



Libby Asbestos Superfund Oversight Committee Meeting

**May 26, 2020
4:00 – 6:00 PM**

Location of Meeting:

Virtual attendance with in-person gatherings in Libby, MT and Helena, MT

*Remote access was also available.

Call to Order

The Libby Asbestos Superfund Oversight Committee conference call was called to order at 4:00pm on May 26,2020.

This was the 12th meeting in accordance with the Montana Code Annotated 75-10-1601. Public notice of this meeting was provided via newspaper ads, press release, social media, and the DEQ website.

1. Roll Call

Commissioner Mark Peck conducted a roll call of attendees and confirmed that a quorum of Oversight Committee members was present. The following persons were present or attended by phone:

Oversight Committee Members:		
Director of DEQ or designated representative	Shaun McGrath	Present by Phone
Lincoln County Commissioner designated by the Commission	Commissioner Mark Peck	Present in Libby
Member of the House of Representatives whose district includes at least a portion of Lincoln County appointed by the speaker of the House	Representative Steve Gunderson	Present by Phone
Citizen of Lincoln County nominated by the Lincoln County Commission and selected by the governor	George Jamison *Confirmed October 2017 by Governor	Present by Phone
Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president	Senator Mike Cuffe	Present in Libby

Other Interested Attendees	Affiliation	
Joann Wiggins	DEQ	
Jenny Chambers	DEQ	
Carolina Balliew	DEQ	
Tom Stoops	DEQ	
Jessica Wilkerson	DEQ	
Jason Rappe	DEQ	
Virginia Kocieda	ARP	
Elzhon Anderson	ARP	

Brett Romney	Facilitator	
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Jerry Bennett	County Commissioner District 2	
Tina Oliphant	KRDC	
DC Orr	Citizen	
Steve Wiggins	Citizen	
Carol (no last name provided)	Citizen	
Derrick Perkins	Western News	
Ray Stout	Kootenai Valley Record	
Robin Benson	Clerk and Recorder	

2. Agenda Item	Discussion	Document Link
Review and approve minutes. February 10, 2020	<p>Senator Mike Cuffe: One mistake on the vote on Representative Gunderson's motion to hold off on action that George had presented, and that motion reads four to one vote and it should have been a three to two vote.</p> <p>Robin Benson: I will make that correction.</p> <p>Motion by Director McGrath to approve February 10, 2020 minutes as amended.</p> <p>Second by Senator Cuffe, motion carried unanimously.</p>	

3. Agenda Item	Discussion	Document Link
Budget Report Tom Stoops	<p>Tom Stoops: I can be fairly short on the budget report today. Our spend rate remains below projections. Most of that money has been expended on the administration for the committee. I am happy to report that we are estimating that at the end of this state fiscal year. Fiscal year 2020 will transfer 430,000 dollars into the Libby Trust, that will make the Libby Trust a little over 1.2 million in its first few years of existence. I do anticipate that spend rates will increase in 2020 as we move into O&M and have the opportunity to discover the projects we need to operate in that timeframe but that's pretty much where we sit at the moment. It was outlined for you in the annual report for the Environmental Quality Committee, so if you have any questions, please let us know.</p> <p>Chairman Peck: Any questions on the budget?</p> <p>There were no questions.</p>	

4. Agenda Item	Discussion	Document Link
Federal O&M Funding Shortfalls: Considerations for State Funding (continued) <ul style="list-style-type: none"> • Deferred Motion from February 10th Meeting • DEQ Memo 	<p>George Jamison: At the last meeting I spoke at length about state funding for the unfunded categories and introduced a motion that was tabled by a substitute motion to allow DEQ to prepare proposal which we'll hear about here next. I will not restate the lengthy reasoning that was presented on behalf of the Libby and Troy communities. I was reminded by reviewing the minutes of the director's response discounting the notion of the importance of honoring promises. That is that the property owners would not bear cost associated with LA. The justification stated then, was that promises without funding are not reasonable and other related overall cost considerations. I believe it is important to note that the Vincent Bills does provide the funding and was created for that purpose. No, I repeat, no arguments have been put forward to refute the cost estimate that I prepared in collaboration with EPA, nor have more important cost imperatives been identified that would tax the Vincent Bill money or the state-controlled settlement funds. I understand the reality that the motion to fund all</p>	http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/March%202020/Reimbursement_Flowchart_v7.pdf?ver=2020-05-15-111648-847

the underfunded categories is not something that the current DEQ leadership will approve. However, I believe it is incomplete if we who represent the Lincoln County citizens are denied the opportunity to document our recommendation and to expect and an expectation for formal response. I therefore move for the committee's consideration of the motion that was previously provided on February 10th and has been provided today in writing for this meeting titled Motion for State O&M Funding with the addition of the phrase to the written document, quote, "it is recommended" end quote at the beginning of the motion as suggested by Senator Cuffe at the February meeting. Thank you.

Senator Mike Cuffe: Was that a motion George?

George Jamison: That is a motion, yes.

Representative Gunderson: I would second that.

Chairman Peck: We have a motion and a second, so we will move into discussion. Just for my understanding, it's important, not speaking for Mr. Jamison, but that original document even though there's been negotiations, and we've moved on, but to that original recommendations from the County Health Board and at least be part of the record. Is that what I am hearing?

George Jamison: Yes, that is the intent and I think that reflected the members of this committee from Lincoln County, I think it's important that it be part of the recommendation that it be clear formally that that is our recommendation.

Representative Gunderson: I am not going to make another motion, but I would like to ask Mr. Stoops if he's come up with his cost estimate like George has developed and we had talked about at the last meeting.

Jenny Chambers: I think you know we do have some stuff we could share from DEQ to assist with this process, but hoping you guys would have a dialogue on the funding memo and what DEQ's position is and I believe Director McGrath was going to highlight some of that as well.

Director McGrath: So, I guess Mr. Chairman, I'd want to ask the question, maybe a point of order. It was my understanding when we tabled the motion last meeting that part of the rationale for that was to allow DEQ the opportunity to finalize the draft guidance and share that with the committee and have conversation on that which I know is scheduled as a topic next. But it does seem a bit out of sequence to have a discussion on Mr. Jamison's motion prior to the opportunity to discuss how DEQ is proposing to approach the funding.

George Jamison: I don't think the intent here is not to preclude that discussion it simply, this was deferred action in the past and I simply want this to be a matter of record that this is our recommendation. If it is supported, then that is our recommendation. I understand that it will probably be rejected too as a recommendation, but I want it to be part of the record.

