. Pyle suggested that the county could have a note put in the Clerk and Recorder's office for each property. It might streamline the processes and it would be helpful when a sale has happened.</p> <p>G. Jamison discussed what a mandatory disclosure was and how to put it in place.</p>	<p>Organize a meeting with lenders and realtors to generally discuss a disclosure program.</p>
<p>9. ARP Function During O&F Period</p>	<p>N. Pyle stated that M. Cirian will be oversight and ARP will be given authority to hire contractors. We are still working out the details. The EPA will still have a presence in Libby moving forward. Remedial construction is planned to end December 31st, 2018. As of July 1st, 2019, the O & F period will begin.</p>	<p>Continue planning and preparation for O&F and O&M.</p>

10.01.18 IC Steering Committee meeting minutes

7:00 PM Courthouse

10. Public Comment	None	
11. Next Meeting	December 3 rd , 2018 7:00pm	
12. Adjourn	Motion: T. Oedewaldt Second: L. Bauer Adjourn time: 8:45pm	

BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

JERRY BENNETT, COMMISSIONER
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DISTRICT NO. 1, LIBBY

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DISTRICT NO. 3, EUREKA

ROBINA A. BENSON
CLERK OF THE BOARD AND COUNTY RECORDER

Douglas Benevento, Administrator
U.S. EPA Region 8
80C-EISC
1595 Wynkoop Street
Denver, CO 80202-1129

October 24th, 2018

Re: Critical Transition Issues Libby Asbestos Superfund Site Libby, Montana

Dear Mr. Benevento:

The stakeholders of Lincoln County would like to request a formal meeting and disposition on several critical issues that must be determined to fully transition into the operations and maintenance phase of the Libby project. Several of these topics were raised in our meeting in Libby with the Lincoln County Commissioners and others on June 4, 2018. All of the topics have been raised with EPA staff at varying levels. Given the level of discussion that has occurred, for brevity, we have only briefly detailed the topics. The topics are listed below:

O&M Long Term Funding/Grace Settlement Funds:

This topic, along with the County's Position Statement of January 2018 (see attachment), has been articulated several times, including direct discussion in your Regional Office in January with Commissioner Peck. It has also received close attention from Sen Daines. As discussed on June 4, this topic is pivotal to our involvement in O&M, and we agree that it needs to be resolved at a senior leadership level by the Region and the County. We hope that you can personally participate in some of those discussions. The discussions may need to include a nontraditional relationship in O&M and the County (local authority). We are hopeful that together we can find a means to fund the "delta" costs in the post-construction period.

It should be noted that since the June meeting in Libby, considerable progress has been made for O&M planning with DEQ and EPA. In general, we are concluding that all O&M activities are eligible for funding from EPA, DEQ or State SB 315 funds. We have requested that the uncommitted W.R. Grace remediation settlement funds be included in this eligibility matrix, but that has not occurred for reported legal considerations. Also, recent initiatives between the County and DEQ have resulted in a planned outcome whereby the County will assume the lead role in O&M.

Additionally, in the funding discussions we are seeking recognition of the significant inherent uncertainties in O&M operations and funding. For example, we have recently revived concern about the implications of evolving protocols and practices, particularly the adoption of the Site Investigation (SI) procedure with 30-point composite sampling (in about 2007) replacing the Contamination Screening Study (CSS) with 5-point composites. Our concern relates to the hundreds of properties that were

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addressed with a seemingly less stringent protocol. We are currently working with your local manager to obtain detailed information to enable a more thorough evaluation and understanding.

Legal and Financial Responsibilities for Legacy Material Left Behind:

An integral element associated with the above funding topic is the presence of the language in the "sitewide" ROD that transfers cost burdens to the property owners for Libby asbestos issues in O&M. We are seeking clarification of legal and financial responsibilities (including modifying or clarifying the ROD) that does not shift the burden to the property owners, or to local or state government entities.

Administration of the Public Health Emergency in the Future:

We understand that any contemplated change to this declaration will first include consultation and dialogue with local entities. We would like to clarify that position and underscore the importance of addressing ongoing community asbestos related health issues, as well as assessing health issues and trends in the future.

