

# **Libby Community Advisory Group**

## **Meeting Summary**

### **June 14, 2007**

#### **Introductions**

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

#### **Agenda**

The CAG agreed to the following agenda for this meeting:

- § Legislative Recap;
- § Richard Opper Visit;
- § Agency reports; and
- § Public Comment.

#### **Legislative Recap**

David Latham stated that Rep. Heinert, in his legislative report sent to local newspapers, wrote that the May 2007 Special Session of the Montana Legislature appropriated \$1.5 million for the Libby Asbestos Medical Plan. The funds were included in the budget of the Public Health and Safety Division of the Montana Department of Public Health and Human Services for the 2008-2009 biennium. This money, allocated \$750,000 per year, is to provide grants to county health boards in counties with proliferation of tremolite asbestos-related diseases.

#### **Richard Opper Visit**

At the May CAG meeting, Eileen Carney volunteered to write to the Director of the Montana Department of Environmental Quality, Richard Opper, to invite him to come to Libby. Scanned copies of Ms. Carney=s letter and Mr. Opper=s reply are attached below as Appendix 2. In her letter of invitation, Ms. Carney mentioned that. A...(e)xcept for finding funding to help pay for continuing medical costs due to asbestos-related disease, Libby=s biggest concern is the future of the clean up and the State of Montana's responsibility in that regard.@ She continued, Awe understand that the state has the responsibility to fund the continuing operation and maintenance once EPA has completed the Superfund remediation cleanup. She asked Director Opper what funding the Libby community can count on for the next thirty years as we continue to uncover problems with vermiculite.

Mr. Mueller asked the CAG if and how it wished to prepare for Director Opper=s visit. Dr. Black stated that he may arrange for a presentation regarding the community=s medical funding needs. A local group has been discussing with W.R. Grace establishing and funding a medical trust fund. Dr. Black stated that the group is afraid that at some point, W.R. Grace will walk away from its health plan. He also said that it may be useful for the CAG to again pursue a declaration of a public health emergency.

*Comment by Paul Peronard - While we are on the subject of official visits to Libby, EPA Administrator Steve Johnson will visit Libby on August 7, 2007.*

*Comment by Gerald Mueller - The information being developed regarding Libby=s asbestos disease related health care needs could also be presented to Administrator Johnson.*

## **State Report**

Catherine LeCours reported on behalf of the state. To date, 88 properties in Troy have been screened for asbestos contamination. Of these, 21 had visible vermiculite. Eight properties had visible vermiculite inside buildings, eight had visible vermiculite outside, and five had visible vermiculite inside and outside. As a part of the screening, the cleanup contractor, Tetra Tech, Inc., has taken 500 soil samples and 350 interior dust samples. Ms. LeCours stated that she has had no negative feedback regarding Tetra Tech=s work. The company=s workers have become integrated into the Troy community.

*Audience Member Question - What level of funding has been budgeted for the cleanups, and who will conduct them?*

Answer - A cleanup budget will not be developed until after the screenings have been completed. We do not now know when the cleanups will begin or who will conduct them.

*Audience Member Question - Will you request bids for security work in Troy?*

Answer - We do not know our security needs in Troy yet. If the state issues the contract, it will be done on a competitive bid basis.

## **EPA Report**

Paul Peronard and Mike Cirian reported on behalf of EPA on the following topics.

Property Cleanups - So far this year, 40 properties have been cleaned. This year=s properties have been generally larger than last year. Sizes have ranged up to 3.2 acres. Because the cleanups are involving larger properties, we project removing 150-200% more contaminated soils than last year.

Ambient Air Sampling Report - The report for this past quarter through April 2007 is completed, and we asked Gerald Mueller to email to the CAG and the other people on his lists. The web address for the report is <http://www.epa.gov/region8/superfund/libby/updates.html>. Beginning on July 2, the sampling will be expanded into three new areas, the Highway 37 overpass, the rail line, and Fisher River. In September and October, we will expand the sampling again to include the area around the Rainy Creek Bridge and the mine.

