

Appendix B: The Fine Print

The Fine Print

This appendix provides the bureaucratic description of this document - the Community Engagement Plan (CEP). Herein is all the boilerplate language the Agency likes to see in its community involvement plans, but is of minimal interest to the public or the CIC.

The objective of the CEP is to provide up-to-date information that will be useful in planning, executing, and assessing the best ways to communicate with the public about activities at the Libby Asbestos Superfund Site (the site) in Lincoln County, Montana. The CEP is written primarily for the use of the U.S. Environmental Protection Agency's (EPA's) Community Involvement Coordinator (CIC) and Remedial Project Manager (RPM), State of Montana personnel, and contractors. However, it should also be a useful tool for other stakeholders, such as interested members of the general public. In order to promote that latter goal, this material, which usually appears at the beginning of a CEP, has been moved to this less prominent portion of the document.

1.1 The Community Engagement Plan's Statutory Mandate

This CEP has been prepared in accordance with the Superfund Community Involvement Handbook (EPA, 2002). The handbook outlines the community involvement requirements stipulated in the National Contingency Plan (NCP), the regulations that govern Superfund.

The CEP is used by EPA in conducting community involvement activities as part of the Superfund process. The NCP requires a CEP for all removal actions lasting longer than 120 days and for all sites listed on the National Priorities List (NPL). The CEP serves as a basis for identifying community concerns and planning two-way communication, so that the community gets the information it wants in a format that best fits its needs. Community involvement staff strive to anticipate, identify, and acknowledge areas of conflict so that decisions can be made with full understanding of community views.

EPA conducts community interviews and prepares a CEP that includes a description of the site background, history of community involvement at the site (including major community concerns), and community relations objectives. The community interviews are the foundation for developing a plan that keeps abreast of community concerns. The CEP often presents opinions of residents and other interviewees that are obtained in interviews. No effort is made to determine if those opinions are factually precise.

EPA is committed to fully involving community members in site activities and decisions. These activities and opportunities for community involvement are explained in the pages that follow. EPA will be responsible for implementing the community involvement program outlined in this CEP.

1.2 EPA's Public Involvement Policy

EPA's mission is to protect human health and the environment. To achieve that mission, EPA needs to continue to integrate, in a meaningful way, the knowledge and opinions of others into its decision-making processes. Effective public involvement can both improve the content of the agency's decisions and enhance the deliberative process. Public involvement also promotes democracy and civic engagement, and builds public trust in government.

EPA has long been committed to public involvement. The fundamental premise of EPA's Public Involvement Policy (EPA, 2003) is that EPA should continue to provide for meaningful public involvement in all its programs, and consistently look for new ways to enhance public input. EPA staff and managers should seek input reflecting all points of view and should carefully consider this input when making decisions. They also should work to ensure that decision-making processes are open and accessible to all interested groups, including those with limited financial and technical resources, English proficiency, and/or past experience participating in environmental decision-making. Such openness to the public increases EPA's credibility and improves its decision-making processes. At the same time, EPA should not accept recommendations or proposals without careful review.

The Public Involvement Policy supplements, but does not amend, existing EPA regulations that prescribe specific public participation requirements applicable to EPA's activities under specific statutes, such as those found at 40 CFR Part 300 National Oil and Hazardous Substance Pollution Contingency Plan (EPA 2004). The regulations specify the minimum required level of public participation. Whenever feasible, agency officials should strive to provide increased opportunities for public involvement above and beyond the minimum regulatory requirements.

Superfund is the nation's program to clean up uncontrolled or abandoned hazardous waste sites. The Superfund law, officially known as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), was passed by Congress in 1980 and amended in 1986 by the Superfund Amendments and Reauthorization Act (SARA). The Federal regulation that guides the Superfund program is the National Oil and Hazardous Substances Pollution Contingency Plan, which was revised in 1990.

