



Libby Asbestos Superfund Oversight Team Meeting

September 19, 2019

6:00 PM

Location of Meeting:

Lincoln County Courthouse
 512 California Avenue
 Libby, MT

*Remote access was also available.

Call to Order

The Libby Asbestos Superfund Oversight Committee conference call was called to order at 6:10 PM on September 19, 2019.

This was the ninth 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 Advisory Team members was present. The following persons were present or attended by phone:

Oversight Team 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 in Libby
Citizen of Lincoln County nominated by the Lincoln County Commission and selected by the governor	George Jamison *Confirmed October 2017 by Governor *Reconfirmed July 2019	Present in Libby
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

<u>Other Interested Attendees</u>	<u>Affiliation</u>	
Tom Stoops	DEQ	Present in Libby
Brett Romney	Facilitator	Present by Phone
Virginia Kocieda	ARP	Present in Libby
Carolina Balliew	DEQ	Present by Phone
Jessica Wilkerson	DEQ	Present by Phone
Mike Cirian	EPA	Present in Libby
Lisa DeWitt	DEQ	Present by Phone

Joann Wiggins	DEQ	Present by Phone
Tom Bleness	Citizen	Present in Libby
R.K. Mahoney	Citizen	Present in Libby
Amanda Harcourt	Citizen	Present in Libby
Jan Ivers	Citizen	Present in Libby
E. Anderson	Citizen	Present in Libby
Ray Stout	Citizen	Present in Libby
Laura Crismore	Citizen	Present in Libby
Tracy McNew	Citizen	Present in Libby
Brad Black	Citizen	Present in Libby
Zach Minew	Citizen	Present in Libby
Bryan Alkire	Citizen	Present in Libby
Tina Oliphant	Port Authority	Present in Libby

Opening Comments- Chairman Peck	<p>Process is complex and complicated because people are busy. I want to acknowledge that. We are all representing the same things but from different angles, statutes and needs. No question that we are aligned on the goal. I know Lincoln Co. can be persistent and some may see it as demanding. The reason we are that way, as the County Commissioner I am elected to protect and enhance public safety, public health and economic health of the citizens of Lincoln Co. There have been promises made in the past to the community and some of the aren't going to be fulfilled to the extent laid out. When we want more clarification and things in writing it's to memorialize. We don't expect to get our way on everything and I want to make that perfectly clear but we want to be clear about the way we see the world and if that doesn't work and the answer is no we want to know why and have those types of discussions. We are nervous and getting to the end and we want it to end right. There is so much good working going on with the O&M group and just a few things to hammer out. I'm pleased with approach people are reassessing. We fully understand that this is an advisory committee. We don't have the authority to dictate or to expect the agencies to go beyond their statutory authorities. We want to be able to understand those authorities are. Want everyone to understand that we know and respect that the agencies have statutory authorities that are there and we want to honor those and support that. We also have those types of things and better understanding of where we are all coming from is going to help get through this last stage. Our goal is to protect the remedy and the public health and that is where the agencies are at as well. Citizen that live here will have to live with the decisions that we implement and want to make sure we honor that to the citizens of Libby and Troy.</p>
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2. Agenda Item	Discussion
Review and approve minutes. <ul style="list-style-type: none"> • June 24, 2019 • August 2, 2019 • August 12, 2019 	<p><u>Chairman Peck:</u></p> <p><u>June 24 Quarterly Meeting:</u></p> <p>Motion By: Shaun McGrath Second By: Representative Gunderson</p> <p>Approve.</p>

2. Agenda Item	Discussion
	<p><u>August 2, 2019-Conference Call:</u></p> <p>Motion By: Shaun McGrath Second By: Representative Gunderson</p> <p>Approve.</p>
	<p><u>August 12, 2019-Conference Call:</u></p> <p>Motion By: Shaun McGrath Second By: Representative Gunderson</p> <p>Approve.</p>

3. Agenda Item	Discussion	Document Link
Current Budget Overview-Tom Stoops	<p><u>Tom Stoops:</u> Summarized the budget overview. See document link.</p>	<p>September 2019 Budget Overview: http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/September%202019%20Meeting/Libby%20Budget%20Overview_September%202019_finaldocx.pdf?ver=2019-09-18-105316-627</p>