Chairman Peck: That is my understanding, that it be part of the record that that was the original recommendation from the county. Based on the deferred, we are going to move in and discuss what Virginia and I worked on. We have had at least two meetings to work through this and things have come along way, so I don't see it as a way to paint that in any way, but just to make sure that the original recommendations were part of the record. That is my understanding, but I understand your concern Director.

Jenny Chambers: My point of confusion as well is that you guys are making a motion based upon what you believe is DEQ's position, where our position was draft. So now that we have a funding memo that should be discussed and all of the scenarios of what previously were discussed as potential unfunded, potentially are not areas of unfunded funding scenarios. There's case-by-case situations that are going to evolve and this is going to change over time. I guess I'm a little confused about original motion that was based upon a perceived DEQ draft position where I think that we've shown there could be flexibility and I think having the dialogue on those scenarios as this moves forward may help address that concern.

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http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/March%202020/Investigation_Sampling_FlowChart_v5.pdf?ver=2020-05-15-111641-987

http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/March%202020/DEQ%20Libby%20Funding%20Policy%20Memo_May%202020_draftfinal.pdf?ver=2020-05-15-111638-660

<http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/March%202020/Estimate%20of%20Cost-%20Unfunded%20Categories.pdf?ver=2020-05-15-114343-683>

Chairman Peck: I do not think that's what it is. I think what Mr. Jamison wants is the original motion that he put on the table and the cost estimate and all of those things that were before we even started working on this process, to make sure that that's part of the official record. It doesn't have anything to do with what we worked on, it's going back to make sure that that original, that's my understanding and it shouldn't impact what we've negotiated or what we've worked on at all, I see it as two, obviously there's a nexus, but...

Jenny Chambers: Another clarification is my understanding it is already part of the record. It is in the February minutes. All of the material that we've talked about in all of these meetings is part of our administrative record. I think our website is detailed with all of the drafts and discussion points and flowcharts that we've discussed. So, it is part of the public record and I believe that motion was made it was tabled, so I guess I could see, if you want to un-table it, you would have to vote on something that may or may not be the reality. I just want to make sure we are clear to capture that in the minutes.

George Jamison: I understand that is part of the record in the minutes. The reason that I believe it's important to put this there is, I believe and the reason this was drafted is because I believe it accurately reflects the position of Lincoln County and we can all see from review of the memo that you'll discuss soon that although a lot of progress has been made, there are inconsistencies and it's not totally in sync with what we have recommended. I want the recommendation a formal recommendation to be carried into the record. I do expect it to be as I said, to be not accepted and to be rejected, but I want that opportunity for this committee to pass yes or no, up or down and to vote on this motion.

Chairman Peck: Any further discussion?

Director McGrath: It sounds like we are going to go forward here with a vote on the motion, so I would like to be recorded as a no when we take that vote and I'd respond to a few things here that Mr. Jamison said and offering the motion, he referred back to the promises that were made by Administrator Whitman some time ago and my references in the minutes at that time to the fact that EPA has never particularly. Administrator Whitman at that time did not write or produce the funding to match that the promises that she made. Mr. Jamison suggested that the Vincent Bill address that Whitman promise but the reality is the Vincent Bill was a state bill to appropriate state dollars to what we all know is a need in operation and maintenance and it's not fulfilling a commitment that Christine Todd Whitman made and certainly there are limitations to the \$600,000 here that we get through the Vincent Bill so to suggest that is adequate to fund everything that Christine Todd Whitman promised, I would reject that notion. Secondly, there's a suggestion that the work that Mr. Jamison did in drafting all was done with EPA, I understand that he has consultation with one staff person from EPA but to suggest that is representative of the EPA, I'm not sure that would be accurate. In terms of the paper itself, we got that right at the day of the meeting and of course hadn't had a time to really dig into it and I continue to think that Mr. Jamison's effort here is helpful to this discussion and helps to frame some of the issues that we are challenged with and it's helpful but to suggest that all of the numbers in there are accurate and appropriate again, I would offer is not the case as we've had more time internally at DEQ to look at the numbers, we don't necessarily think that all the assumptions are correct, but beyond just the estimates, there's also policy considerations and precedent when you're talking about a Superfund, a CERCLA site, you have to also be cognizant of what actions you take might have for other superfund projects both currently and in the future. And to say we are going to fund everything carte blanc that comes before us could have very broad ramifications that the state DEQ is trying to protect against as well. But then finally as Jenny just mentioned, when we do have the discussion of the guidance memo, I would hope that LASOC members would see it in our

	<p>work with the County, DEQ has made some revisions that although we might have a starting point on some of these issues, that we don't think (<i>indiscernible</i>) that certain to ask would be appropriate, we don't rule them out, you still continue to allow for case-by-case determinations if the facts would bear out funding in a certain scenario. So, Mr. Chairman, I would vote no on the motion and ask that we move to the discussion of the guidance so we can put the focus on what I think is more helpful to this conversation. Thank you.</p> <p>George Jamison: Just in quick response to the Director, I respectfully think he has mischaracterized what I said, and I don't think it's important to go into that. I did not say that EPA had helped develop that document, I simply said that that had been prepared, the cost estimate had been prepared in collaboration with EPA. So I think you're incorrect in understanding what I said, and I did not say that this has anything to do with the specific promise from Christine Todd Whitman nor that it should come from the shortfall, shortfall should come from federal funding, I'm simply saying that the shortfalls that we see can be addressed through the Vincent Bills and that provides the opportunity collectively will fulfill the promise. So that clarification, I call for the motion please.</p> <p>Chairman Peck: All in favor</p> <p>Senator Cuffe, Representative Gunderson, Chairman Peck, and George Jamison voted yay.</p> <p>Chairman Peck: Director McGrath has already cast his vote as no. I agree with you Director, it is time to move on to where we are at today. I will say there has been a lot of really good discussion and movement, obviously, it's not everything we want as the County, but I think it's, with the flexibility that we have discussed and talked about. It has come a long way and we have had some really good discussions.</p> <p>Director McGrath: Mr. Chairman, I did not hear what the final vote count was or the outcome.</p> <p>Chairman Peck: We could do a quick roll call. Senator Cuffe was a yay, I was a yay, Mr. Jamison was a yay and Representative Gunderson. I heard 4 yays, and then you (Director McGrath) already cast yours as a nay.</p> <p>Director McGrath: Okay, thank you.</p> <p>Motion Carried- 4 Yay, 1 Nay</p>	
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5. Agenda Item	Discussion	Document Link
<p>Discuss Final Submitted LASOC EQC Report and provide direction/recommendations on testimony- Jenny Chambers</p>	<p>Jenny Chambers: I can do an intro and then for specific scenario discussions, I would rely on my staff Tom, Carolina, or Jason to provide assistance. But just as an overview, I wanted to highlight the fact that as Representative Gunderson has said numerous times, we are setting in the cookbook kind of on how this is going to proceed based upon the collective responsibility of the county, all of your guy's efforts and the states. So, while you can get some upfront information on budget and costs based upon the history in the past, funding scenarios and what EPA has spent, it is going to be unknown until we get a couple years under our belt for O&M on what the cost really is and how much we are actually going to be spending. It provides you an indication for projections, but we should be cautious, we don't know what we don't know and we don't know where these situations are going to arise and where we are going to have funding challenges moving forward. So, EPA spent a lot of money at the site. They had a lot of an economy of scale, meaning if you're doing a cleanup on a lot of residential yards, like they did in year after year, or doing the abatement in the homes, we know that that's a huge cost, but it also comes with some potential funding from some potential savings because you have the economy of scale based upon contracting to do that work. When you piece out work in smaller chunks, while the level of effort costs less, it ultimately can cost you more because your piecemealing those projects so just keep that in mind. We are open to ideas and discussions and we basically put out the different scenarios of the one we highlighted on</p>	<p>http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/March%202020/EQC%20Annual%20Report_June%202020%20LASOC.pdf?ver=2020-05-26-155052-900</p>