Activity Based Sampling - EPA has been advertising for volunteers to participate in activity based sampling, the purpose of which is to enable EPA to develop data to determine the long-term effectiveness of the cleanups. Participants will allow EPA contractors to engage in typical indoor and outdoor activities while wearing personal air monitors. Residents will be asked to leave their properties while the monitoring is conducted. Outdoor activities to be monitored include law mowing, raking, and typical children play activities. The monitored activities will be repeated on three occasions. Eighty properties are needed for the outside activities. Indoor activities will include vacuuming, dusting, sweeping, and watching television. These sampling activities will be repeated four times, one during each season. Seventy-five properties are needed for the indoor sampling. Plans for the activity based sampling have been made public. Selection of the properties for inclusion in the study will begin on July 9.

Fact Sheets - EPA has issued four new fact sheets, entitled:

§ HEPA Vacuum Cleaner Program;

- § Lincoln County Do-It-Yourselfers;
- § Contractors & Tradesmen Working Indoors; and
- § Contractors & Tradesmen Working Outdoors.

These fact sheets have been issued to give homeowners and tradesmen information about what to do if someone finds vermiculite or asbestos in or around their home or business. These fact sheets are available from the EPA Information Center and on the EPA web site at [epa.gov/region8/superfund/libby/updates.html#cag](http://epa.gov/region8/superfund/libby/updates.html#cag).

Toxicity Studies - At previous meetings, we have described the studies underway to determine the toxicity of Libby amphibole asbestos. Draft research plans for these studies have been available for public comments for the last two months. These plans have also been under review by the Libby Technical Advisory Group and by agency and academic scientists. EPA toxicologists will hold a meeting this coming week to decide on responses to the comments received on the study plans.

Export Plant Site - The telephone company recently uncovered a vein of vermiculite while trenching to lay a fiber optics cable near the boat ramp and picnic area just north of the export plant site. This work may have resulted in short term, low level asbestos exposure to the workers. The company contacted EPA and covered the vermiculite. We intend to finish the investigation of the export plant site before deciding how to address this contamination.

Flower Creek and Granite Creek Bank Contamination - At the last meeting, we discussed finding asbestos-laden rocks in rip rap along portions of these creeks. We have walked through these areas. Our main concern is that kids may use these rocks to dam portions of the creeks to create swimming holes. When the water levels drop on Flower Creek, we will conduct sampling. We expect to remove the asbestos-laden rocks later this year. We will address Granite Creek next year. We also plan to examine all Libby area creeks for contaminated rip rap.

Environmental Resource Specialist - Mike Cirian stated that he is continuing to pilot test the Environmental Resource Specialist (ERS) position to get an idea of the man hours and costs associated with addressing unexpected cleanup needs such as vermiculite spills associated with remodeling activity. We expect to be able to provide a summary of ERS man hours and costs at the July CAG meeting. Although we get calls to do so, the ERS position is not the means for cleaning residential properties.

*CAG Member Comment - The recent discovery of vermiculite in the boat ramp/picnic area is the seventh release at the export plant site. We need transparency about the work that W.R. Grace has done or is doing at this site.*

Response by Paul Peronard - As we have said many times, we know that the subsurface is contaminated around the export plant site. We have been working with the City of Libby regarding this location. They did not notify us ahead of time before the trenching work began. This is an example of an area for which the Operation and Maintenance Working Group needs to develop institutional controls.

*CAG Member Question - You mentioned that the trenching may have resulted in short term, low level asbestos exposure to the workers. Is this not important?*

Answer by Paul Peronard - We did sampling at this site immediately. The results were non-detect for asbestos. We will be conducting activity based sampling at this site to assess the risk. I could

divert money from the residential and business cleanups to work on this site now, but I believe that the residential and business cleanups are more important for reducing exposure risk. Immediately after this meeting, we will conduct a field trip to this site so that people can view it for themselves.

*CAG Member Question - I understand that you are developing a letter of agreement with the City concerning this site. Can I have a copy of the agreement that the mayor signs?*

Answer by Paul Peronard - Yes.

*CAG Member Question - The ambient air sampling results include Libby amphibole found in Helena. Do you know how it got there?*

Answer by Mike Cirian - Five asbestos fibers that were chemically similar to Libby amphibole were found in Helena in one sampling run. We do not know the source, and no Libby amphibole or similar asbestos has been found since.

*Audience Member Question - I attended a meeting of the county commissioners addressing subdivision proposals. Is EPA screening potential developments?*

Answer by Paul Peronard - We are aware of five subdivision proposals and were asked for comments. We recommended screening for asbestos before development occurs. Asbestos screening prior to development is an example of a possible institutional control under consideration by the Operation and Maintenance Working Group.