4. Agenda Item	Discussion
Update on Memorandum of Understanding for meeting logistics, ect. -Mark Peck	<p><u>Chairman Peck:</u> Agreement between Lincoln Co. and DEQ for Lincoln Co. to take over scheduling and duties of this committee.</p> <ul style="list-style-type: none"> • Letter has been reviewed and ready for signature. • Sign copy and mail to DEQ. <p><u>Tom Stoops:</u> Our preference is we'd get your signature block and we'd then sign and get a copy back.</p> <p><u>Chairman Peck:</u> That will commence with next committee meeting.</p> <p><u>George Jamison:</u> Who will sort out when the next meet is?</p> <p><u>Chairman Peck:</u> I am comfortable with that. Virginia, are you?</p> <p><u>Tom Stoops:</u> Should be a seamless handoff. Will not be executed until MOU is signed.</p> <p><u>George Jamison:</u> We will need to know when that date is.</p> <p><u>Chairman Peck:</u> Does that mean we are doing the minutes for this meeting or pick it up on the next one? Is that what everyone's understanding is?</p> <p><u>Virginia Kocieda:</u> Yes.</p> <p><u>Director McGrath:</u> Recap: You are very close to signing it just need to hear back from the county/city attorney and then you are prepared to sign it then it will come back here and I will sign it. If that happens within the next week or so then we would turn it over to the County to start with minutes, scheduling, and duties for next meeting.</p>

5. Agenda Item	Discussion
Update on O&M Planning Efforts- George Jamison	<p>George Jamison: O&M work group led by EPA and including DEQ, the County and their consultants.</p> <ul style="list-style-type: none"> Continued to make good progress on many of the documents and issues to be addressed in the overall O&M planning. Biweekly phone meetings and a long-detailed meeting in August have conducted. Shareholders continue to work on their assignments, generally in collaboration with others. ICAP has undergone significant review and change and is nearing the point for legal and other reviews followed by public comment. O&M Plan progressing to Final draft but may be available for public review this year. Many elements in the ICAP and O&M plan have yet to be hashed out in their final form in detail and significant holes exist in some critical areas. Mainly relating to eligibility for property owner support and funding sources. The uncertainty of these issues has created tension since the timeline for sharing information with the County is uncertain though still push to maintain early schedule. Efforts made with the participation of facilitator Mr. Romney to implement the needed cooperation and to realistically examine the schedule. <p>Brett Romney- Applaud efforts, those that are working together are really putting the effort in and good traction.</p> <p>Lisa DeWitt- Madly working on documents and getting plans in place and made huge progress on what needs to get done and what we need to do to get to our eventual finish line of being in O&M. A lot of things getting worked out are going to come together just fine and group has good energy to keep moving forward collaboratively.</p> <p>Mike Cirian: Slow getting some responses especially numbers. When you start getting into things that take upper levels help in making those decisions they go thru process and legal. Shared some of that with DEQ and they are working on it. All of this stuff is going to come down and hit us like a thunderstorm. I have numbers on what this year's quick responses have cost. Update on what we saw for O&F period so far and quick responses is almost what we predicted it's going to be looking at the number of properties. Wide variety of quick responses this year from small dirt digs to gutting house and had a hiccup with contracting we found creative ways to work around that. Finished last quick response on the list today. Lot of financial stuff that is coming out. Project done on how long the \$12 million will last based on usage in variances for inflation. Numbers good and consistent with what we looked at 5 years ago.</p>

6. Agenda Item	Discussion	Document Link
Response to Letter from Committee to Region 8 Administrator- Mark Peck	<p>Chairman Peck: Read letter. See letter document link. Have not heard back from EPA yet. Would like to keep on agenda.</p> <p>Mike Cirian: Haven't heard about letter so assuming he has not got the letter yet.</p> <p>Chairman Peck: 30 days is aggressive expectation. Did not expect to have letter yet but keep on forefront. Need more information on how it is going to be protected.</p> <p>Director Shaun McGrath: Point out the first paragraph of the response letter is really an important paragraph in communicating back to the EPA. Our appreciation that they are going to hold those funds for O&M and remainder of the letter saying we want to have ongoing conversations, collaboration to understand how that money is going to be forthcoming so we can do our planning processes.</p>	<p>Letter from Committee: https://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/August%2019/0812019_Outstanding%20Settlement%20Dollars%20Request_signed.pdf?ver=2019-08-13-083655-223</p>