the memo, the purpose of the memo, the background of the different funding sources so we all collectively have to rely on all of the sources of funding, the EPA cooperative agreement dollars, the Libby bankruptcy account for the site wide efforts, and then yes, the \$600,000 annually to build the trust fund which is only currently set in stone until 2029. So we took all those factors in consideration and then we outlined the six situations that are being discussed as unfunded scenarios, but if you look hard at the memo and the draft that's been discussed with the county and made several modifications to, you will see that we modified it so that would be what we will fund and then those areas that are questioned based upon precedent setting policy, uncertainty on what may come forward in the future are case-by-case situations where we are hoping to have additional conversations with Libby Asbestos Oversight Committee and others, the ARP Program in the future based upon discussion for those specific situations as they arise. That is the overall introduction. If you would like, we could have Tom, Jason, or Carolina walk through each of the six scenarios or would be happy to address any questions you guys have after reading the revised draft.

Chairman Peck: Everybody has had ample opportunity to read this so if there's questions or concerns, that might be the more efficient way to go about it.

Representative Gunderson: Again, I would ask where is the cost estimate that compares to the one that George came up with on our last meeting. I think that is going to be an integral part of any discussions that we have.

Jenny Chambers: Chairman and Representative Gunderson, I guess I'm struggling with providing cost estimates. I think you could give that to ten or twelve different people and come up with potentially different projections and scenarios based upon those costs and we try to look at a full package of the different funding that's available and still we are negotiating and working with EPA to get the cooperative agreement funding for the ARP Program for Lincoln County, so that cost to support the ARP Program has not yet been finalized nor is that projection complete. So it's hard to really put a nail on the head as far as exactly what those projected costs are going to be when we are not in O&M yet, we are not in operations and maintenance, we haven't spent any money on the Libby Oversight Fund, nor would we hopefully not want to because we want to build that trust dollars to help for the future. These scenarios have not hit us yet because we haven't had to spend O&M dollars to support this type of effort. I guess I just question how we can really put together a realistic cost estimate without having one or two years underneath us when our funding document indicates what we will fund and that's more of the unfunded areas than what we won't fund and then those specific situations will come up on a case-by-case basis.

Director McGrath: I might add the memo that is before us here is a guidance document and we will address certain funding issues that come to us. It is not a budgetary document. (*Indiscernible*) We are not at a place at this point to put together that kind of a budget document.

Representative Gunderson: Mr. Chair, Jenny, and Director, I understand what you are saying, but this is just a thumbnail. This isn't anything that's written in concrete, in fact, I think everything that we do is adaptable, malleable, going to change. We understand that. It's just like doing a family budget; we've got to have some numbers to kind of start from don't we?

Jenny Chambers: I just struggle with what pot of money you would like us to do that budget projection for. The Libby Oversight Committee, we have numerous conversations about the pots of funding that are available and each one of those have different scenarios of what they could be used for and what they cannot be used for. As you are aware, we don't have a lot of control over EPA and what they're going to fund or not fund and so then that's going to set a certain projection as we get into O&M. And then whatever's remaining

will allow us to say okay, this is what's remaining, should we fund those categories or those projects with the other pots of money that are available or what does that projection look like at that point in time. So, until we transition into O&M and really can balance out that flow chart on what will and won't be funded in the certain buckets, it's kind of hard to say and I don't disagree with you that there will be a time when we will absolutely have to do that, we will absolutely have to okay, we have a better idea of what EPA is going to fund, how much O&M dollars EPA has through the cooperative agreement funding, okay, that's one bucket, that's one projection, now what's remaining comes out of these other pots and projection and then we can kind of outline that and put that together so it is your own personal budget that you are trying to manage, but its four or five different funding situations and different funding buckets.

Representative Gunderson: Dancing around what we are talking about here. All I'm asking for is what do you think we are going to spend. I am not asking from where it's coming from. George came up with a thumbnail, just basically word scratching on the back of a bar napkin what those numbers look like. Projecting how much we were going to spend; it has nothing to do with where it is coming from. It is just what do you think we are going to spend and then we can actually use those numbers to defend any decisions we make. Maybe we need to take this from a different pot of money.

Jenny Chambers: I am telling you I do not know. I will leave it to my staff to see if they have any ideas on how we could do that.

Director McGrath: Mr. Chairman, I would suggest that the agenda topic before us is the guidance document and we are seeking the feedback on the guidance document and the different scenarios that we described. What Representative Gunderson is asking for, is something we would not be able to complete now based on the fact that this guidance, even complete, but also to work backwards and say we have this much money, we are going to spend it on all these different things, ignores the responsibility that the state has around the policy decisions that need to also pay tribute to the precedent that's at stake as well. I would suggest if we can get the feedback on the guidance document as its presented here, that would be helpful. The budgetary issues are a matter for another day.

George Jamison: To bring this back to the question that Representative Gunderson raised, is just simply we have had three months and I think we are getting some circular double-talk here because Jenny, as I understand it has said we have to be cognizant of the spending and we know things aren't going to be as efficient in the future, contractors and things and so we think basically that this estimate that I developed with primarily input from EPA is probable too low. That is what I'm hearing, but yet you just have to defend what's in this memo, but yet you can't produce something to say what do you think that number is. I'm puzzled by this, I mean this is circular and you can't wait one or two years of doing nothing while this program erodes and then say well now we know what it might cost because in the meantime we have spent nothing, nobody in the community cares about doing what's right anymore and I don't understand it. What we are asking for is if you do not agree with the estimate, you put the numbers on then tell us what it is. You have had three months to look at it and I think that is what Representative Gunderson is asking for.

