

Libby Community Advisory Group

Meeting Summary

July 12, 2007

Introductions

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

Agenda

The CAG agreed to the following agenda for this meeting:

- Presentation by Brian Goodman;
- Discussion with Richard Opper;
- CAG Survey;
- Agency reports; and
- Public Comment.

Presentation by Brian Goodman

Brian Goodman, Chief of the Environmental Services Bureau of the Montana Department of Transportation (MDT), summarized the results of the latest and final round of asbestos sampling by MDT on the state road right-of-ways (ROWs) within a five mile radius of Libby. Mr. Goodman and Ryan Behrends previously described the sampling effort at the March 8, 2007 CAG meeting. Perhaps because the most recent sampling was conducted after a rain, only one sampler detected asbestos. None of the personal air samplers worn by MDT personal as they conducted their work in the ROWs detected asbestos fibers. MDT employees will continue for the time being wearing the Tyvec hazardous material suits as they work in the ROWs, mowing grass, cleaning ditches, etc.

Question by Paul Peronard - Will MDT be publishing a summary of the sampling results?

Answer - Yes.

Audience Member Question - Will MDT conduct cleanup of the road ROWs?

Answer - We do not have plans to conduct a cleanup.

Audience Member Question - What about people who live near the road ROWs?

Answer - MDT is asking property owners to avoid activities in ROWs such as mowing and digging. We have also warned utility workers about the potential asbestos exposure in the ROWs.

Answer by Paul Peronard - Roads and alleys in and around Libby are currently being assessed to determine their cleanup priority. We are expanding the ambient air monitoring along the road corridors and will conduct personal air monitoring in the corridors as well.

Richard Opper Discussion

Catherine LeCours introduced Richard Opper, Director of the Montana Department of Environmental Quality (DEQ), and Sandi Olsen, Administrator of the DEQ Remediation Division, and Kirsten Bowers, a DEQ attorney. Mr. Opper thanked the CAG for the invitation to visit, and stated that he was pleased to do so. This was not his first trip to Libby. For the last 27 years, he has come to Libby about twice a year to visit his wife's parents. Mr. Opper has been deeply

affected by the press accounts of the Libby asbestos contamination and its effects. He has observed first hand the phases of the community's response to the publicity about the asbestos contamination and exposure, from denial to anger to resignation, as well as its efforts to address the cleanup and health related issues. He is pleased both that DEQ has an excellent project officer, Catherine LeCours, working in Libby and Troy, and that DEQ has a good working relationship with EPA in Libby. Mr. Opper was able to spend about one-half of the day visiting with Commissioner Konzen and with Dr. Black and others at the CARD Clinic. He also toured cleanup "hot spots."

CAG Member Question - What support can we count on from the state after EPA finishes the cleanup and leaves Libby?

Answer - I cannot give the easy answer that money will be available. I do not know if there is enough money to address all of the community's needs. Asbestos contamination will remain after EPA leaves. We need to ensure that EPA conducts the best cleanup possible. The more we cleanup now, the less the burden on future generations will be. The state has a obligation to pay for the post-remediation operation and maintenance costs as its 10% share of the site cleanup costs. The state normally sells bonds to cover its share of Superfund cleanup costs. The bonds are repaid from taxes on resource extraction. Our bond amount will likely not be enough in this case which means that we will be dependent on future state budget surpluses and/or legislative appropriations. Success with the legislature depends on selling the story of what happened here. Libby will have an advocate in state government. I suggest that you also invite Joan Miles, the Director of the Montana Department of Public Health and Human Services, to visit Libby.

CAG Member Question - Is the party responsible for the contamination liable for paying for the operation and maintenance costs?

Answer - Legally, yes. Ideally, W.R. Grace should pay these costs; however, whether it will depend on the outcome of the bankruptcy. There have been other cases in which the state has been saddled with health and environmental costs after a company disappears.

CAG Member Question - Does the state have a position in the bankruptcy case?

Answer - I don't know.

Answer by Paul Peronard - EPA has filed a claim in the W.R. Grace bankruptcy for all cleanup costs, which would include the state's share of them.

CAG Member Comment - The potential that we will receive full recovery from W.R. Grace appears slim.

