



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8EPR-SR

Thomas M. Stoops
Federal Superfund Bureau Chief
Waste Management and Remediation Division
Montana Department of Environmental Quality
1225 Cedar Street
Helena, MT 59601

Re: Operational and Functional Start for Operable Units 4 and 7
Libby Asbestos Superfund Site, Lincoln County, Montana

Dear Mr. Stoops,

This letter serves to advise you that the remedy for operable units (OU) 4 and OU7 at the Libby Asbestos Superfund Site (Superfund Enterprise Management System #MT0009083840) starts the operational and functional (O&F) period on April 1, 2019. EPA Region 8 has completed construction activities including removal of Libby amphibole asbestos (LA)-contaminated soil with containment of LA remaining at boundary conditions, along with LA-contaminated building material medium removal with containment of inaccessible contamination.

An inspection was conducted jointly with your office and completed on March 4, 2019 which included representatives from EPA, U.S. Army Corps of Engineers (USACE), USACE contractors (CDM Smith), Montana Department of Environmental Quality (DEQ), DEQ contractors (Weston Solutions), and Lincoln County Asbestos Resource Program staff. A detailed description of the joint site inspection is included as Attachment A. During the inspection, all agencies determined that construction of the remedy was complete, the remedy was constructed in accordance with the *Record of Decision for the Libby Asbestos Superfund Site, Libby and Troy Residential and Commercial Properties, Parks and Schools, Transportation Corridors, and Industrial Park, Operable Units 4 through 8* (ROD) (EPA 2016), remedial design report, specifications, and no items specific to remedy construction remain. Full implementation of sitewide institutional controls (ICs) will be established during the O&F period.

The *National Contingency Plan* (NCP), 40 CFR §300.435(f)(2), states, "A remedy becomes 'operational and functional' (O&F) either one year after construction is complete, or when the remedy is determined concurrently by EPA and the state to be functioning properly and is performing as designed, whichever is earlier." Until the remedy is declared O&F, EPA will continue to operate the remedy as a remedial action. Consistent with the NCP, once the remedy is declared O&F, DEQ is responsible for operation & maintenance (O&M) of the remedy at OU4 and OU7. The remedy for OU4 and OU7 as outlined in the ROD is provided below:

Contaminated Soil

1. Contaminated soils at a property exceeding remedial action levels (RALs) for the land use category will be excavated until remedial clearance criteria for surface soil and subsurface soil are met for the land use category, or a boundary condition is reached. Input from the affected property owner will be considered in the process of determining how excavation of contaminated soil from "frequently used" areas is conducted to meet the remedial clearance criteria for surface soil.

2. If contaminated soil is left in place due to a boundary condition, a visibly distinct marker layer will be installed at the bottom of the excavation.
3. Clean backfill is installed to replace the excavated material. Backfill will be revegetated or otherwise restored to match the previous surface conditions.
4. Excavated contaminated soil will be disposed of properly within a facility authorized for LA.
5. Access controls such as temporary fencing and signage will be implemented during construction to warn of dangers or exclude access to areas being remediated. Post construction, access controls may be appropriate in public use areas where disturbance of backfill could occur.
6. ICs including legal controls and risk communication controls will be implemented sitewide and will be tailored to land uses as necessary to reduce exposure risks during and post construction.
7. The remedy components (including ICs) will be monitored, maintained, and adjusted as necessary so exposure to contaminated soil does not occur and backfill remains effective for eliminating migration of LA to the surface or other media.

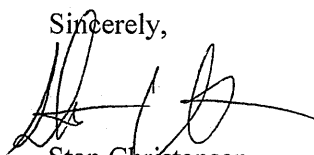
Contaminated Building Materials

1. Accessible contaminated building materials exceeding RALs will be removed until remedial clearance criteria for indoor non-living space or indoor living space are met.
2. Removed building materials, primarily attic insulation, will be restored as needed to a functional condition.
3. Contaminated building materials to remain in place will be addressed through encapsulation consisting of in-place sealing and covering.
4. Interior cleaning, when required, will be performed using vacuum extraction to remove LA fibers previously released within buildings.
5. Removed contaminated building materials will be disposed of properly within a facility authorized for LA.
6. Access controls will be implemented during construction to warn of dangers or exclude access to areas being remediated. Post-construction access controls may be appropriate in public use areas where disturbance of encapsulated areas could occur.
7. ICs including legal controls and risk communication controls will be implemented sitewide and will be tailored to land uses as necessary to reduce exposure risks during and post construction.
8. The remedy components (including ICs) will be monitored, maintained, and adjusted as necessary to mitigate exposure to or migration of LA to areas where they could become accessible.