Chairman Peck: I do agree with what everybody said; what is our agenda item and I would agree that these projected cost estimates are important, but was there a specific ask out of that last motion, the motion from the meeting before the deferred motion for a budget? I don't believe there was, so on this one, even though I agree with both you and Representative Gunderson, I don't recall that there was a specific ask for them to develop that budget, but I think it's a critical point. I do not see that it's part of...I mean there's an obvious nexus to this document, but as far as what's in this document, I don't know that its germane to the agenda item. We need to move ahead to discuss

this, but we need to note and make sure that if that budget issue is needed then we discuss that for a future...I'd be open to here if I'm off base on that.

Senator Cuffe: If I remember right, at the point of discussion Steve brought that up, maybe not as a direct question, but I think whether it was Steve or George, or one of us, but I'm thinking that Tom Stoops said those numbers seemed in the ballpark although he needed to go through and rework them exactly and I don't know that was as a formal part of it, but it was more of an informal discussion.

Representative Gunderson: I don't believe it was a formal request and I don't think it was a formal ask, but it was kind of something offered by Tom Stoops and if it helps, I would say let's move on and get to where we need to go, but this definitely, absolutely, positively something that we need to work on to continue doing what we are doing.

George Jamison: The point I would make about this, I don't want to belabor this, I think we move on to the discussion about the memo, but it's been in business about an improper or perhaps the existence of a more refined cost estimate is being invoked as a reason to support this memo which does not fully advocate for full funding. I think if it's used as a basis for this memorandum that we are being asked to consider, then I think we have, that we should be entitled to see what basis is.

Chairman Peck: In our discussions on this, those budget discussions never came out, but if that is a basis, I think it's been made clear that there isn't a budget item.

Jenny Chambers: One point of clarification, we created the funding memo for future funding decisions that will help guide DEQ and ARP in making those determinations and then those that are case-by-case would come back to the committee. They are based on surrounding information on each scenario and then the more global policy consistency precedent type setting approaches. We did not take cost into the picture when we were making those considerations. I don't know if you guys recall, but years and years ago in the very beginning of the O&M discussions, we wanted to set up an IC program and O&M based upon what's needed for protectiveness, regardless of what that cost may or may not be, so please note that we evaluated those scenarios based upon others surrounding information and factors and it wasn't necessarily on what we could afford or not afford and that budget and cost factors were not necessarily part of that thought process.

Chairman Peck: So Representative Gunderson-you are comfortable with moving on to the actual agenda item, is that what I heard?

Representative Gunderson: I agree that it is foundational, and we do need to bring this up to a later meeting and work on it. I think it is a huge work item that needs to be accomplished. But yes, let us move on.

Jenny Chambers: I don't need anything else if we are done discussing the funding memo. I take it that there's no clarification or additional questions on the general direction of where we are at now and I think the committee's in agreement it would provide us a basis to have something to work from as we move into O&M and start that transition and then as Representative Gunderson said, we can revisit this and have further conversations as things progress so appreciate everybody's time and discussion on that.

Chairman Peck: I will say that just Virginia and I have had the opportunity to be in these meetings, but there was a lot of talk about flexibility and learning as we go and I think Virginia and I both left those meeting with the feeling this is going to be a learning document and process and a lot of flexibility involved in it. That was the takeaway that I got from those meetings. Yes, not everything we wanted, but I am comfortable. I appreciate the efforts and the direction you guys have come and with flexibility and the tone of those meetings, I feel more comfortable with where we are going with this.

Director McGrath: I do appreciate your comments and I appreciate the work with the county over the last couple months to get to a general

agreement about the guidance and I do agree with your characterization that we have built in the flexibility to address concerns that we heard the county raise that although there was a recognition of the general policy consideration that the DEQ was trying to protect or be cognizant of, but the county also was very compelling and advocating for case-by-case determination when the facts deserve that and certainly there are going to be cases where we need to dig a little bit deeper and not be so dogmatic to just say no, but at least from a starting point to describe a general scenario and say this is not a situation that we believe will be subject for funding. However, we are open to hearing that on a case-by-case basis and again I appreciated your participation in those conversations to give us to that general agreement.

George Jamison: Thank you. Contrary to what may seem to be the perception and within DEQ, I'm sure, I'm not quite the...you can fill in the blank that a lot of people think I am, but I do also want to recognize the good work that's been done here. The remarks mentioned and the Director, I mean, there's been considerable progress made on that I want to acknowledge that as you may well gather, I think it's gone far enough, but thank you for the progress that's been made and I acknowledge that and that will be in the minutes, so I want to add that in and I think you know that the Directors made very clear that these decisions ultimately are to be made by DEQ and leadership there and I respect that. I think you know that we've come along because if you are both said to get us closer to what we'd like to see and that serves as the basis for trying to go forward. I do not agree with the extent of it and I wouldn't say I approve this memo, but I do want to recognize that it's been huge progress and thank you everybody for doing this.

Senator Mike Cuffe: I also want to echo what George said and we understand it's going to be on a case-by-case, but I think we have got from my standpoint, we got something to where we can start moving on. We need the stuff that Steve has asked for. Thank you Shaun, Jenny, Mark and Virginia. I think it's time to jump onto the next one Mark.

Chairman Peck: Any other thoughts or comments.

Representative Gunderson: Thanks to DEQ, we have a lot of work ahead of us to ensure we are doing the right thing.

Chairman Peck: Do we need a motion? Any thoughts from the committee.

Senator Cuffe: I do not think we need a motion at this point.

Director McGrath: I would agree. I think if LASOC had recommendations that they wanted to offer, we would consider it, but I think at this point, we have heard the conversation and we will go forward finalizing the guidance and also in digging in with LASOC as we move forward on some of the issues that have been discussed.

Chairman Peck: Okay, any further questions or discussion, or are we ready to move on?

