BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY

STATE OF MONTANA

MARK PECK, COMMISSIONER
DISTRICT NO. 1, LIBBY

JERRY BENNETT, COMMISSIONER
DISTRICT NO. 2, TROY

JOSH LETCHER, COMMISSIONER
DISTRICT NO. 3, EUREKA

ROBIN A. BENSON
CLERK OF THE BOARD AND COUNTY RECORDER

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

March 12th, 2019

Re: Libby Asbestos Superfund Site
O&M Planning Activities

Dear Mr Benevento:

Thank you for the copy of your letter dated December 19, 2018 to Governor Bullock. We are pleased that it affirms your discussion with us on November 29, 2018 related to the use of future use of remedial action funds.

Lincoln County and MDEQ are working in collaboration with the EPA project staff to advance O&M planning and preparations for OUs 4 and 7. Parallel to those efforts, we wanted to raise a reminder that there are a couple of topics that will likely require the participation of your more senior staff. These are topics covered in our November meeting, and not new issues.

First, is the need to address the ROD language that is viewed as problematic, or at least is widely misunderstood, that seems to place future financial responsibility for asbestos issues on the property owner. You affirmed that was not the intent, and that incremental ("delta") costs of activities associated with asbestos were appropriate O&M costs. We are asking that you provide guidance as to how this can be addressed, both the substance of the clarification as well as the appropriate documents where it can be clearly, and finally, addressed.

Second, is your stated commitment to making the excess Grace settlement funds available for O&M if they are needed. We understood that this will need to be memorialized, and request knowing the status of crafting some understanding.

For both topics, we are prepared to collaborate with you (and MDEQ) in a manner that doesn't further burden the O&M workgroup. These seem like carve out issues that could benefit from efforts apart from the O&M workgroup, and they are of particular importance to the Commissioners and the Board of Health, as well as MDEQ.

Also, two informational items. Through the efforts of the Libby Asbestos Advisory Team, we have collaborated in the hiring of a facilitator to help advance progress on the O&M planning. The County Commissioners have agreed to initially fund the effort to get it moving. Your project level staff have expressed support for using a facilitator, and we appreciate you supporting them in an effort that is not all that familiar to many of us. Second, we have recently made a written request for a clear identification of sequential project milestones that lead from the end of construction to O&F and then to O&M. The request also includes a list of some of the tasks that we need to complete. A clear response will help all of us work with the facilitator, better set priorities, and allocate resources. If you have input, it is welcome.

We also want to congratulate you on your new assignment to Washington DC. You have moved the ball and exhibited excellent leadership during your short tenure and you will be missed. Again, thank you for the major progress we have made on these issues, and for your continued support to shepherd these

512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923
(406) 293-7781 ■ (406) 293-8577 Fax
E-mail: lccomms@libby.org

through to closure. On behalf of the citizens of Lincoln County we thank you and wish you Godspeed in your new assignment.

Sincerely,

Jan Ivers, Chair
City County Board of Health

Mark Peck, Chair
Board of Commissioners

Cc: BOH, Commissioners, MDEQ, Senator Daines, Senator Tester, Congressman Gianforte

512 CALIFORNIA AVENUE
LIBBY, MONTANA 59923
(406) 293-7057 Fax