

LINCOLN COUNTY

STATE OF MONTANA

BRENT TESKE, 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

KC Becker
Regional Administrator
Region 8, USEPA
1595 Wynkoop Street
Denver, CO 80202-1129
(Via email Becker, KC <becker.kc@epa.gov>)

6/3/22

Re: Operation and Maintenance Funds
Libby Asbestos Superfund Site

Dear Ms. Becker:

The remedy selected at the Libby Asbestos Superfund Site has resulted in Libby amphibole asbestos remaining on site above levels that allow for unlimited use and unrestricted exposure. The selected remedy also includes requirements for ICs, monitoring, and maintenance of remediated areas to prevent exposure and maintain protectiveness of human health and the environment into the future.

Long-term O&M is required to maintain the integrity of ICs, backfilled areas, encapsulated areas, and covers placed during previous response actions. The state of Montana is responsible for 100% of the operations and maintenance costs at the Libby Asbestos Superfund site, excluding OU3. Maintaining protectiveness of the remedy is critical at this site.

Lincoln County provides the ground level implementation of O&M, and is committed as elected Commissioners, the Board of Health, the Asbestos Resource Program, and as representatives on LASOC to make the O&M program successful and viable in perpetuity. Most of the O&M funds supporting both EPA and the County originate with EPA. This letter is a request to provide us (the County and DEQ) with regular information regarding balances in two funding sources.

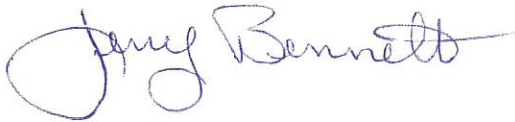
The first is EPA's O&M fund for the site (excluding OUs 3 and 6), which are settlement monies set aside for O&M. This fund is a primary source of support for DEQ (and ultimately the County ARP and property owners) for O&M. Originally the fund held about \$12 million. Though we are able to track and monitor the funds coming to DEQ and thus the County from this fund, we lack information relating to the balance in the fund, which is affected by other expenditures. It would be very beneficial to us in discharge of our duties to have this information to fill in a very significant gap in information.

Second, EPA committed to holding EPA's remaining remedial action funds to be available for the State of Montana and Lincoln County, if other currently available and planned funding resources are insufficient to meet the costs of O&M. (See attached 2018 letter from Mr. Benevento to Governor Bullock.) Lincoln County is requesting the balance of these remaining funds. Previous discussions with EPA estimated them to be approximately \$12 million.

Specifically, we are requesting that EPA provide the balances in both of these funds on a quarterly, or at a minimum, semi-annual, basis to DEQ to include in their LASOC budget reports. We recognize that the balance in the O&M fund is regularly changing, and that both funds are subject to auditing to yield official balances. We are accepting of best current estimates and recognize the uncertainty of unaudited data. The benefit of being able to get regular and timely fund information even if estimated, far outweighs no information. We are also hopeful that this request for estimated and informally provided information will be of minimal burden to EPA (using simple email communication) while providing important information to DEQ and the County. Ultimately, EPA also benefits from this endeavor.

Thank you for your assistance.

Lincoln County Commissioners



Cc/encl (via email):

EPA:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DEC 19 2018

The Honorable Steve Bullock
Governor of Montana
State Capitol
Helena, MT 59620-0801

Dear Governor Bullock:

Thank you for your letter to the U.S. Environmental Protection Agency, dated November 15, 2018, outlining your concerns related to funding operations and maintenance (O&M) at the Libby Asbestos Superfund Site in Lincoln County, Montana, and specifically, the availability of remaining EPA-held remedial action funds for that purpose.

As discussed at a meeting on November 29, 2018, in Libby, Montana, which included County Commissioner Mark Peck and the Director of the Montana Department of Environmental Quality's Superfund Program, Jenny Chambers, I personally committed to holding EPA's remaining remedial action funds to be available for the State of Montana and Lincoln County, if other currently available and planned funding resources are insufficient to meet the costs of O&M.

Any funding from EPA to support O&M will require an application outlining the scope of work and budget. EPA looks forward to continuing to work with all stakeholders to develop the specifics of an O&M plan for the Libby Asbestos Superfund Site.

If you have any questions, please do not hesitate to call me at (303) 312-6532.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Benevento", written over a horizontal line.

Douglas H. Benevento
Regional Administrator

cc: Mark Peck, Lincoln County Commissioner
Jerry Bennett, Lincoln County Commissioner
Mike Cole, Lincoln County Commissioner
Jenny Chambers, Montana DEQ