Jenny Chambers: First off, I just wanted to thank Virginia; her effort on getting the Libby Asbestos Superfund Oversight Committee annual report drafted into the committee for input. That was a huge help for DEQ and our time and it proves well that the Memorandum of Understanding and our agreement to have Lincoln County help with the logistics of this committee is working very well. It's efficient, it saves a lot of time and we at DEQ appreciate Virginia's efforts to pull that together. The Libby Asbestos Superfund Oversight Committee report you guys would have got that the last couple weeks as a draft. There were no edits or comments. In my understanding that document changed. The final report was submitted to EQC last week on Friday, so they have the final report to go along with Commissioner Pecks and my testimony on that annual report, it also is now on our website now that the report is final for any public that is interested in seeing that. We got that posted today on the website as well. It basically goes through the background, talks about the different budget categories, discusses the memorandum agreement between Montana DEQ and

	<p>Lincoln County which I said is I feel a huge success as we continue with these efforts moving forward and outline some of the future committee activities as we move into O&M and some of that transition. What I was hoping to get some clarification on Mark from you is whether or not you were comfortable with the proposed script I outlined as far as what maybe I would cover from DEQ as an overview of Libby Superfund Site, overview of LASOC, that we have attached a DEQ, the requirement from the ANA report, talked about the MOU and that success, maybe highlight some of the budget categories for the EQC members, then you could potentially address the other items of the report, quarterly meetings, how things have operated since COVID if needed and then what our current and future activities are kind of as a tag team approach to the committee and then we could both be available for any questions.</p> <p>Chairman Peck: I am comfortable with that. What time is that?</p> <p>Jenny Chambers: It's on the agenda at 10:35, but they sometimes run behind or ahead of schedule, so we will just have to watch for that. Maybe Representative Gunderson can give you heads up on that. I know there is a separate login that you hopefully received from Joel Coleman or Hope Stockwell to get on that zoom meeting; you should have received an email today to get on to that as a speaker get on to the zoom meeting.</p> <p>Chairman Peck: I have not received anything yet; might be using my old email address.</p> <p>Jenny Chambers: I also wanted to check with the rest of the committee to see if there is anything, they wanted us to make sure we address tomorrow.</p> <p>There we no further committee comments.</p> <p>Chairman Peck: Okay, thank you Jenny. We will move on to the next topic.</p>	
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6. Agenda Item	Discussion
<p>Ownership of Legacy Material Mark Peck</p>	<p>Chairman Peck: For a background, back in April, I sent a request to Director McGrath and Stan Christensen at Region 8 EPA, basically asking the question regarding the LA material left behind on private property after a cleanup was accomplished. Who owns that material, who is the responsible party? I said originally it was WR Grace and my concern is that could end up on the property owner and I said the best of my knowledge, this has not been addressed in any of the documents, neither has it been a part of any acknowledgement to or by property owners in writing or signature where they're accepting that. So that was the basis of it. May 12th. I got a response back from Stan Christensen and I have got to be honest, I am trying to figure out exactly what it says.</p> <p>Director McGrath: The response back was something that EPA did not coordinate with DEQ on. I am sorry if it wasn't more understandable on the surface, so apologies for that. The gist of it is responsible parties, that liability is determined earlier in the superfund process and does not apply here. What you are talking about is this stage of the superfund project where we are just trying to protect the remedy. The property owner's responsibility is to help us protect that remedy, but they are not liable to become a responsible and potentially responsible party. If I have that wrong, I'd ask my staff to jump in and correct it.</p> <p>Jenny Chambers: The only nuance to what Shaun covered is if a property owner does something to interfere with the remedy or does something blatant to cause public health implications. I think EPA could ask them to do something to correct the situation or hold them responsible if they knowingly and purposefully try to impact a level of protectiveness.</p> <p>Chairman Peck: I'm trying to glean those two things, somewhat makes sense to me, I'm just trying to glean them out of this written explanation. Does anybody else have thoughts or concerns?</p> <p>Senator Cuffe: I do have a question. I am looking at from Christian Stanley dated May 12th to Mark Peck and the rest of us. In the bottom paragraph, maybe where you were at, as part of the completed cleanup, private property owners were made aware of any LAA contamination that remained and of the need to maintain materials cap or encapsulate. So long as they abide by those guidelines, the agencies...and what I am a mixed up on is who is "they"? The agencies do not anticipate "they" will have additional responsibility to manage or address aside from O&M</p>

procedures. There are too many “they” in there and I’d like to specify who is “they”. The agencies, the property owner or somebody else.

Jenny Chambers: In the sentence your read, “they” would be property owners. The agencies will not take action against the property owners or ask them to do anything in addition then what’s going to be required through the institutional control program and following and abiding by the guidance set forth from the State and Lincoln County and ARP.

Senator Cuffe: Thank you.

Chairman Peck: I did talk with Mike Cirian about this briefly and he mentioned the McGraw letter that I guess was from 2006 or that indemnifies and he used the term indemnifies homeowners if they follow institutional controls and I told him I just don’t see that type of verbiage like that in here. You can deduce some of that, but maybe I just need to respond back with some specific questions and ask for clearer...I had our attorneys look at this and they were a little confused on it as well. This is foundational because when we are not here in 15 years from now and this pops up and all of us are gone and moved on, I would really like to have this clarified in a way that is understandable. I understand where this is trying to go, basically what it’s trying to say is if somebody follows the institutional controls and they don’t knowingly and wantonly cause a situation, that they are not going to be held responsible. But I would have a hard time handing this off to a citizen. I need to ask for the clarification that I think we need out of this, but I was just hoping to get and I did get from you guys, better clarification, but I would like to see it a little more clearly spelled out. So, I will work on that because to me, this is foundational for our citizens to understand exactly what that liability is. They didn’t choose to leave it behind, and they had no input into how any of that worked and now they are dealing with this in their home. I want to make sure that we can educate our citizens to the best of our ability as to exactly what those liabilities are and what their responsibilities are.

Director McGrath: Thanks for raising this issue and putting it before us. I do think if you have questions, if you think we are not being clear, if he’s not being clear enough there, I think it is worth the exercise of asking for more specificity on where you have questions or ongoing concerns. And DEQ will certainly work with our counterparts of EPA to provide that clarification. Hopefully in this discussion today, you’ve heard the spirit of what we are trying to accomplish in our response and it is hopefully just a matter of us putting that in writing in a way that’s a little clearer so we can work on that. And again, I think that the points that you are raising are valid and the clarification that you are seeking on behalf of the landowners, there is certainly valid so we will work with you to get that done.

George Jamison: I think it is important to work together to try to get some additional clarification on their side. I took the opportunity here today to look back at the O&M Plan and the ICIAP and responsiveness summaries and some things in there, because these questions was raised in our comments then and one of the things I noticed was the use of the word “expected”. The homeowner is “expected” to basically maintain property and so forth and this is a hard thing to figure out because as reasonable people ourselves, we have normal reasonable expectations about what people will do and as was said willful and wanton misuse of property and exposure and doing things is not something that should be tolerated, but I think what we are struggling with is the fact that there are institutional controls that are used on the remediation sites that impose very specific requirements on individual property owners with covenants that bind present and future property owners to responsibilities such as maintenance of caps, various things like that. None of that was done on this site, and I have looked also at the documents that people were typically provided and there’s no mention of these responsibilities and that’s what we are struggling with here. There is this implication in the response that we are getting from this, and particularly in this email that there is a nexus somewhere that ties people to responsibilities that they have not identified. I think any help we can get to further clarify this is important because some of the implications that we are reading in that and perhaps falsely or stretch. I think this needs a lot of work and I agree absolutely with Mark that from the county’s viewpoint, this is foundational.

