Atencio

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

1225827 - R8 SDMS

June 20, 2006

Ref: 8EPR-SR

Ms. Gayla Benefield
LATAG
PO Box 53
Libby, MT 59923

Dear Gayla:

I received your April 24, 2006 letter requesting further discussion on the scientific and risk related issues at the Libby Asbestos Site. I appreciate your concerns about the Record of Decision (ROD) and the risk management decisions we will be making in the near future. I remain committed to maintaining an open line of communication with the LATAG and various community members and groups in Libby and understand the importance of responding to your concerns in writing. While several of these issues were addressed during the discussions in the Tovm Meeting on June 13, 2006, 1 have formally responded to your specific concerns below.

1. ***Does EPA have sufficient data to support a quantitative Baseline Risk Assessment, and, ultimately a final ROD?***

Currently, the Libby Team, and more specifically, the Technical Assistance Unit (TAU), is carefully inspecting all available Site data. While the majority of these data were collected to support the removal actions, some of the data may support the Baseline Risk Assessment (BRA) directly. Overall, the existing data are valuable and instmctional in terms of providing a better understanding of the additional investigative efforts necessary to complete a BRA. In the upcoming months, EPA will be developing sampling and analysis plans to guide future data collection efforts designed to address data gaps in our understanding of various exposure pathways. Concurrent with the ongoing data examination effort, EPA plans to reinstate ambient air monitoring in Libby in recognition of the need for additional data to support evaluation of outdoor ambient air and the high level of community concern about this exposure pathway.

When the question about a final ROD was raised in your April 26th letter, my response was as follows: "EPA wishes to develop a ROD which is protective and at the same time meets the requirements of its regulations. EPA must fully evaluate proposed engineering remedies and the implementability of institutional controls prior to making a remedial decision. EPA acknowledges that there are uncertainties in this remedial decision, as there are in any cleanup decision. The magnitude of that uncertainty is as yet undetermined, but will be characterized by our expert toxicologists prior to the release of EPA's proposed plan. These uncertainties,

coupled with the need for long term monitoring and cleanup evaluation will be presented in the documents (BRA, RI/FS) that support the ROD. EPA recognizes that over time, asbestos measurement, analytical methods, and risk modeling approaches will continue to improve. EPA will evaluate uncertainties and new information consistently and will make timely changes to our remedial decision to reflect any endangerment identified by that process. The National Contingency Plan (NCP) and CERCLA statute contemplate five year reviews and ROD amendments to address changing conditions, new scientific developments, and improved analytical techniques. Again, we urge you to use the opportunities for review to comment on our draft documents, decision making processes, and ultimately on our preferred cleanup alternative for the Site."

We are still working toward issuing a final ROD in the future. However, the Libby Team is focused primarily on evaluating the applicability of existing data, designing additional data collection efforts, and using these combined data sets to support and complete a BRA for the Libby Site.

2. ***Distribution of completion letters that may not accurately reflect the removal process and the possible return to properties during the remedial process.***

The EPA Libby Team is currently revising the removal completion letter to more clearly indicate its scope and purpose—which are specific to removal cleanups. EPA often issues completion letters (or comfort letters) when a specific cleanup activity is accomplished. In this case, the letters refer to cleanups carried out under Removal Authority. The current EPA removal cleanup program in Libby is intended to address the most immediate potential health threats, while simultaneously informing the public of ways to reduce potential exposures of concern, however, this program does not eliminate all exposures, or risks, or possibilities of recontamination. We understand your concern that the general public may not be aware that there is a possibility that EPA may need to return to properties under Remedial Authority to address contamination that was not addressed during the removal actions that are currently taking place in Libby. Additional understanding by EPA of the necessity to revisit any properties will be acquired through the BRA and Remedial Investigation/Feasibility Study (RI/FS) processes. EPA will continue to investigate the Libby Site to gather data to support the BRA, and to perform post-cleanup sampling efforts to examine the efficacy of the removal cleanup actions. We will learn if further remedial actions such as remedial cleanup activities at Operable Unit 4 (OU4) will require a return to properties once we have thoroughly addressed these issues.