Superfund has three primary functions:

- It gives EPA the authority to stop releases or potential releases of hazardous substances.
- It enables EPA to compel those responsible for site contamination to pay for cleanup or perform the cleanup.
- It provides funding for cleanup when money from responsible parties is not available.

CERCLA requires EPA, or the state at state-lead sites, to develop and manage community involvement programs at both fund-lead and enforcement-lead sites. At fund-lead sites, cleanup is paid for with Superfund money; at enforcement-lead sites, a potentially responsible party (PRP) pays for or performs cleanup. At either type of site, community involvement remains the responsibility of the EPA.

The CERCLA community involvement effort promotes two-way communication between members of the public and the lead government agency responsible for remedial actions. The overall objectives of CERCLA community involvement are:

Provide the public the opportunity to express comments on and provide input to technical decisions.

- Inform the public of planned and ongoing actions.
- Identify and resolve conflicts if possible.
- Where applicable, EPA's community involvement activities also address environmental justice issues.

1.3 Groups and Programs Involved at the Libby Site

This section contains an overview of EPA and other programs and groups associated with the site. They include:

- EPA Superfund Program
- Other EPA groups
- Other government groups
- Non-governmental groups

1.3.1 Superfund Program

Under the Superfund program, EPA investigates hazardous waste sites and is authorized to conduct two types of response actions:

- **Removal Actions.** Short-term actions designed to stabilize or clean up incidents involving hazardous substances that present a sufficient threat to human health or the environment. Removal actions can last no longer than 12 months or cost no more than \$2 million, although exemptions may be granted if warranted.
- **Remedial Actions.** Long-term actions that significantly and permanently reduce dangers due to releases or potential releases of hazardous substances that are serious but not

immediately life threatening. Remedial responses are referred to EPA's remedial program and are conducted only at sites on the NPL.

The discovery of a release or potential release of hazardous substances initiates EPA's removal program. EPA receives notice from the National Response Center or is contacted directly by states, communities, industries, or individuals. An EPA on-scene coordinator (OSC) goes to the site, evaluates the situation, and determines the removal action to be taken. Superfund money may be used to clean up the site if those responsible for the release cannot, or will not, conduct the cleanup, or if state or local agencies are unable to respond. Other government agencies may be called upon to assist when necessary, depending upon the nature and extent of the release.

Some removals are paid for and conducted by those responsible for creating the release. In addition to past and present owners or operators, those responsible may include generators, transporters, storers, or disposers of hazardous substances. The rest may be paid for and conducted by state or county response teams and funds, or by EPA through Superfund. When Superfund money is used, EPA may take action to force those responsible to reimburse the federal government for cleanup costs.

All sites are entered into the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), EPA's computerized inventory of potential hazardous substance release sites. Sites are screened using the Hazard Ranking System (HRS) to determine if they will be placed on the NPL.

If a site is placed on the NPL, the following activities will occur under to determine and implement the appropriate response to threats posed by releases of hazardous substances:

- **Remedial Investigation/Feasibility Study (RI/FS).** Determines the nature and extent of contamination.
- **Proposed Plan.** Summarizes cleanup alternatives, identifies EPA's preferred alternative, and seeks public input.
- **Record of Decision (ROD).** Explains which cleanup alternatives will be used.
- **Remedial Design/Remedial Action (RD/RA).** Preparation and implementation of plans and specifications for applying site remedies.
- **Construction Completion.** Documents completion of cleanup activities.
- **Post-Construction Completion.** Ensures that Superfund response actions provide for the long-term protection of human health and the environment. Includes long-term response actions, operation and maintenance, institutional controls, five-year reviews, remedy optimization, and NPL deletion.

1.3.2 EPA Groups

EPA administers and enforces the nation's environmental laws. Based in Washington, D.C., it includes 10 regional offices, each of which includes community relations and technical staff involved in Superfund site cleanups. EPA Region 8 encompasses Colorado, Utah, Wyoming, North Dakota, South Dakota, and Montana. The EPA Region 8 office in Denver, Colorado includes several offices, branches, and sections related to the Superfund Program. In addition, there is an EPA Region 8 office located in Helena, Montana. Appendix C provides contact information for the appropriate EPA staff and managers.