Chairman Peck: I’m looking at the O&M Plan and it says that O&M activities, specifically the IC’s developed for O&M will provide property owners and residents, excuse me, I’m reading the wrong paragraphs. Property owners in OU4 and OU7 that had cleanups performed have been informed of the contamination that remains in place that their property if any as well as the necessity to maintain physical barriers intended to cap and/or encapsulate remaining LA contaminated materials. One of my points is and I realize this is in CERCLA, there is nothing documented to support that statement. In other words, there’s no check list when they left where a homeowner saying, yep/nope, I understand. I do not know if that is a true statement or not and in ten years from now, it will just be assumed that that’s the way it was but lacking that documentation. That is where I’m a little bit nervous about suddenly trusting this. I’m sure they were told about what was left behind and it was discussed. I just bought a river raft to float and I had a checklist I had to go through with the guy that sold it to me about all the stupid things

	<p>not to do on a river raft and I'm sure he has that in file somewhere in case I do something stupid on a river and unfortunately, that's the world we live in today. That's just another concern. We will put this together and get it to you. I do not want to belabor the issue unless somebody else has some other input.</p> <p>Representative Gunderson: Just a point and I think the Director would have to agree, that we have got to be very very careful if we are putting out documentation that is going to be a document required of our citizens, then we need to write that document and produce that document in plain English and not to be circular in any or try to get it down to where we don't have any misunderstandings because of wording and things like that. Let's make it simple.</p> <p>Chairman Peck: Any other thoughts?</p> <p>There were no further comments.</p>
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7. Agenda Item	Discussion
<p>Citizen's Perspective- DC Orr</p>	<p>Chairman Peck: There was a mistake because I had requested that he have ten minutes and it got put in as five. We are running ahead of time. Mr. Orr, agree or disagree, has been a dedicated individual on this project. In fact, he's the only citizen that's stayed engaged and I'm sure he would agree with you that we don't agree on everything, but he's requested to be on the agenda to give citizens perspective. As a Chair, I believe he deserves that.</p> <p>DC Orr: Actually, I am here to make a request, not to give a citizen's perspective. I've read your draft bylaws; I've read the legislation that formed this committee and I think my request is well within the purview of the committee. Mr. Chairman and Committee Members, I'm a 60-year resident of Lincoln County and as the Chairman mentioned I was very active in the CAG and the TAG. I was able to give perspective to those about what had happened 15 and 20 years before the year 2000 because I'm the one who paved the running track at the high school. I'm the one who built the skating rinks at the other schools and I buried those files that the children jumped in at the ballpark. What I am talking about today, you guys have already kind of touched on it, but it's 20 years of inconsistent information handed out to people in this superfund site. The language that the commissioner was talking about, the chairman, in that email where residents and property owners has nothing to do with ownership, it has to do with liability. Twenty years ago, when this project was started, and cleanup was started, people were given very inconsistent information on how they were to maintain the remedy. Consequently, over the last 20 years, the remedy has been compromised virtually everywhere. And it never was a remedy to begin with, it was an interim remedy, but it was not complete. Specifically, what I want to ask this committee, has to do with the language in the Record of Decision. I'm not finding it in my notes right now, I believe it's in section 12 which does lay out a liability for the property owners. As a property owner, who was very involved in this, sitting on CAG, sitting on the TAG, going to every meeting, sat on your City Council, we could not get the information we needed to comply with this. From the EPA, the County, from DEQ, the City...there was just no one who would give consistent information and so when that language ended up in the Record of Decision, the Health Board, specifically the Health Board drafted a condition statement and told us they were going to protect us and fight for us. The position statement had no legal bearing whatsoever. It did nothing for the homeowner. In your proposed bylaws, you say that you are going to adequately and equitably represent the people and that LASOC wants to ensure that the remedy will not be compromised. This issue will affect funding and effect the remedy because the stakeholders who were not told they were accepting liability had their rights of due process violated in the legal mechanism of the ROD. The county attorney or Allan Payne and the Health Board told this community that the Record of Decision protected us, and it does not. It was not until 2016 the year after the ROD was accepted that we found out that EPA was paying our legal counsel, and we got bad legal counsel. Consequently, I was probably the only one who knew beforehand that EPA was going to pay our county attorney which showed up in O&M meetings in 2009, in the service agreement memorandum that Allan Payne was working on with EPA attorney Andy Lensik or Lensink so that Allan Payne could be hired as the deputy county attorney with authority under Title 50 of Montana Codes. I raised a stink about it in June 2010; I asked the deputy county attorney, I asked the county attorney, attorneys for EPA, DEQ, Rebecca Thomas, City Council, County Commissioners. I said I am not comfortable with EPA paying our legal counsel. I think it will conflict with our legal advice. I think that its been proven to people that we ended up with a Record of Decision which violates our rights of due process with the county attorney being paid by EPA telling us it protects us. That's problematic. Subsequently as you guys have tried to deal with this like today when Commissioner Peck talks about that email, they are talking about ownership. That's not the right way to couch the terms. Ownership is property (<i>indiscernible</i>) and I think the return email says that pretty well settles who owned it. What we are talking about is liability. No one on this site knew that we were testing the viability for future remedy of Libby Amphibole Asbestos on our private properties.</p>

