

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

November 15, 2018

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

Dear Administrator Doug Benevento:

The remedy selected at the Libby Asbestos Superfund Site has resulted in hazardous substances, pollutants, or contaminants (i.e., Libby amphibole asbestos) remaining on site above levels that allow for unlimited use and unrestricted exposure. The selected remedy also includes requirements for ICs (initial establishment and ongoing implementation), monitoring (consisting of non-intrusive and intrusive visual inspection and sampling and analysis during construction and non-intrusive visual inspections and limited sample collection with analysis post construction), and maintenance of remediated areas to prevent exposure and maintain protectiveness of human health and the environment into the future. Additionally, land use must be tracked to inform property owners and others about the potential to encounter asbestos contamination should land use change or ownership transfers occur. ICs will be used at the Site to require cleanup of LA contamination that is currently inaccessible and becomes accessible in the future; ICs also provide a mechanism to address property use changes between land use categories that could affect protectiveness.

Long-term O&M will be required to maintain the integrity of ICs, backfilled areas, encapsulated areas, and covers placed during previous response actions at all four land use categories. The specifics of an O&M program, including monitoring, are under development. Post-construction monitoring and maintenance will be performed at public use areas with contaminated subsurface soil remaining below backfill and accessible contaminated building materials. Post-construction monitoring and maintenance of contaminated subsurface soil remaining below backfill and within locations of encapsulated or otherwise inaccessible contaminated building materials on private property will be left to the property owner. Information will be provided to assist property owners and their contractors in understanding the appropriate maintenance procedures that apply to their properties. Because of the potential for LA contamination to remain in soil and structures after the remedial action is concluded, there may be a need to implement a response action during O&M.

US Environmental Protection Agency

November 15, 2018

Page 2

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, since chronic and acute exposure to Libby amphibole asbestos potentially can be fatal. While settlement monies were set aside for operations and maintenance, both Lincoln County and the State of Montana are concerned that this money will not be sufficient to ensure continued protection of the citizens of Lincoln County.

The State of Montana supports Lincoln County's request that, after completion of remedial action, any remaining EPA-held remedial action settlement monies be made available to the State of Montana and Lincoln County, Montana, for the purposes of implementing an Operations and Maintenance program for the Libby Asbestos Superfund Site.

Sincerely,



STEVE BULLOCK
Governor