



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8SEM-RB

Carolina Balliew
Federal Superfund Section Supervisor
Montana Department of Environmental Quality
1225 Cedar St. Helena, MT 59601

Re: Use of Settlement Funds on O&M-Specific Items, Libby Asbestos Superfund Site

Dear Carolina:

As the U.S. Environmental Protection Agency (EPA) and Montana Department of Environmental Quality (MTDEQ) have previously discussed, multiple unresolved issues involving performance of Operations and Maintenance (O&M) and available O&M funding have arisen at the Libby Asbestos Superfund site (Site). EPA provides recommendations for resolving these issues, as follows:

- At private residential properties, where previous sampling results identified the presence of Libby Amphibole (LA) but not at levels high enough to require a cleanup, and the owner now expresses an interest in changing a use area (i.e., home addition, adding a building, etc.), Region 8 recommends that O&M funding be available for sampling after the changes are complete to ensure that the area is still protective. If sampling determines that further cleanup is needed, EPA recommends that O&M may be used for the necessary clean up. Availability of O&M funding should be contingent on the owner contacting the Asbestos Resource Program (ARP) prior to the work.
- For a commercial or for-profit developer, Region 8 does not recommend use of O&M funds for sampling, instead, the developer or business owner to be responsible for costs of any needed sampling. However, the property owner should work with the ARP program to ensure sampling is conducted in an acceptable manner (i.e., proper QA and sampling plans, etc.) as outlined in the O&M plan. If, through adequate sampling, it is determined that cleanup is needed, O&M funding could be used for associated clean up.
- In cases of commercial improvement or development, where the owner/developer does not contact ARP prior to changes in use area, EPA does not recommend use of O&M funding for sampling or for a cleanup, if it is determined later that a cleanup is needed.
- O&M funding should not be provided for per diem for properties under going remodeling, damage, repair due to fire, etc. However, if EPA missed components of a cleanup (such as LA in the attic, etc.) due to error or oversight during that original inspections/clean up, EPA recommends that cost be covered with O&M funds.

- EPA recommends that O&M funding not go towards payment to replace material when a building is being remodeled, and O&M funding only address areas needing clean up due to presence of LA.

EPA is providing the above recommendations to MTDEQ upon MTDEQ's request and following up on discussions between EPA and MTDEQ. If you have additional comments or questions, please contact me at 303-312-6694.

Sincerely,

Stan Christensen
Superfund Section Chief

Cc:

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