Response - I agree that the probability of receiving 100% of the cleanup costs from W.R. Grace is almost nil.

CAG Member Question - When the EPA Administrator visits here in August, we intend to ask for a declaration of a public health emergency with the goal of obtaining funding for health care, the toxicity studies to determine the necessary level of cleanup, and economic infrastructure needed to recover from the asbestos exposure. Do you have concerns that would limit your support for a public health emergency declaration?

Answer - I have no objections to such a declaration. Libby is clearly a public health emergency as a result of the asbestos contamination. I do not understand fully the implications of such a declaration, however. It may not solve the funding needs. Libby is in competition for federal

funding with the Iraq war which is consuming about \$10 billion per month. This competition is not going away. Obtaining the funding you need will be an uphill battle.

CAG Member Question - Will you visit with Governor Schweitzer about a public health emergency declaration?

Answer - Yes.

CAG Member Question - Are there other sites in Montana that will compete with Libby for state funding?

Answer - Unfortunately, yes. There are 10-16 federal Superfund sites in Montana, including the two in Libby. There are some 220 state Superfund sites. In addition, we face paying for cleanups of underground tank leaks and abandoned mines. Libby is the worst federal Superfund contamination site in Montana and the country.

CAG Member Question - This past session we sought funding from the legislature for interim health care costs. We were surprised about the amount of misinformation in the legislature. Do you have suggestions about how we might go about informing the legislature about our situation?

Answer - To have influence in the legislature, you need to have a respected legislator as your advocate. A state agency arguing on your behalf will not be enough.

CAG Survey

Bill Patten passed out a copy of the survey developed to gauge the community's knowledge about the CAG and to determine what changes local residents would like to see in its scope and mission. See Appendix 2. He asked for comments on both the introductory narrative and the survey questions. This survey will use the hospital's survey software and will be posted on the St. John's Lutheran Hospital web site.

CAG Member Question - How will people become aware of the survey?

Answer - Other web pages can be linked to the survey on the hospital web page. We can contact local media about the survey and conduct an aggressive word-of-mouth campaign. LeRoy Thom and Bill Patten volunteered to visit the local newspapers regarding the survey.

CAG Member Question - How can people who do not regularly use computers obtain a hard copy of the survey?

Answer - Perhaps we can have our local newspapers print a copy. We can also have copies available at the EPA Information Center and other locations in the community.

Audience Member Comment - I can have copies at my business.

CAG Member Comment - We can also have copies available at the library.

CAG Member Question - Do we have a budget to pay for copies of the survey and for placing paid advertising in the newspapers?

Answer - No, we don't. I will prepare a Word version of the survey. I will also have hospital employees enter data from hard copies.

Answer by Ted Linnert - EPA may be able to pay for copies and newspaper ads containing the survey.

CAG Member Question - Could we add a question asking what agencies/organizations should be represented on the CAG?

Answer - Yes.

CAG Member Question - Could you also include a general invitation to comment on the survey?

Answer - Yes.

Audience Member Question - Could we also place public service announcements on the local radio stations?

Answer - Yes. Jerry Hersman agreed to contact the local stations.

Audience Member Comment - We may get responses that the CAG has outlived its usefulness because people are frustrated by the depth of the problems we are facing and the length of time it has taken to address them.

CAG Member Question - Does the survey instrument automatically compile the results?

Answer - Yes. The results are tabulated along with any comments. Responses are collected on an anonymous basis unless the respondent chooses to identify her or himself. Also, multiple responses are allowed from the same computer. Finally, the respondent need not answer all questions.

CAG Member Comment - The on-line survey program is a wonderful tool. We use it at the county.

CAG Member Comment - We have previously discussed forming a speakers bureau so that we can explain the cleanup and health care issues to service clubs, the chamber of commerce, and other community organizations.

Homework Assignment - CAG members agreed to bring back to the next meeting suggestions for organizations to which presentations should be made together with volunteers to make the presentations.

EPA Report

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

Property Cleanups - So far this year, 57 properties have been cleaned. The cumulative total is 851.

Activity Based Sampling - The activity based air sampling of both indoor and outdoor activities will begin this week.

Denver Meeting - EPA will host a meeting on July 23 and 24 in Denver to discuss medical monitoring, epidemiology, and the toxicology studies. Scientists from Mount Sinai Hospital in New York and the University of Cincinnati will attend.