	<p>That needs to be addressed. If that is not addressed, then you will affect the remedy and it has already, as I told you earlier, the remedy has already been compromised by twenty years of inconsistent information to the property owners. But with the property owners now being told, yeah, you are going to be held liable for this, there is a burgeoning black market happening in Libby where there are some inscrutable people who will (<i>indiscernible</i>) and manage any material you find and we are finding that material being dumped on private and public timber lands. It is already happening because those inconsistent messages have been given to property owners. Property owners in this community cannot afford a thirty, forty-thousand-dollar cleanup, so consequently, they are going to go with the cheapest alternative which will be a black-market alternative. This is where it is incumbent on you to clarify that, remove that language from the ROD which is up for a five-year review. That's going to start with the investigation in 2016 when they developed a gag order of any conversations related to the ARP funds going to Allan Payne. I went to the Health Board and I was told I could not talk about the ARP funds, I could not. I went to the county commissioners, the commissioners always listen, but they say they only accept comments. I asked recently, where do I get answers? I was met with silence. I have been to the City Council, got on the agenda and the Board of Health has sequestered the City Council. The Board of Health Liaison to the City Council withholds information from the council to where they don't know what is going on.</p> <p>Chairman Peck: DC, just real quick, you got one minute.</p> <p>DC Orr: Councilman Rob Dufficy tried to get in on a Health Board meeting and was ejected from the meeting; that's how secretive this has been. This has to come out in the open, it's got to be dealt with, and you guys can do it, in your bylaws and in the legislature. You guys can hire uncompromised legal counsel. I'm telling you the county commissioners, the county attorney, EPA attorneys, DEQ attorneys have all done unethical stuff, including putting us in this position. We need some outside legal guidance on this. I'm making a request that you involve an outside legal source to help you out of this legal quagmire you are in. This is not political, this is legal.</p> <p>Chairman Peck: DC, your time is up.</p> <p>DC Orr: I can make that request in writing as required by your bylaws. I will do that before your next meeting. You guys all ought to be ashamed of yourselves for not dealing with this before now. Thank you.</p> <p>Chairman Peck: Thank you DC.</p> <p>DC Orr: Mr. Chairman, am I only allowed a presentation? Do I not get to have back and forth with the board, with the committee?</p> <p>Chairman Peck: We gave you ten minutes. Is there any feedback from the committee?</p> <p>DC Orr: I'll get no feedback. I'll get no information.</p> <p>Chairman Peck: DC, I'm trying to give you some here. Obviously, if you sat in on the meeting, we were pushing for clarification on the liability issue. And you are right, it is about liability and the lack of acknowledgement that liability may exist, so we are pushing for that clarification.</p> <p>DC Orr: But you are all doing it without legal counsel. Without uncompromised legal counsel.</p> <p>Chairman Peck: No, that's not true.</p> <p>DC Orr: I would disagree. It is compromised legal counsel.</p> <p>Chairman Peck: And that's fine. Does anyone else have any input?</p> <p>George Jamison: Mr. Orr, I just want to be sure specifically, if you could succinctly tell us you know, I've heard these things often before and thank you for bringing them forward, but specifically what is your specific request here, I want to be sure I understand that.</p> <p>DC Orr: Yes, I told you I will put it in writing but succinctly as possible, was the language in the ROD which assigns future liability for legacy Libby amphibole asbestos to property owners in this superfund site was inserted without full due process afforded to the property owners. We were not told that we were going to be held liable. That violates our rights of due process.</p> <p>George Jamison: Okay, thank you. I think I understood that, and I think we have a common concern. So, thank you for that.</p> <p>DC Orr: Thank you.</p> <p>Chairman Peck: I think you succinctly gave the root of the question DC. Any other comments from board members? Thank you, Mr. Orr. Let's move on to the transition update with Jason.</p>
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8. Agenda Item	Discussion	Action Items
O&M Transition Update- Jason Rappe	Jason Rappe: Thank you everyone and good afternoon. The operation and maintenance plan, the document that presents the inspecting, operating and maintaining of the remedy and the ICIAP for the institutional control plans have been finalized and posted to the EPA and DEQ websites along with their fact sheets. The O&M manual of the procedural document for DEQ and ARP is being finalized. Once finished that will also be posted to DEQ's website. Scope of Work	

documents for future abatement projects during O&M are being vetted on current removal action that's being done by EPA and ARP with the goal of streamlining these documents for DEQ, ARP and property owners before we enter O&M. These documents will lay out any investigations, sampling, removal actions and reimbursement of costs associated with the encounter or potential encounter of Libby's asbestos during O&M. Pamphlets and fact sheets for any property owner or future property owner regarding maintenance, renovation, purchasing of property and development are also being developed. All associated O&M documents are slated to be in place prior to the start of operation maintenance activities with the understanding that these documents are going to be living documents, meaning as we move through O&M, these documents may change if we find a better way to do things. We are moving into uncharted territory, so maybe the first try isn't the best try and these documents will likely be changed as we move forward. The transition date or the handoff of responsibilities from EPA to the state and the beginning of operations and maintenance is slated to be July 1st and the EPA and you are tenable holding a public commissioners meeting on June 10th to discuss the transition process. I'd also like to thank everybody in the O&M working group that helped develop these documents and plans for moving forward. This has been in the works well before I began working on this project and a lot of people that have invested a lot of time and trying to get this right and its been a long time coming but I think DEQ and Lincoln County ARP are ready for transition.

Chairman Peck: Any thoughts or questions?

George Jamison: Mr. Rappe, I have two things I would like to clarify that were not part of your overview. We have made, its been a long circular process, as you are well of. We at the county have concerns about the contracting mechanism and the current policy that really although provides support with ARP and so forth, it really puts the contracting responsibilities on the property owner. And I wonder if you could comment on that because it's my understanding in one of the O&M meetings I sat in on, despite our I hope clear communication to DEQ that the county felt that this was a vital interest and we want to take the responsibility to do that contracting ourselves in the county and take it off the individual property owners, that policy nonetheless has been that the property owners are going to bear that responsibility. That's the first thing I'd like to have a response to, the other is I'd like to know the status of the cooperative agreement for the ARP as of July. Thank you.

Jason Rappe: For your first point George, yes, we currently are moving towards a reimbursement process for a slew of different reasons, some of them being time requirements and procurement responsibilities for the state and the county. So, we want property owners to be able to go and pick the contractors they want to use rather than the state or county having to do that for them. A long with that, there were some concerns regarding the property owner exemptions or for homeowner exemptions for asbestos under the state's asbestos control board, there was concerns about whether if the county or the state were doing contracts or set up the contracting mechanism, whether these would still apply. And that would fall under cost associated with that. But we have looked into some of the contracting mechanisms that you are requesting for out of the county or the state to be the contracting party for property owners and we are looking into those as we move forward. Regarding your second point, the MOA or cooperative agreement between DEQ and ARP, we are currently in the process of putting it together. I'm hoping to have that finalized here within the next two weeks and get that out to you and Virginia or get that to Virginia, ARP and the county for your thoughts.

