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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MAY 23 2017

Ref: 8ENF-RC

Mr. Tom Livers, Director
Montana Department of Environmental Quality
P.O. Box 200901
Helena, Montana 59620-0901

Re: Libby Asbestos Superfund Site, Operable Unit 6, Lincoln County, Montana
Burling Northern and Santa Fe Railway Company

Dear Mr. Livers:

I am writing to inform you that the U.S. Environmental Protection Agency is initiating negotiations with Burlington Northern and Santa Fe Railway Company (BNSF) with regard to operable unit 6 of the Libby Asbestos Superfund Site. Operable unit 6 comprises the Libby and Troy railyards and corridors owned by BNSF. The goal of EPA's negotiations is to enter into a judicial consent decree whereby BNSF will implement institutional controls within operable unit 6, pursuant to the Record of Decision for the Site issued on February 8, 2016. We have collaborated with Thad Adkins and Whitney Bausch of the Montana Department of Environmental Quality on previous actions within operable unit 6, and we encourage the Montana Department of Environmental Quality to participate in these negotiations, with the State of Montana as a party to the consent decree.

Thank you for your consideration of this matter. If you have any questions about this matter, please contact Max Greenblum, Enforcement Attorney, at 303-312-6108 or greenblum.max@epa.gov.

Sincerely,

Aaron Urdiales, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Max Greenblum, 8ENF-L
Dania Zinner, 8EPR-SR
Matt Hogue, 8ENF-RC
Thad Adkins, MDEQ
Whitney Bausch, MDEQ