Budget Priorities - Next month, we will ask the CAG for advice about priorities for the various cleanup, sampling and study activities we face.

Environmental Resource Specialist (ERS) - Mike Cirian passed out copies of a presentation regarding the ERS. The presentation material addressed the ERS calls received to date; the status of the responses to those calls, the costs incurred piloting the ERS position, the costs still pending, the total projected costs and time requirements of the ERS program, and future ERS topics. See Appendix 3.

Administrator's Visit - EPA Administrator Stephen Johnson and Senator Baucus will be visiting Libby on August 6.

CAG Member Question - Was the incident involving the telephone company trench at the export plant logged as an ERS event?

Answer by Mike Cirian - It is not in the numbers in the handout because they are for the beginning of the pilot project up to June 1. The event you are referring to will be in the July report.

Audience Member Question - It looks like the ERS responsibility will be a big one after EPA finishes the remediation cleanup and leaves Libby. You are doing this job part time, but have the back up of other EPA and contractor personnel. Do you anticipate that one person can fill the ERS role?

Answer by Mike Cirian - The service must be on call 24 hours a day, seven days a week. We hope that the training of contractors will take some of the work load off of this position.

Answer by Paul Peronard - We are creating an infrastructure to address ERS issues. A single person, stand-alone office will not be sufficient. Support services will be required.

CAG Member Comment - The pilot test of this position and the time that Mike Cirian dedicates to it stems from EPA's willingness to support the state. We are grateful to EPA, for this effort which is helping us understand what the nature of the post-remediation cleanup operation and maintenance responsibility is likely to be.

Audience Member Question - Will the ERS program continue?

Answer by Mike Cirian - We are pilot testing it for one year. The state will support continuing the pilot.

Audience Member Question - Are the hours reported in the handout material just your hours?

Answer - The reported hours include more than just my time responding to events. They also include oversight and contractor hours.

CAG Member Question - Do you plan to continue the contractor training?

Answer - Yes. We are assessing the community's need for continued training. It is a good investment for EPA, because as more people know how to respond to finding vermiculite, the less work we need to do. For example, contractors are donning the hazard materials suits and bagging up contamination on their own.

CAG Member Comment - Commissioner Windom is drafting a letter to Administrator Johnson and to Senator Baucus identifying the three issues that we hope to discuss during the visit: the cleanup and the risk assessment, the declaration of the public health emergency and the creation of a health care trust fund, and the need for economic development after EPA finishes its work and leaves.

CAG Member Comment - The letter should also be sent to Senator Tester and Congressman Rehberg.

Response by Commissioner Windom - We will send the letter to all members of our delegation.

CAG Member Question - Given our hot, dry weather, the fire season is about four weeks earlier than normal. Is the EPA and the United States Forest Service (USFS) prepared for the special concerns associated with fires in areas such as the Rainy Creek drainage that are contaminated with asbestos?

Answer by Paul Peronard - In 2000, we developed a general fire response plan with the USFS. Fires in Rainy Creek will be fought only from the air. In the event of a fire in Rainy Creek, we will also move our ambient air monitoring from ongoing Libby sampling to the fire area.

CAG Member Comment - My concern is that EPA meets with USFS next week to review procedures so that type 1 or 2 fire fighting crews coming here from other areas will have the relevant information.

Response by Paul Peronard - You are rising a good point. Although we did meet with the USFS in February or March of this year, we will set up a meeting next week. I am a qualified type 1 fire fighting team director.

State Report

Catherine LeCours reported on behalf of the state. We have now screened 200 properties in Troy for asbestos contamination. Of these, 44 had visible vermiculite. We have also taken 900 soil samples and 600 dust samples. We expect sampling results later this month.

Audience Member Question - Will ATSDR be conducting screening in Troy?

Answer - The field teams are informing people about the service available from CARD and MASSA.

CARD Member Comment - The state is developing the process for allocating the funding made by the 2007 Montana legislature for interim asbestos-related health care. While other counties may be eligible to receive the funds than just Lincoln County, they must have a proliferation of asbestos-related disease. Cascade County may be eligible. We expect the state to make it easy for Lincoln County to apply for these funds.