1.3.2.1 Superfund Community Involvement Branch- Region 8

This branch is part of EPA's Office of Communication and Public Involvement (OCPI) and oversees communication between EPA and all residents, public officials, media representatives, and community groups associated with Superfund sites. The Superfund Community Involvement Program for each site involves the planning, coordination, and implementation of activities designed to facilitate communication and enhance community involvement. Generally, each site has a CIC who works closely with EPA technical staff to keep the local community informed and involved.

1.3.2.2 Office of Ecosystem Protection and Remediation - Region 8

The Office of Ecosystem Protection and Remediation oversees the development and implementation of Superfund remedial and removal program activities, as well as Resource Conservation and Recovery Act (RCRA) activities. The office is responsible for long-term technical work at the Libby Asbestos Site, including site assessments, remedial investigations and feasibility studies, treatability tests, and remedial design and action. The site has a Remedial Project Manager (RPM), who supervises private contractors and other parties involved in site study and cleanup.

1.3.2.3 Preparedness, Assessment, and Emergency Response Program - Region 8

The Superfund Preparedness, Assessment and Emergency Response Program is part of EPA's Emergency Response Program and manages short-term actions and emergency responses. These actions include responses to accidental releases of hazardous substances, as well as short-term work at sites on EPA's NPL. Removal actions are supervised by EPA OSCs.

1.3.2.4 Program Support Group - Region 8

The Program Support Group is an advisory group of scientists available to senior agency managers, OSCs, and RPMs for consultation on technical and scientific matters pertaining to toxicology, ecology, human or veterinary medicine, chemistry, hydrogeology, and/or air modeling. Scientists and/or physicians within the group are sometimes consulted to develop or review environmental sampling and analysis plans, or to develop or interpret environmental, epidemiological, medical or toxicological data. The Program Support Group provides around the clock emergency response capacity to assist with scientific support and coordination during

environmental emergencies. Most individuals within the Program Support Group actively pursue environmental research, education, and/or clinical practice at the regional or national levels and maintain professional standings in their scientific disciplines. Many Program Support Group members are board certified in their respective fields of expertise.

1.3.3 Other Government Entities

1.3.3.1 Montana Department of Environmental Quality

The Montana Department of Environmental Quality (DEQ), as part of its own Montana Superfund Program, generally acts as the support agency during EPA-led study and cleanup at federal Superfund sites in Montana. Responsibilities of DEQ's Remediation Division include investigation and cleanup activities at state and federal Superfund sites and reclamation of abandoned mine lands. Other regulatory activities include permitting and licensing underground storage tanks, implementing corrective actions at sites with leaking underground storage tanks, administering the Petroleum Tank Release Cleanup Fund, and overseeing groundwater remediation at sites where agricultural and industrial chemical spills have caused groundwater contamination. These activities help to protect human health and the environment; to prevent exposure to hazardous substances that have been released to soil, sediment, surface water, or groundwater; and to ensure compliance with applicable regulations.

DEQ's involvement in the Libby Asbestos Site cleanup includes reviewing and commenting on work plans and studies, participating in community involvement activities, and providing technical assistance to EPA. Contact information for DEQ staff is provided in Appendix C.

1.3.3.2 Lincoln County Health Department

The health department plays an important role in helping residents achieve and maintain health, safety, and self-sufficiency. Their focus is the prevention of disease, promotion of good health practices and protection of the environment. The health departments also provide basic medical and dental services, especially for those who have limited incomes and/or are under insured. The health department's interest in the work being conducted at the site is related to its environmental health services.

1.3.3.3 U.S. Forest Service

The site is located in the Libby District of the Kootenai National Forest, and the USFS is a stakeholder. The District's interest in the site is related to the mine waste present at inactive sites on public land. They administer a significant amount of land within the site. The district ranger and staff may be the public's first point of contact with the USFS. Many on-the-ground activities occur on the ranger districts, including trail and road construction and maintenance, mine waste removal operation of campgrounds, and management of vegetation and wildlife habitat.