3. ***What additional staff is necessary for the EPA Libby Team at this high priority Superfund Site?***

EPA Region 8 (EPA R8) recognizes that the Libby Site is a national priority. Removal cleanups at the Site have been fully funded for the last six years, and EPA Region 8 is committed to providing additional resources, as necessary, to support the staff currently working on the Libby Site. When this issue was raised in your last letter, my response was as follows:

"EPA recognizes that the development of a Baseline Risk Assessment and a RI/FS for the Libby

Site is a challenging task and one that should only be taken on by the most qualified and technically sound team the Agency can provide. I will ensure that the Libby Team is capable of providing quality scientific and programmatic information and I will provide any additional resources necessary to complete the task. This includes the addition of several statistical analysts and experienced technical reviewers who are familiar with the challenges presented by the field of asbestos science. Furthermore, the Agency will continue to work closely with the Department of Health and Human Services organizations, such as the Centers for Disease Control and Prevention (CDC) and Agency for Toxic Substances and Disease Registry (ATSDR)."

Since that response, the team has continued to work with outside statistical reviewers and former team members, and has contracted with the University of Cincinnati in order to obtain additional health data. We are currently seeking a Libby Team Leader replacement and intend to hire someone in the near future. We will continue to identify additional assistance needed, and I remain committed to supporting the team with requests for additional resources. Again, EPA Region 8 is committed to providing a strong, qualified team that is dedicated to its work on the Libby Site.

4. Communication with Libby groups or public entities, other than the TAG or CAG.

Effective communication and public involvement in Libby are high priorities for EPA. EPA has put forth a strong effort in Libby to ensure that various groups, public officials, and community members are well informed, educated, and involved. Public input is important as we approve or amend Action Memorandums authorizing the cleanup, and will continue to be important as we work toward the issuance of a Proposed Plan with the associated opportunity for public comment on that plan.

EPA has attempted to include all groups and citizens equally as often as possible in its communication. Therefore, EPA will continue to respond to various requests for information, to attend the TAG and the CAG meetings, and to update local government officials as requested. These different groups have varying needs and at times may request different types of information. As a result, different information may be discussed with the various parties. Please understand this does not represent an effort to convey inconsistent messages; it is purely the result of our commitment to respond to the different needs and requests of various groups. All EPA meetings in Libby are open to the public, and we advertise this regularly. We anticipate continuing this level of open communication with all interested stakeholders including town meetings similar to the one I participated in on June 13, 2006.

In the interest of open communication, I think it is important to note that a criminal investigation was completed by EPA's Office of Inspector General. We have received no written report on the conclusions.

As announced, the EPA Libby Team presented the Draft Conceptual Site Model (CSM) at the July 11th LATAG meeting. In order to keep everyone involved and in receipt of public documents, the team distributed hard copies of the CSM and accompanying text and figures to the various entities in Libby, including the LATAG, the week prior to the July 11th meeting. This

is a cmcial document as it lays the foundation for the BRA and it will assist us in recognizing data gaps that need to be addressed through future sampling activities. We are actively seeking the LATAG's comment and input, as well as input from all community members on this document.

5. ***'Are EPA contractors and management using an appropriate science and risk assessment approach at the Site?***

Above all, EPA must follow the law and regulations outlined in CERCLA and the NCP. This means using sound science, performing a risk assessment that presents risks as well as uncertainties, and evaluating and choosing a remedy, with public input, that is ultimately protective of human health and the environment. These are the goals of the EPA team which directs the contractor resources deployed to Libby.

Workers and the public must also be protected in the interim. As with any response action, EPA relies on a risk management approach to accomplish this. In Libby, cleanups have greatly reduced sources of Libby asbestos in the community. Our experience has led us to know much more today about the dangers of Libby asbestos, where it's found in the environment, and how to change behaviors to lessen risk. The public's level of knowledge has similarly increased during this time. As a consequence, it's reasonable to expect that exposures and risk have declined significantly since 1999.

However, that's not enough. We have sampled ambient air. That data says that based on those snapshots in time the level of Libby asbestos for the ambient air pathway is within EPA's acceptable risk range. We have sampled at the perimeter of work areas to determine the effectiveness of the protective measures we take. And we have used personal air samplers to sample exposures of individuals working and living in Libby. These results have been consistent with our risk management expectations. If we get results that cause alarm, we will notify the community and take appropriate action. As we have noted, more data needs to be collected (including on ambient air) and the risk assessment needs to be completed, giving us better information for managing risks and cleaning up the site.

I hope I have addressed your concems. If you have any additional questions or wish to have further discussions, please don't hesitate to call me. You are welcome to contact other members of the Libby Team as well if you have specific questions. It was a pleasure seeing you recently and visiting with the community members of Libby.

Sincerely,

Max

Max H. Dodson, Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

Bcc: Kathie Atencio
Peggy Churchill
Mike Cirian
Matt Cohn
Bert Garcia
Mary Goldade
Kelcey Land
Bonnie Lavelle
Ted Linnert
Jim Luey
Aubrey Miller
Bill Murray
Wendy O'Brien