7. Agenda Item	Discussion	Action Items
<p>Conversation on legislative intent, organization structure, bylaws draft outline, and legal support- Tom Stoops and DEQ staff</p>	<p><u>Chairman Peck:</u> Legislative intent is clear what our role is in an advisory capacity to DEQ with the exception of a little more authority when it comes to funds from SB20. Is there a clear understanding of that?</p> <p><u>Representative Gunderson:</u> Part of it is we are writing a book and no instruction on where to go. We have people that rely on us to make those decisions. If we get a no we need to ask question and iron out.</p> <p><u>Director Shaun McGrath:</u> Never done before for Libby but, plenty of advisory committee around other specific topics, so we have some experience there. Bylaws that are before us and staff has looked at other advisory groups, talked to other states, looked at Wastewater Operators Advisory Council, so there's a foundation. I suggest we get to agreement around the draft bylaws. I think it will help our committee on how we operate when there is a no, this will help inform that process on how we communicate when there's disagreement and how we work out those disagreements. Guiding Principles, I suggest to the committee if we can get these bylaws resolved and get agreement to how we are going to operate some of the disagreement around the guiding principles may go away.</p> <p><u>Representative Gunderson:</u> If we come up with a no, we need to work with DEQ to find an answer that is either a yes or an alternate way to bypass the problem that is presented to us and find a solution.</p> <p><u>Director Shaun McGrath:</u> From the standpoint that this is an advisory committee and advisory to the director. Its advise and the director still has the prerogative to take a different action that is not what this committee would recommend. If there is a no, yes, I think the director does have the obligation to explain to the committee why the director disagrees with the advice that's given from the committee. I want to avoid is to imply that the director must take the advice from the committee.</p> <p><u>Representative Gunderson:</u> Diligently work to find a solution to get a yes or an alternative that fulfills our obligation to the people that we represent.</p> <p><u>Senator Cuffe:</u> It is and oversight committee. I've been looking over the HB30 which created the group but it specifically changed all of the advisory teams to Oversight Committee and initiated and striving to maintain negotiations with DEQ, EPA and any other entity with a goal of reducing the state and federal roles and long-term operation of maintenance work Libby Asbestos Superfund site while increasing the role in Lincoln Co. in expending funds and managing and implementing O&M activities and submitting a report to EQC July 1st each year. That seems to me a little more than an advisory role.</p> <p><u>Director Shaun McGrath:</u> I understand we changed the name of the committee but this is a conversation we had at we spoke about this August 12 meeting and its reflected in the minutes and Chairman I am asking you to weigh in here. There are a number of quotes in the minutes the proved that speak to this point. It was my understanding after the August 12 meeting that we all understood that this is an advisory committee.</p> <p><u>Chairman Peck:</u> I understand it as we are advisory in nature. Thinking back to the meeting when we did away with the liaison, when we drafted this, I don't think that the intent was ever for this committee to be able to direct the director of DEQ or compel them to take an action.</p>	<ul style="list-style-type: none"> • Email Bylaws to Committee Members. • Discuss DEQ role for legal support.

Oversight part geared more towards the funding of the SB20 money. We have some oversight authority but advisory in nature.

Director Shaun McGrath: I have every intention and the team has every intention to get to the place you are asking for. Communicating and get on the same page with on these issues to the degree we can because we are stronger when we go to EPA if we are all in agreement. I am making the point of not being able to abdicate any authorities because I can't do it, EPA wouldn't allow it. Want to stress that we want to operate within the spirit of the comments which is, we need to communicate and explain why no is a no and find an alternative solution to a problem we are trying to resolve.

Senator Cuffe: Trying to match us up with the legislature.

Chairman Peck: Recap who was at the meeting in Missoula, August 2018

- Deputy Director George Mathieus
- Tom Stoops
- Joe Coleman
- Mark Peck
- George Jamison

George Jamison: Option 8: after the earlier bill and some of the options related to liaison and everything fell through. Last page I wrote down, the advisory team becomes a controlling oversight committee not just advisory. I left the meeting with that understanding.

Tom Stoops: The words that George wrote down are not dramatically different than what was written in the bill. When we sat in the room to do this we were recognizing that the director cannot give up their authority and so from the two funding sources it is a recommendation from this committee to the director on those funding sources but paragraph F; initiating and striving to maintain negotiations with the DEQ and EPA and other entity with the goal of reducing that. To formally state the strong role that we expected Lincoln Co. to have in the implementation of the post remedy aspect of this cleanup. We are writing the book on this one.