*Audience Member Question - I understand that a property owner on the bluffs is building a house in an area known to be contaminated with asbestos. Is it correct that he refused EPA asbestos screening?*

Answer by Paul Peronard - The property owner did decline screening. However, we had sampled the property before the development began. We think that we know the contamination boundary. We told the property owner about the contamination, but we cannot control how people choose to use their property as long as they are not harming others. We will conduct ambient air monitoring to ensure that the construction activity is not causing asbestos to leave the site.

*Audience Member Comment - Heavy equipment is being operated on this site. The operators of this equipment are being exposed to potential asbestos contamination. Is proper cleanup protocol being followed?*

Response by Paul Peronard - We have had several conversations with the people involved. EPA cleanup protocol is not being followed. Again, we do not control actions of people on their own property.

*Audience Member Question - Isn't the community being endangered by this activity?*

Answer - The property is remote. We expect that the owner and the workers are the only people potentially at risk. We do not believe that asbestos fibers travel far in the air before falling out. We will be monitoring ambient air off of the property to ensure that contamination is not leaving the site. There are contaminated properties in town, and people are going about their business in these areas. The ambient air sampling does not indicate that contamination is spreading through the air from the contaminated properties.

*CAG Member Question - Have you done drop testing to see how long the fibers remain airborne?*

Answer by Paul Peronard - EPA has not conducted drop tests. W.R. Grace did so in the past. For example, they measured how long dust from their insulation product remained airborne in a

closed room. The concentration dropped in about two hours. Airborne modeling studies have been done for chrysotile asbestos. Concentrations were predicted to drop off rapidly once the source was removed. We have monitored ambient air at sites that we are cleaning in Libby. Concentrations of 2 to 3 fibers per cubic centimeter dropped 2 to 3 orders of magnitude after the work stopped.

The situation now is different than in the 1970s when high concentrations of asbestos fibers were being continuously emitted. Then ambient concentrations were seen downwind. Since we no longer have continuous emission sources, we have not seen fibers traveling over distances greater than about 200 yards.

*Audience Member Question - Does EPA know for sure how fast Libby amphibole drops out of the air?*

Answer by Paul Peronard - We have not conducted drop tests and do not see a reason to do so. Instead, we are conducted activity based sampling.

*Audience Member Question - Has EPA conducted drop tests of chrysotile asbestos?*

Answer by Paul Peronard - No.

## **CARD Report**

Tanis Hernandez reported that an outreach effort is underway to solicit blood samples from community members who are not asbestos-related disease patients for the MARF blood marker studies. Teachers and staff from the elementary, middle, high school and central school/administration building have donated samples, and we thank them for doing so. Also, CARD is now providing the opportunity for CARD patients to give an all inclusive consent (includes database, blood, urine, tissue, and future contact) so that their information and samples may be banked for use in future asbestos-disease related research. Anyone interested in consenting for this project is encouraged to contact CARD. Finally, there is an urgent need to fill and organize the database so that progress can be made in quantifying health outcomes regarding Libby amphibole asbestos that can direct epidemiologic and toxicology studies.

## **TAG Report**

Dr. Black reported on behalf of TAG. Last Tuesday, TAG had a stimulating meeting addressing the toxicology and epidemiologic studies. EPA Region 8 is working with us so that we can understand these studies. TAG has also conferred with the EPA official overseeing the 18 technical advisory groups operating in the northwest. W.R. Grace has contracted for studies at the mine. Reports on these studies will be provided to EPA and will be reviewed by TAG.

*CAG Member Question - Is it correct that there is an \$18,000 discrepancy in the TAG budget?*

Answer - Yes. There has been a transition in TAG board membership. The new members were confused about the TAG organization and budget. Invoices have not been submitted in a timely fashion. We have learned not to let our contract lapse and not to run out of money.

*CAG Member Comment - I would hope that the board would provide a specific accounting of its funds.*

## **Operation and Maintenance Working Group**

Because the delay in the record of decision regarding major operable unit, the residential and

business cleanups, the Working Group has not conducted much operation and maintenance related work recently. As records of decisions are issued for the smaller operable units, such as the mine and export and screening plants, we will be able to work on institutional controls related to them.

## **Public Comment**

*Audience Member Comment - Will EPA be issuing one record of decision for all operable areas or a series of decisions by area?*

Answer by Paul Peronard - We plan to issue separate records of decisions for the Libby (OU4) and Troy cleanup operable units (OU7) and for the mine and for the processing areas. The exposure issues including exposure pathways are the simplest in the operable units other than Libby and Troy, so we intend to proceed with issuing the records of decisions for the units other than OU4 & OU7.

