
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

Mr. Stan Christensen
US EPA, Region VIII
1595 Wynkoop Street
Denver, Co 80202

June 5th, 2019

Re: Libby Asbestos Superfund Site

Dear Stan,

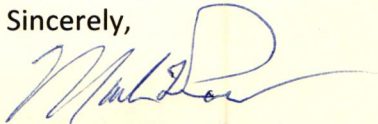
Thank you for your recent visit to Libby, and your continued interest in addressing issues related to the future Operation and Maintenance activities, and other topics.

At our meeting with you and MDEQ on April 24, 2019, you addressed concerns raised regarding the start of the O&F period, its duration, and other topics. We understood that while you prefer not to change the O&F start date, you did agree that the end date (and thus start of O&M) could be extended beyond a 12 month duration (April 1, 2020), given appropriate justification. We agreed with that resolution to the O&F timeline, with the stipulation that the appropriateness of keeping or changing the end of O&F not be a unilateral EPA decision. It is our understanding that both Lincoln County and MDEQ will be consulted, with the intent that the decision is mutually agreeable. Please advise if this is inconsistent with your understanding of our discussion.

Second, over the course of the O&M planning, discussion has arisen regarding the eligibility for future LA expenditures at properties where an owner has previously refused investigative or other services. Some participants in the workgroup have stated their opposition to funding future services at "refusal" properties. It is well known that the County believes this practice is discriminatory, as well as not being protective if it discourages using proper practices. (See County O&M Position Statement, January, 2018.) The purpose of this letter is neither to argue this position nor to solicit opinions. The purpose is to clearly separate obligatory requirements or exclusions from opinion related to future policy. We are requesting that you identify any specific requirements related to expenditures of O&M funds that are EPA controlled that preclude expending funds on this particular set of properties. This will enable us to clearly separate mandated exclusions (if any) from opinions on policy. To date, no exclusionary requirements have been cited.

We appreciate your attention to these two topics. If you have questions or I can be of further assistance, please feel free to contact me at mpeck@libby.org or by phone at 406-283-2317.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark L. Peck', with a large, stylized initial 'P'.

MARK L. PECK, Chairman
Lincoln County Board of County Commissioners

Cc: City-County Board of Health, MDEQ, Sens Daines and Tester, State Oversight Committee