EPA will continue discussions with DEQ and other local stakeholders in the near future regarding the transfer of OU4 and OU7 to DEQ until the remedy is declared O&F. During the O&F period, EPA will continue to share site information, property data, and results of any investigations/response actions.

If you have any questions, please feel free to contact Mike Cirian, Remedial Project Manager, at 406-293-6194 or Cirian.Mike@epa.gov.

Sincerely,



Stan Christensen
EPA Region VIII Superfund Unit Chief

Enclosure

cc: Mike Cirian, EPA
Dania Zinner, EPA
Lisa DeWitt, MDEQ
Carolina Balliew, MDEQ
Virginia Kocieda, Lincoln County ARP
George Jamison, City-County Board of Health

Attachment A

Detailed Description of OU4/OU7 Joint Site Inspection

Ending on March 4th, 2019, a joint site inspection (JSI) was completed by U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), USACE Contractors (CDM Smith), Montana Department of Environmental Quality (DEQ), DEQ contractors (Weston Solutions), and Lincoln County Asbestos Resource Program (ARP) staff for Operable Unit (OU) 4 and OU7 of the Libby Asbestos Superfund Site (Site) (Superfund Enterprise Management System #MT0009083840). The goal of the JSI was to determine that the remedy for OU4 and OU7 has been constructed in accordance with the *Residential/Commercial Cleanup Action Level and Clearance Criteria, Technical Memorandum*, its associated amendments, the *Record of Decision for Libby Asbestos Superfund Site, Libby and Troy Residential and Commercial Properties, Parks and Schools, Transportation Corridors, Industrial Park. Operable Units 4-8 (ROD)*, and the *Remedial Design Report, Libby Asbestos Site, Operable Units 4 & 7*.

Because of the complexity of the Site and large number of properties having received a completed response (2,611), EPA and DEQ agreed the most efficient and effective means for completing the JSI was to select a random subset of properties to perform a property review. The criteria for performing the property review was as follows:

A random list of “response completed” properties based on the removal action history timeline (exhibit 2-1 from the ROD) was generated from each of the categories and timeframes listed below. If a combination property (indoor/outdoor) was selected at random, it was counted towards the respective interior and exterior numbers listed in the below criteria. All available project property information for each property chosen was utilized during the property review, which included, investigation sample data, workplans, as-builts, and confirmation sample data.

Categories and Timeframes

- OU4
 - 2003-2010 (3 Interior / 3 Exterior)
 - 2010-2013 (3 Interior / 3 Exterior)
 - 2013 – date (3 Interior / 3 Exterior)
- OU7
 - 2003-2010 (1 Interior / 1 Exterior)
 - 2010-2013 (1 Interior / 1 Exterior)
 - 2013 – date (1 Interior / 1 Exterior)
- Alleys
 - 5 alleys chosen at random
- Parks/schools
 - 1 park chosen at random
 - 1 school chosen at random

List of Properties Randomly chosen for Property Review

53 Vicks Ct (f) 270	401 N 1 st St
64 Granite Creek Rd	406 Pioneer Rd
222 Mineral Ave	1118 California Ave
263 Indian Head Rd – Head Start (f) Plumber_Elm_247 Indian Head Rd	1134 W 2 nd St Ext (f) 2230
277 Conifer Rd (f) 257	1243 Nevada Ave
390 E 9 th St	1270 W 2 nd St Ext (f) 3034
31662 US Highway 2 (f) 887	41778 US Highway 2 (f) 9028
34474 US Highway 2 (f) 1856	City of Libby Alley 8
City of Libby Alley 49	City of Libby Alley 54
City of Libby Alley 85	City of Libby Alley 101
GID 7432	GID 11003
GID 11022	

JSI Questions and Responses

EPA received questions verbally, from ARP staff to CDM Smith staff on February 19, 2019, and in writing, in a Joint Interim Response document dated February 26, 2019. Responses to the verbal questions and the ARP/DEQ issues of concern in the Joint Interim Response document were addressed in a memorandum from CDM Smith to EPA and the U.S. Army Corps of Engineers and attached to a letter to DEQ dated March 4, 2019. As requested by DEQ and agreed to by EPA, an additional ten properties were randomly selected from the 2001-2010 time period for further review.

The additional ten properties randomly selected are as follows:

34 Avenue C	1305 Utah Ave
209 Vanderwood Rd	28175 US Highway 2
651 Sheldon Flats Rd	28179 US Highway 2
810 Wisconsin Ave	GID4288 – 35015 US Highway 2
1114 California Ave	GID21673 – 610 Utah Ave
1124 Hemphill Rd	