*Audience Member Question - So the records of decision for the mine and screening plants and bluff will be separate?*

Answer by Paul Peronard - The monitoring and remedial investigation/feasibility studies (RI/FS) we are conducting should establish if these sites are connected. If they are not, we will move on separate decision paths for each one.

*Audience Member Question - Are you using water from Rainy Creek and the mine pond?*

Answer by Paul Peronard - Yes. We run this water through a 5 micron filter and then use it for dust control on contaminated areas.

*Audience Member Comment - We were told that we could not use Rainy Creek water so we surrendered our Rainy Creek water rights. I do not agree with the logic that allows EPA to use this water when we are not allowed to do so.*

Response by Paul Peronard - Our use of the water is different than yours. You need potable water and water for irrigation. We are using it for dust control on contaminated areas. Any amount of asbestos contamination in the water will not significantly affect the amount of contamination on the areas we are using it for dust control.

*Audience Member Question - What is happening with the mine record of decision?*

Answer by Paul Peronard - We have negotiated an agreement with W.R. Grace so that they will pay for a contractor, Montgomery-Watson, to conduct the mine RI/FS under supervision by EPA's contractor, CDM. We expect the sampling investigation to begin at the mine in September or October. Actual cleanup at the mine will begin next year.

*Audience Member Question - Have you done anything at the mine?*

Answer by Paul Peronard - We have used the mine to dispose of contaminated materials. We have paved two miles of Rainy Creek Road leading to the mine.

*Audience Member Question - Have any studies been conducted at the mine?*

Answer by Paul Peronard - No.

*Audience Member Comment - We witnessed people donning haz-mat suits and going and coming from the mine.*

Response by Paul Peronard - Researchers from the University of Montana are burning wood contaminated with asbestos to understand the effects of combusting it.

*Audience Member Comment - On April 16 there was a meeting in Missoula of mine stakeholders. Representatives of the United States Forest Service (USFS), the University of Montana, EPA, and the state attended. Representatives of Plum Creek and Gene Wise are also landowners in the area and should be invited to mine stakeholder meetings. As a property owner on Rainy Creek, I am also interested and would appreciate being invited to mine stakeholder meetings.*

Response by Paul Peronard - I will be sure that Bonnie Lavelle adds your name to her mailing list.

*Audience Member Comment - In 1996, we had a big snowfall which, when it melted, washed out Rainy Creek. I hope that you are taking such floods into account in your studies.*

*Audience Member Comment - I have read the criminal indictment of W.R. Grace, and I am uneasy about W.R. Grace conducting RI/FS work.*

*CAG Member Comment - W.R. Grace has done recontouring at the mine to prevent erosion.*

*CAG Member Question - Will the public be allowed to comment on the scope of work that EPA has with W.R. Grace?*

Answer by Paul Peronard - There will not be public comment on the agreement. Opportunity for comment will be allowed for the cleanup study plans.

*Audience Member Question - Mr. Peronard mentioned that if he moved to conduct cleanup now at the boat ramp/picnic area, he would have to divert funding from the residential and business cleanups. Do we need to ask Senator Baucus for additional funding?*

Answer by Paul Peronard - I encourage you to look at the Libby cleanup budget requests for each year and ask for whatever amount of funding you believe is necessary. However, regardless of the amount, each year we plan for the expenditures of the level of funding we receive. Unanticipated events such as discovering the contaminated rip rap rock along Flower and Granite Creeks will always compete with the planned activities. We are pilot testing the ERS position so that we can estimate how much funding to set aside at the beginning of the year for the unexpected events.

*Audience Member Comment - We are seven years into the cleanup here. We do not have a completed risk assessment because of funding limitations. You cannot clean the picnic area now without taking money from the other ongoing cleanups. Senator Baucus urged EPA to think outside of the box.*

*Audience Member Question - How much money do you need to address the picnic area?*

Answer by Paul Peronard - I don't know. I believe we will be better served by not diverting money from the residential and business cleanups now and waiting for the export plan record of decision before taking additional action to clean this site.

