



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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JUL 11 2019

Mark L. Peck, Chairman  
Lincoln County Board of County Commissioners  
512 California Avenue  
Libby, Montana 59923

Dear Chairman Peck:


I received your letter of June 5, 2019, requesting clarification on two issues related to the Libby Asbestos Superfund site.

Your first request concerned determination of the end of the operational and functional (O&F) period, currently scheduled for April 1, 2020. You requested that the end of O&F be a mutual decision, with the EPA consulting with the Lincoln County Commissioners and the Montana Department of Environmental Quality (MDEQ). The EPA intends to continue to communicate on a regular basis with Lincoln County and MDEQ. The EPA also intends to collaborate on all work that needs to be completed to ensure both the long-term protectiveness of the remedy and that all stakeholders are well-prepared for the operation and maintenance (O&M) period. However, the EPA cannot abdicate its responsibilities and ultimately is the entity designated to declare a site operational and functional. The EPA intends to confer with Lincoln County and MDEQ regarding this decision, but the EPA will be the final decision maker.

Your second request concerned clarification of the use of O&M funds to address properties that had previously refused access to the EPA ("refusals"). First, the EPA wishes to make clear that clean-up construction in Operable Units four and seven is complete – the EPA will not be performing any investigation or remediation of these refusal properties – and no further action by the EPA, other than warranty work and several miscellaneous projects, is anticipated. However, it is the opinion of the EPA that during O&M, O&M funds and/or any appropriate funds received by the State or Lincoln County can be used to address refusal properties that come forward requesting an investigation and/or clean up.

If you have any questions about these issues, please contact me (303) 312-6694.

Sincerely,

  
Stan Christensen, Section B Chief  
Superfund & Emergency and Management Division

cc: Jerry Bennett, Lincoln County Commissioner  
Josh Letcher, Lincoln County Commissioner  
Jenny Chambers, Montana DEQ  
Tom Stoops, Montana DEQ

Jessica Wilkerson, Montana DEQ  
Lisa Dewitt, Montana, DEQ  
Mike Cirian, EPA  
Dania Zinner, EPA

APPENDIX