Chairman Peck: That oversight was more of day to day operations on the site itself as a long-term oversight group of ARP and what was going on. It was not a control of DEQ, that was my understanding.

Representative Gunderson: My understanding is we are more an oversight than an advisory and DEQ is DEQ.

Senator Cuffe: I would like it more laid out. We talked about the three funds and I believe Tom was referring to SB20 funding.

Tom Stoops: This committee makes recommendations on the appropriations from the legislature and how its bifurcated. There's the trust which is to accrue until 2029 and then there is a lesser increment that would be looked at annually and that's not expended annually gets swept back into that trust.

Chairman Peck: Those are the two funds but there is other money available but it was attained through settlements with WR Grace and so its outside the purview of this group. I think we can make recommendations but those funds were parts of settlements with DEQ and O&M funds.

Senator Cuffe: I am asking about the other money and I am not liking what I am hearing. I want to pursue that a little bit. This does not

specify any portions of the money and I am wondering if these other monies are not intended for Lincoln Co. what are they intended for.

Chairman Peck: They are intended for Lincoln Co.

Representative Gunderson: \$12 million O&M monies is intended for Libby Superfund. The leftover monies will be there for after the \$12 million is gone but there are certain things that can be spent on. HB30 we have no control on how you spend it.

Tom Stoops: \$5 million DEQ got is specific to Libby Operable Units excluding units 3, 6 and 8. Those have responsible parties.

Chairman Peck: We do not have as much authority of the \$5 million as we do the SB20 money. It is important to discuss these issues.

Director McGrath: If we are all not on the same page of what our role is that is going to mess us up on work we are trying to accomplish. I would call out the minutes from the August 12 meeting on page 6 and 7 this matter was discussed. On page 7, Mr. Chairman you summarized the conversation that the oversight group is with advisory authority make recommendations but not decision-making body making recommendations to the DEQ director and there's concurrence by the others that were present. I believe that is what defines us and if there is disagreement with that then we need to go back and reopen that conversation.

Chairman Peck: I would like to not discuss it again. We are in meeting nine and we need to get this nailed down and put to bed. Is everybody comfortable with what the role is? This committee cannot override or direct or compel the director of DEQ or staff without their concurrence to do anything. Are we clear on that?

Next, the legislation itself is clear on the organization structure and the bylaws will help if there's any issue there. We appreciate the copies of different bylaws today, I don't think anybody is prepared to discuss since we have not had an opportunity to look at them.

Senator Cuffe: Is the bylaws the correct term?

Chairman Peck: I will defer to the state on that. Tom and I met early and we discussed legal support and I don't know if bylaws is right.

Director McGrath: We are not prepared to have an attorney that would be staffed to this committee. If questions arise I could ask the DEQ attorney that advise me and I'd expect that the county would do the same on your side.

Tom Stoops: To be determined if called bylaws.

Chairman Peck: We need time to look thru them and be prepared next meeting to discuss. Director to your question on legal support Tom Stoops and I met earlier and as clarification we all have our legal support and I don't think our county attorney has no authority over a state committee. I don't think it's DEQ's role either but if the committee itself needs legal advice.

Tom Stoops: Are the actions of the committee purview of legislative legal counsel or other. I think what Director McGrath is correct we need to ask that question of our legal team and then share what that response is and determine does that require further vetting. It may be a very clear answer or it may not be.