*Audience Member Question - What is happening with the CAG reorganization?*

Answer by Gerald Mueller - At the May CAG meeting, Bill Patten requested clarification of the purpose for the survey he and a committee agreed to design regarding the reorganization. The CAG members present agreed that the survey should focus on repopulating the CAG. It should seek to determine the level of interest in the CAG, why people who formerly participated

stopped doing so, and what needs to be changed to so that they would return or new people would join. Mr. Patten was unable to attend tonight=s meeting, so I will contact him and ask him to report at the next meeting.

*Audience Member Question - At a previous meeting I asked a question about the status of the \$1 million which Jim Christiansen said would be allocated for work at the mine. Have you found out what happened to this money?*

Answer by Paul Peronard - Mr. Christiansen requested, but did not receive the \$1 million for work at the mine.

### **Next Meeting Agenda Topics**

§ Discussion with DEQ Director Richard Opper.

§ Brian Goodman with the Montana department of Transportation Agency requested via email time at this meeting to address to explain the additional employee exposure testing that MDT and their contractor (Tetra Tech-Maxim) will be conducting during regular maintenance activities on Highway 37 this summer. Since he was apparently not able to attend tonight=s meeting, he may wish time at the July meeting.

§ Report on the CAG reorganization survey.

### **Field Trip**

Immediately after the CAG meeting, Paul Peronard and Mike Cirian led a field trip to this site. Gary Swenson, Mel Parker, DC Orr, Ted Linnert, and Gerald Mueller participated. A visual search of the ground in the vicinity of the picnic tables and the river pump site resulted in finding about a half dozen small pieces of vermiculite.

### **Next Meeting**

The next meeting is scheduled for 7:00 to 9:00 p.m. on June 14, 2007 in the Ponderosa Room of Libby City Hall.



**Appendix 1**  
**CAG Member & Guest Attendance List**  
**June 15, 2007**

<b>Members</b>	<b>Group/Organization Represented</b>
David F. Latham	The Montanian Newspaper
K.W. Maki	Libby Schools
Catherine LeCours	Montana Department of Environmental Quality
Ted Linnert	EPA
Mike Cirian	EPA
DC Orr	City of Libby
Paul Peronard	EPA
Dr. Brad Black	Lincoln County Health Officer
Gary Swenson	Libby Volunteer Fire Department

## Appendix 2

P.O. Box 193  
Libby, MT 59923  
May 22, 2007

Richard Opper  
Director, Montana DEQ  
P.O. Box 900201  
Helena, MT 59620

Dear Mr. Opper:

I am writing on behalf of the Community Advisory Group in Libby to invite you to come to our regularly scheduled meeting when you are in Libby. We meet the second Thursday of each month and our next two meetings will be June 14 and July 12. We have several things we would like to discuss with you about the cleanup of asbestos

We have very much enjoyed working with Catherine LeCours. She is efficient, articulate, friendly and a great person to represent DEQ. The investigation in Troy has gotten off to a great start because of these qualities.

Except for finding funding to help pay our continuing medical costs due to asbestos related disease, our biggest concern is the future of the clean up and Montana's responsibility in that regard. We have established an Operations and Maintenance committee what will take care of problems as they arise. We continually find pockets of vermiculite around Libby that will need to be taken care of in the future. We understand that the state has the responsibility to fund the continuing operation and maintenance once EPA has completed the Superfund remediation cleanup. EPA has estimated that the 30 year operation and maintenance costs may reach \$25-30 million over a 30 year period. What can we count on for funding this program for the next thirty years as we continue to uncover problems with vermiculite?

We are grateful for your willingness to take time out of your busy schedule to speak with us. It is important that we be able to communicate with our state officials about problems we deal with on a daily basis.

Sincerely yours,

Eileen J. Carney  
Representative of CAG

May 30, 2007

Eileen J. Carney  
CAG Representative  
P.O. Box 1193  
Libby, MT 59923

Dear Ms Carney,

Thank you for inviting me to meet with the Libby Community Advisory Group and for laying out the group's primary issues and concerns so clearly in your letter. I'd be happy to meet with you. Unfortunately I'll be out of state when the group meets in June, but I will plan to attend your July meeting.

I also appreciate your kind words about Catherine LeCours. We're very lucky to have her on our staff, and it's great to hear that you appreciate her skills and dedication to this project.

I look forward to meeting you and the other members of the Committee Advisory Group in July.

Sincerely,

Richard H. Opper  
Director

C: Sandi Olsen, DEQ Remediation Division