George Jamison: Okay, thank you for your response. I'm rather unclear about where that puts us with the contracting, but we will leave that and perhaps Commissioner Peck may wish to comment on this, but just as I have iterated unfortunately a number of times, this is a very

strong concern of the county, so I hope we can get that reconciled because we are not comfortable with it; with placing that burden on the property owners. And the other thing I wanted to just comment on very quickly is that the MOA or the cooperative agreement, I heard earlier in Jenny Chambers discussion, she talked about cost uncertainty and she dropped into that conversation the funding for the ARP and everything, but its been my understanding that the pot of money, because you know, it all comes down to money for your services in DEQ as well as the cooperative agreement that would come to ARP for our participation comes through it's the federal money that comes to you through your cooperative agreement and the ARP funds are embedded in that agreement and it is not part of Vincent Bill money nor the State money and I would like for somebody just to verify that I'm either right or wrong on that.

Jenny Chambers: Chairman and Mr. Jamison, you are correct that funding we get is through our cooperative agreement grant. DEQ in conjunction with getting information from ARP and Lincoln County to support those efforts are put in a grant package and submitted to EPA for approval. If they approve the grant, we get the funding.

Sometimes you know, there are grants submittals that are partially funded by EPA or the full grant amount is not supplied so then I think we would have to look to see for both efforts is it work that we collectively want to have done that is not being funded by EPA is it something we want to fund with those other buckets, but yes, in general the support does come through EPA through a grant request and then EPA chooses to fund the portions of that grant they support.

George Jamison: Thank you for that response. Sorry, but it leads to another question and based on the current state of the association do you have reason to believe that the request that the county made for the ARP funding will not be fully funded in the federal cooperative agreement with DEQ. If so, could you provide us details on that.

Jenny Chambers: Chairman and Mr. Jamison, once we know that we certainly will. To our knowledge, we have not got confirmation one way or another on that.

Chairman Peck: As far as the homeowner, I still didn't really hear anything that compelled me to see where this is an advantage to the homeowner or anybody local to have them trying to implement state procurement rules and when we say, well, we want to be able to choose who they want, state procurement rules don't allow that. It would be nice because then we could just get whoever we wanted, but unless something's changed where we have to look at the lowest bidder. I would assume that what you are saying, then, that the property owner would have to pay the difference if they wanted somebody other than the lowest bidder. That they would have to pay that difference to the contractor. Is that correct?

Jason Rappe: That is correct in a sense. The reimbursement process gives the homeowner the flexibility of only having to solicit a few bids. The bids do not necessarily have to be returned and what DEQ with ARP's help would decide on funding or reimbursement would be based upon not only just the lowest bid, but also whether or not that contractor would meet the qualification. So, in all, it gives the homeowner more flexibility in the process than if the state or the county were to do it. It allows them a wider range of contractors on a shorter time span and from what we have seen, we think this process would be cheaper for O&M in the long run.

Chairman Peck: And when you say from what you have seen, you know in actuality that's probably, I think we need to have a meeting just not LASOC, but more of a meeting with ARP, or Virginia and I or whoever to really discuss this in detail. I really want to be open, I want to understand, but I don't hear a lot of homeowners begging to have flexibility and who comes cleans their place up vs. having to go through the hassle of getting a contractor and then if that contractor screws up the homeowner is stuck with having to deal with it. Those are the things that I see this putting maybe not legal liability back on, although

	<p>I'm not so sure that there isn't some legal liabilities that when that homeowner hires somebody to come in to do it vs. the county doing it. So those are my concerns and I think not just mine, but the concerns of all three county commissioners. I think with a contracting mechanism in place, I don't know why we can't...I'm trying to figure how a homeowner having to go out and solicit bids is going to be more efficient than us already having a process in place to get somebody in there to clean it up. I think we need to have that discussion offline from this meeting so that we can really delve in and I can better understand where you are coming from. It's hard for you to have to do in 5-10 minutes. In fairness, I think we need to do it outside of this meeting. Does that make sense?</p> <p>George Jamison: I think that makes sense and I would suggest that perhaps that would be an appropriate agenda item for our next meeting. Thank you.</p> <p>Chairman Peck: Do we have any further questions of Jason, or thoughts or comments? I want to really thank the whole O&M group because the details and the flowcharts and although, I know that engineer Jamison is into flowcharts, but when I look at the level of detail that's had to go into these discussions, it makes sausage-making look pretty dynamic. Thank you for the efforts and getting things as far as they are. It's been a lot of work for a lot of people on all sides of this thing. If there are no further thoughts, Jason, thank you for your update. Are there any other questions of Jason before we move into public comment?</p>	
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9. Agenda Item	Discussion	
Public Comment	<p>Chairman Peck: Is there anyone from the public that wishes to comment? Any public comment? I'm hearing no one for public comment so let's go ahead and discuss the next steps, the date and location of the next meeting, summary of action items. Hopefully, the next meeting we will do in person.</p>	

10. Agenda Item	Discussion	Action Items
<p>Discussion and Next Steps</p> <p>a. Date of next meeting</p> <p>b. Summary of action items.</p>	<p>Chairman Peck: As far as the date of next meeting, I think we need to give it at least a month or so, for any action items. I think it should be after O&M. Anybody else have thoughts? Have we heard anything officially yet?</p> <p>Virginia Kocieda: Jason did say that July 1st right now is slated.</p> <p>Chairman Peck: I think we should at least give O&M some time. Look at August timeframe for the next meeting.</p> <p>Director McGrath: August makes good sense and doing it in Libby, I agree with as well. Of course, we will have to monitor where we are at with the response to COVID, but I would agree with both of those suggestions.</p> <p>George Jamison: As a member of Igniters, there is a cruise and a car show coming up. It's a chance to fully enjoy one of the attributes of Libby.</p> <p>Chairman Peck: We will go with August and in Libby.</p> <p>Next Steps: Subcommittee work</p> <p>Action Items:</p> <p>Virginia Kocieda: The only one I have, is to have like an O&M preparation discussion item on the agenda, but that's the only one I have.</p> <p>Chairman Peck: How about the budget discussion?</p> <p>Virginia Kocieda: It is just a recapping the last conversation about if DEQ is going to write up a budget for their funding memo or something similar to what the estimates that George wrote. I still think that still kind of an idea or I don't know if it's an actual...</p>	

	<p>Chairman Peck: Was that the intention Representative Gunderson: Representative Gunderson: As soon as possible. George Jamison: I think another action item that we had touched on was the contracting issue that we discussed with Mr. Rappe. Chairman Peck: I don't think we are anticipating that DEQ is going to have a budget done by next meeting, but it will be an agenda item. Director McGrath: Mr. Chairman, I will certainly consider the conversation that happened earlier in the meeting and be prepared for that discussion in the next meeting. I don't know where we will at in terms of developing an agenda around a budget, but we take to heart the comments that were made. Chairman Peck: I think that's fair enough. Is there anything else for the good of the order? We will call it adjourned.</p>	
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