	<p>Chairman Peck: I wonder if the actions of the governor appointed legislative driven committee, so county attorney would not have any authority over any actions we took or didn't take while we are serving on the committee. I don't see that as a DEQ role either.</p> <p>Senator Cuffe: The way I see it is this committee and DEQ should mesh together and I think that's how it really intended and needs to be.</p> <p>George Jamison: The first part of the bylaws says the committee functions as an attachment for the DEQ for administrative purposes only. If we are attached to DEQ in some fashion I don't understand why we don't use your attorney.</p> <p>Tom Stoops: I don't want to speak for the director but I believe that's what Director McGrath is alluding to in; we have a question and it's an action item.</p> <p>Director McGrath: I would like to meet with the attorney and have a more thoughtful response for the committee. We understand the question, and get back to you.</p> <p>Carolina Balliew: Apologize not able to get bylaws to committee members sooner. DEQ could use the subcommittee or a working group to further hash out. Just to clarify this is a starting point to get something down on paper as a working draft.</p> <p>Representative Gunderson: Please send a digital copy of the document by email.</p>	
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8. Agenda Item	Discussion	Action Items
<p>Additional discussion for Lincoln County's Guiding Principles and future direction for O&M planning efforts and future operations. - Brett Romney</p>	<p>Brett Romney: Subcommittee met on August 29 for identifying area of agreement and disagreement relating to the guiding principles document that was created by Lincoln Co. Two items from meeting.</p> <ol style="list-style-type: none"> 1. DEQ's review of the document, DEQ determined that draft revisions were not the best approach to discuss and document consensus because those conversations are currently in process with the larger O&M group. Also, document was an elaboration of a previously submitted position statement from the IC Steering Committee and City County Board of Health. Due to those discussions relative to agreement or disagreement of points made in the document did not occur. 2. DEQ's recommendation that the subcommittee could collectively develop and draft the bylaws for this Oversight Committee for review and approval. Since August 29th we have already discussed what occurred there and Carolina made observation that group could still participate in a review and discussion of bylaws. <p>October 9th there's agreement to have meeting with Lisa, Carolina, Virginia and George to use flow chart that has been created that details flow of request that come in from County, residents and developers. Flow chart shows how funds are determined to be paid and the agreement and where there is a "no" determination to identify whether there is a written policy or something in writing that if there is a "no" not hashing out but just identifying if written policy and if should be funded and if so look at the alternatives for funding and see if agreement on a recommendation of where funding would come from. High-level discussion on how that would work.</p> <p>Lis DeWitt: Thank you for that summary. I think we have a positive way to move forward and get through some of the questions that keep</p>	

	<p>coming up and hopefully has recommendations for this group on how to look at things in the future.</p> <p>Virginia Kocieda: Although we are using a different document to have the same discussion, the guiding principles document does point out problem areas where we may have agreements or disagreements and so I'm excited to have conversation finally and if flow chart document is going to help that lets go for it.</p> <p>Brett Romney: I assume you are going to want a report after that meeting.</p> <p>Chairman Peck: Yes, that is what was agreed for the process. I will deliver the information out to the members of the committee.</p> <p>George Jamison: Yes, that would-be Mr. Romney's role to summarize and report back to the Chair.</p> <p>Chairman Peck: Want to clarify for the record that Guiding Principles document was a County document that was not written by or agreed to by DEQ.</p>	
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9. Agenda Item	Discussion
<p>Recommendations for future meetings in October, November, and December</p>	<p>Chairman Peck: I don't believe we have a need for an October meeting. One question for the committee; when it comes to the bylaws, due to your workload, is that something you really want to do?</p> <p>Lisa DeWitt: My suggestion, is this something Brett would be able to take on and use the subcommittee as an initial review of changes and move on to the final committee?</p> <p>Brett Romney: Open to any suggestions.</p> <p>Virginia Kocieda: Not sure if the bylaws are the correct way to go for this type of agency that's connected to a government department and earlier discussions showed that some research needs to be done perhaps in the MCA to look if there already governance or rules for this type of committee. I can check and see if guidelines and then maybe we can move on from that.</p> <p>Director McGrath: Thank you for your comments on workload. One thought is to prioritize or committee to present priorities to the subcommittee and suggest the bylaws are a higher priority. Guiding Principles there are disagreements so that we can get bogged down. If we have bylaws and ICAP some of the guiding principles will become easier.</p> <p>Chairman Peck: Funding piece is more important than the bylaws because we have draft property evaluation notification out for everybody to look at. And that will be part of the ICAP and if we don't have funding piece worked out I don't know that County can move forward and put a law out to county and not understanding that piece. I would be willing to work with Brett Romney to get thoughts in a more concise to give to the subcommittee to look at.</p> <p>Mike Cirian: PEN ordinance is a great idea and is integral to the ICAP and as far as passing it into law right now were getting ready to put the ICAP out to public comment. We can put it out but if the PEN isn't in there in some form or fashion we have to take it out of the ICAP, which would set us back further. We put in what you have as a draft in ICAP as it goes out for public comment. That way the committee and community get comments back on ICAP but what the PEN is saying and then before you try and pass into law you would have that public comment to help guide how you want to finish that up.</p> <p>Director McGrath: My understanding is that is outside of the Oversight Committee work but not relevant to the discussion of our priorities for the subcommittee.</p> <p>Chairman Peck: It's all connected, I think, we can do both. Is there an issue?</p>