Audience Member Question - Could DPHHS refine the eligibility criteria so that only Lincoln County would be eligible?

Answer - Upon the advice of the Legislative Services Division, the legislature did not limit the funding only to Lincoln County. However, we believe that the intent was to get the money to Libby.

Operation and Maintenance Working Group

Ms. LeCours also reported on the activities of this group. It has discussed ERS results to date with Mike Cirian. We are planning to develop institutional controls for the smaller operable units in cooperation with the City and EPA.

CARD Report

Mike Giesey and Tanis Hernandez reported on behalf of the Center for Asbestos Related Disease (CARD). Members of the CARD Board and staff met recently with Senator Tester to explain the need for funding. CARD has a new Board Secretary, Mary Tevebaugh, and a new Board Member, Nancy Hogan. The CARD Clinic and St. John's Lutheran Hospital are cooperating in offering a six week smoking cessation program. People in the W.R. Grace Medical Plan will have program costs covered if they complete it. Please call either CARD or the hospital if you want to enroll.

CAG Member Question - What is the cost of the cessation program?

Answer - \$100, which is about the monthly cost for cigarettes.

TAG Report

Alvin Benitz reported on behalf of TAG. Nancy Hogan is also serving as a new TAG board member. We will be sending two people to the July 23 and 24 EPA meeting in Denver, LeRoy Thom and Gerry Henningsen. Dr. Black will be attending representing CARD.

Public Comment

There was no additional public comment.

Next Meeting Agenda Topics

- Discussion of community groups that should be visited by a CAG speaker and who will make the presentation to each group.
- Consideration of the priority for the cleanup, sampling and study activities for next year's budget.
- Report on the status of the funding provided by the 2007 legislature.
- Reviewing the EPA Administrator's visit.
- Report on the CAG reorganization survey.

Next Meeting

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

Appendix 1
CAG Member & Guest Attendance List
July 12, 2007

| Members | Group/Organization Represented |
|-------------------|---|
| Gary Swenson | Libby Volunteer Fire Department |
| Bill Patten | St. John's Lutheran Hospital |
| Mike Gieseey | CARD |
| Catherine LeCours | Montana Department of Environmental Quality |
| Rita Windom | Lincoln County Commission |
| Ted Linnert | EPA |
| Mike Cirian | EPA |
| DC Orr | City of Libby |
| Paul Peronard | EPA |
| Dr. Brad Black | Lincoln County Health Officer |
| LeRoy Thom | Former Grace Employee |
| Eileen Carney | Montana State Board of Respiratory Care |
| Kenny Hays | Senior Citizens |
| | |
| Visitors | |
| Brian Goodman | Montana Department of Transportation |
| Richard Oppen | Director, Montana DEQ |
| Sandi Olsen | Remediation Division Administrator, DEQ |
| Kirsten Bowers | Attorney, DEQ |

Appendix 2

Libby Area Community Advisory Group Survey Summer 2007

The EPA has been working in Libby since 1999 when an Emergency Response Team investigated local concerns about asbestos-contaminated vermiculite. Since that time, the area has been designated a "Superfund Cleanup Site" and the EPA has been working to clean up contamination and reduce risks to human health.

One of the ways communities can participate in site cleanup decisions is by forming a Community Advisory Group (CAG). A CAG is made up of a diverse collection of community representatives. Its purpose is to provide a public forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process. The EPA does not control the way each CAG is formed or the topics it discusses.

A CAG is a committee, task force, or board made up of people affected by a hazardous waste site or other environmental problems. Forming a CAG is one of the most effective ways community members can help decide how to clean up the site or deal with other environmental issues. The Group provides a public forum where community members can discuss their concerns about the site.

A CAG can assist the EPA in making better decisions on how to clean up a site. It offers the EPA a unique opportunity to hear and seriously consider community preferences for site cleanup and remediation. The existence of a CAG does not eliminate the need for the Agency to keep the community informed about plans and decisions throughout the Superfund process.

Libby has had a CAG for many years. In the first few years of the cleanup effort, the CAG was composed of a diverse mix of community members representing a wide variety of business sectors and community organizations. Of late, attendance at the CAG has sharply declined and the diversity of the group has become limited.