The U.S. Department of Agriculture Forest Service (USFS) is a federal agency that manages public lands in national forests and grasslands. The USFS is also the largest forestry research

organization in the world, and provides technical and financial assistance to state and private forestry agencies. Congress established the USFS in 1905 to provide quality water and timber for the nation. Over the years, Congress has directed the USFS to manage national forests for additional multiple uses and benefits and for the sustained yield of renewable resources such as water, forage, wildlife, wood, and recreation. Multiple use means managing resources under the best combination of uses to benefit the American people while ensuring the productivity of the land and protecting the quality of the environment.

1.3.3.4 U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is a bureau within the Department of the Interior. Its mission is working with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people. Although a relative newcomer to the Department of the Interior, its programs are among the oldest in the world dedicated to natural resource conservation. The USFWS manages the 93 million-acre National Wildlife Refuge System of more than 520 National Wildlife Refuges and thousands of small wetlands and other special management areas. The USFWS enforces Federal wildlife laws, protects endangered species, manages migratory birds, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their international conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to State fish and wildlife agencies. At the site, EPA is consulting with the USFWS for the ecological risk assessment.

1.3.3.5 Agency for Toxic Substances Disease Registry

Established by Congress in 1980 under the Superfund law, The Agency for Toxic Substances Disease Registry (ATSDR) conducts public health assessments at each of the sites on the NPL, as well as other sites when petitioned. ATSDR is staffed by more than 400 health professionals including epidemiologists, physicians, toxicologists, engineers and public health educators. The mission of the ATSDR, as an agency of the U.S. Department of Health and Human Services, is to serve the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances.

ATSDR performs specific functions concerning the effect on public health of hazardous substances in the environment. These include public health assessments of waste sites, health consultations concerning specific hazardous substances, health surveillance and registries, response to emergency releases of hazardous substances, research in support of public health assessments, information development and dissemination, and hazardous substance education and training. The ATSDR released its draft public health assessment on the Libby Asbestos Site in December 2002 and the final on May 28, 2003.

In the final report, ATSDR concludes:

- In the past, people in the Libby area were exposed to hazardous levels of asbestos.
- In the Libby area, people have elevated levels of disease and death associated with exposure to asbestos.
- People can still be exposed to hazardous levels of asbestos in areas that have not yet been cleaned by EPA. These levels could be especially hazardous to sensitive populations, including people who have been exposed to asbestos for many years already, smokers and young children.
- The risks from continuing exposure to asbestos in Libby justify the cleanup actions undertaken by EPA.

ATSDR's recommendations for the Libby Asbestos Site were:

- Provide ongoing medical testing in Libby to qualified individuals.
- Conduct additional research, in particular: a toxicological investigation of risks associated with low-level exposure to asbestos, especially the type present in Libby; clinical research on treatments for mesothelioma and asbestosis; and epidemiologic studies to better characterize the link between exposure to asbestos and disease.
- Conduct further health education for the community, especially concerning smoking and asbestos.
- Continue to develop a registry to track former workers, their household contacts and residents exposed to asbestos in Libby.
- Continue to provide to the local medical community information on how to diagnose and treat asbestos-related diseases.

1.3.3.6 Montana Department of Public Health and Human Services

The Montana Department of Public Health and Human Services (DPHHS) includes 10 divisions that cover a wide variety of service areas such as: Medicaid, senior care, child support and enforcement, child and family services, disability, mental health and public health and safety.

The Chief Medical Officer for the State of Montana is located in the Public Health and Safety Division of the DPHHS and is the DPHHS contact for the site. He is interested in tracking progress on this and other Montana environmental sites, and has a grant to do so as from the National Center for Environmental Health. The Chief Medical Officer is also a resource for the public and is available to attend public meetings and other events, if requested.