Current Grant Issues and Status of IG Investigation:

In cooperation with the Grant staff, we have provided more detailed information related to the inquiry we requested in April 2017. We have recently requested a resolution of the outstanding questions by December. We would appreciate your support of the Grant staff to allocate the resources to conclude this inquiry.

An inseparable issue is the IG investigation. While we recognize their independence, it is very problematic to have no answers regarding any findings, or whether there will ever be any response. Any encouragement for some responsiveness would be appreciated.

The lack of resolution to both elements is harmful to our (and your) efforts to be transparent, and to be able to move forward with full disclosure to the public. We need your opinion of the degree to which grant funds may have been overdrawn so we can address the issue. This cloud is not helpful as we go forward to seek public support of our participation in O&M.

We fully respect the complexities associated with solving the above issues, however, we cannot stress enough how critical resolution is to implement O & M and protecting the fragile remedy and the public health of our citizenry. Lack of resolution of these issues in a timely manner will soon slow or stall our progress in O&M planning.

We request that by the close of calendar year 2018 we schedule a one or two-day meeting to focus specifically on these issues. The location can be Libby, Helena or Denver whichever makes most sense logistically. We thank you for your attention and look forward to working with you.

Sincerely,



MIKE COLE, Chairman



MARK PECK, Commissioner



JERRY BENNETT, Commissioner

Cc: County BOH, Congressional Delegation, Lincoln County Attorney, DEQ- Matheus, Advisory Team (Vincent, Gunderson, Peck, Jamison)

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

November 15, 2018

Doug Benevento, Region 8 Administrator
United States Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202-1129

Dear Administrator Doug Benevento:

The remedy selected at the Libby Asbestos Superfund Site has resulted in hazardous substances, pollutants, or contaminants (i.e., Libby amphibole asbestos) remaining on site above levels that allow for unlimited use and unrestricted exposure. The selected remedy also includes requirements for ICs (initial establishment and ongoing implementation), monitoring (consisting of non-intrusive and intrusive visual inspection and sampling and analysis during construction and non-intrusive visual inspections and limited sample collection with analysis post construction), and maintenance of remediated areas to prevent exposure and maintain protectiveness of human health and the environment into the future. Additionally, land use must be tracked to inform property owners and others about the potential to encounter asbestos contamination should land use change or ownership transfers occur. ICs will be used at the Site to require cleanup of LA contamination that is currently inaccessible and becomes accessible in the future; ICs also provide a mechanism to address property use changes between land use categories that could affect protectiveness.

Long-term O&M will be required to maintain the integrity of ICs, backfilled areas, encapsulated areas, and covers placed during previous response actions at all four land use categories. The specifics of an O&M program, including monitoring, are under development. Post-construction monitoring and maintenance will be performed at public use areas with contaminated subsurface soil remaining below backfill and accessible contaminated building materials. Post-construction monitoring and maintenance of contaminated subsurface soil remaining below backfill and within locations of encapsulated or otherwise inaccessible contaminated building materials on private property will be left to the property owner. Information will be provided to assist property owners and their contractors in understanding the appropriate maintenance procedures that apply to their properties. Because of the potential for LA contamination to remain in soil and structures after the remedial action is concluded, there may be a need to implement a response action during O&M.

US Environmental Protection Agency

November 15, 2018

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The state of Montana is responsible for 100% of the operations and maintenance costs at the Libby Asbestos Superfund site, excluding OU3. Maintaining protectiveness of the remedy is critical at this site, since chronic and acute exposure to Libby amphibole asbestos potentially can be fatal. While settlement monies were set aside for operations and maintenance, both Lincoln County and the State of Montana are concerned that this money will not be sufficient to ensure continued protection of the citizens of Lincoln County.

The State of Montana supports Lincoln County's request that, after completion of remedial action, any remaining EPA-held remedial action settlement monies be made available to the State of Montana and Lincoln County, Montana, for the purposes of implementing an Operations and Maintenance program for the Libby Asbestos Superfund Site.

Sincerely,



STEVE BULLOCK
Governor