The current members of the CAG are concerned that the group may not be meeting the community's needs. This survey has been developed in an effort to gauge the community's knowledge about the CAG and to determine what changes local residents would like to see in the scope and mission of this committee. You can complete the survey online by going to www.surveymonkey.com/s.aspx?sm=wbcsg0baNDUkWNlhBQmyZA_3d_3d.

Unless you desire more information about the CAG, this survey is completely anonymous. Please take a few minutes and complete the survey. Encourage your friends and neighbors to complete it as well!

Sincerely,
The Libby Community Advisory Group

1. Do you know what the CAG is?

Yes No

2. Do you know when (day, time, place) the CAG meets?

Yes No

3. Do you know the individuals who sit on the CAG?

Yes No

4. Do you know what organizations are represented on the CAG?

Yes No

5. Do you feel these individuals or organizations represent you?

Yes No

6. Do you know why the CAG was established?

Yes No

7. Has the CAG successfully worked with state and federal agencies to achieve its goals?

Yes No If no, please explain

8. Have CAG members been successful in articulating their goals and achievements?

Yes No If no, please explain

9. Do you think the CAG has outlived its usefulness?

Yes No If yes, please explain

10. When was the last time you attended a CAG meeting?

Last meeting Last month Several months ago
 Last year Several years ago Never

11. On what specific topics or projects do you think the CAG should focus?

12. What changes do you think the CAG needs to make?

13. What other organizations or individuals should be part of the CAG?

14. Would you like more information about the CAG?

Yes No If yes, please provide your contact information.

15. Would you like to become part of the CAG? (Either by being a formal member of the Committee or regularly attending the monthly meetings.)

Yes No If yes, please provide your contact information.

16. What changes does the CAG need to make in order for you to attend/become a member?

17. What other comments or suggestions do you have?

Thanks for taking the time to complete this survey! The more responses we have the better, so please encourage your friends and neighbors to complete this survey. We will share the results at an upcoming CAG meeting in the near future - stay tuned!

Drop your completed survey off at:

- The local EPA Information Center
- The Front Desk of St. John's Lutheran Hospital, Attention Bill Patten.

Appendix 3
ERS Update
October 26, 2006 through
June 2, 2007

How Many Calls

- There were many calls in regards to “where am I on the cleanup list?”
- There were a total of 37 calls logged into the hotline. Two that are not logged in.
- Three repeats listed.
- 22 have been completed.
- 13 are active.
- One was no Action Required at this time.

The 13 on Active Status

- Three were fires and scheduled for Demo this fall.
- The rest are in planning stages or waiting on homeowner to make decision.

Costs Incurred

- Total removal/cleanup costs = \$60,448.81
- ERS ? Costs = \$21,474.06
- (Would these still occur once EPA is done?)
 - Needed to have work done before we could get to regular cleanup.
 - Made sense to do it now. (Trailer home)
 - ERS or not.

Costs not yet Incurred

- The 3 homes scheduled for Demo.
- One home scheduled with reservations.
- Will costs once incurred be reflected of actual costs once O&M takes over?
 - These will reflect extreme cost scenarios.
 - Actual Demo costs – yes
 - Sampling costs once exposure levels and sampling levels are identified for future demos?

Projected Costs

- Averaging about \$12,000.00 per month.
- 60 personnel hours per month.
- Demo Estimates:
 - \$110,000.00 per home including demo and sampling requirements. (total \$330,000.00)
 - \$20,000.00 per yard. (total \$60,000.00)
 - \$70,000.00 rebuild (total \$70,000.00 – one home)
 - \$70,000.00 for one partial demo. (home was cleaned and now owner wants to demolish and rebuild.

Time

- ERS Person: 88 hrs
- Volpe/Contracting: 16.0 hrs
- CDM Personnel
 - ERS Health and Safety: 139.0 hrs
 - ERS Oversight: 128.6 hrs
 - ERS Sampling: 22.0 hrs
 - ERS Community Involvement: 16.0 hrs
 - ERS Administration: 10 hrs

Discussion Topics for Future ERS

- Full time or Part Time?
- Administration and contracting?
- Trained/Licensed contractors?
- Over-site/Sampling requirements?
- Disposal Facilities?
- ERS personnel Training Requirements?