	<p><u>Director McGrath:</u> The O&M group is working on the ICAP piece and the suggestion is that we'd have our subcommittee focus as a priority on the bylaws.</p> <p><u>Chairman Peck:</u> You see that as a higher priority than the flowcharts. I am seeing it as the opposite.</p> <p><u>Director McGrath:</u> The flowchart is part of the bylaws conversation.</p> <p><u>Lisa DeWitt:</u> The idea is to take the flowchart and use that to help define where the Oversight Committee has purview for making recommendations and provide suggestions on how they could exercise that purview. Going thru that will point out the areas where there are questions about funding and allow that to be clarified and taken to people that can make those decisions. Having clarifications before work goes on does impede the process because better inform by working through the subcommittee to decide what we can do.</p> <p><u>Brett Romney:</u> Had a few conversations about the bylaws and I get confused about what that word means. I think it means different things to different people. If I were involved in bylaws I could communicate with the difference to the Oversight Committee as well as the subcommittee in being the person interpreting what folks mean by bylaws and try to come up with a real draft. Need to start by getting things on paper and I can help do that.</p> <p><u>Chairman Peck:</u> I do not want to be engaged in that, leave it up to you guys with the subcommittee to work out what you are going to do and report back.</p> <p><u>Director McGrath:</u> Works for us.</p> <p><u>Brett Romney:</u> That is a second effort separate effort from the funding flowchart. They interact together but two different things.</p> <p><u>Chairman Peck:</u> Yes.</p> <p><u>George Jamison:</u> What is it exactly we are supposed to work on?</p> <p><u>Chairman Peck:</u> Leave that up to you guys to work with Brett to take care of funding flowchart and how the bylaws turn into that. Brett put together and work with the team to extend that into bylaws.</p> <p><u>George Jamison:</u> Disappointed we feel like we need to work on bylaws first when we've got these other issues that are driving many things.</p> <p><u>Chairman Peck:</u> That is not what we are saying.</p> <p><u>Director McGrath:</u> We support what you laid out.</p> <p><u>George Jamison:</u> On October 9th what do we work on?</p> <p><u>Chairman Peck:</u> Flowchart.</p> <p><u>Brett Romney:</u> The thought is to work on flowchart and bylaws parallel and I will take the brunt of the work off your plates.</p> <p><u>George Jamison:</u> Suggest send committee and subcommittee the Board of Health bylaws as a reference.</p> <p><u>Chairman Peck:</u> Future meetings, we need to have one before the end of the year. Thinking the first week in December. Virginia will send out a doodle poll with a few dates. We will come up with two or three dates and will send out Doodle Poll.</p>
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10. Agenda Item	Discussion
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Public Comment

Tina Oliphant: Lincoln Co. Port Authority and OU4 IC Steering Committee. I think this is very timely and I heard the comment about the flowchart part in the meeting that you are going to start looking at real decision-making and I wanted to just share something OU5, which is basically the Lincoln Co. Port Authority, pays a lot attention to. And I apologize I can't be completely linear as I was looking through some records I noticed some letters and there's no better way to illustrate this than walking through a letter from the Port Authority that was sent on January 5th of 2018, (anybody wants that I'm happy to send that out) where we were after twelve months of working through an O&M plan for OU5 we wanted to bring some context and organize our many, many, many comments. We put them in three general categories, first category was we had high concerns as an organization that is responsible for setting up that property to entice, invite inside, outside investment. We felt very strongly about these things and that the O&M did not directly detail the applicable party responsible for the financial cost for repairing breaches to the existing remedy. We asked that this be clarified and the financial party and source of funds for this effort be identified in the O&M Plan. We went on to say the same thing about future encounters of asbestos. The very same thing and then we asked lastly that assurance that future breaches and how we addressed in a timely manner that does not harm the Port Authority with redevelopment initiatives out there. So, as I see this guiding principle, I see that this is one of the big issues were saying it in different ways but it's basically were focusing on the same thing. That was true. The position statement for OU5, OU4 Steering Committee and why this is particularly and not now I'm going to kind of morph its somewhat related but I have been asking for the Cooperative Agreement between OU, I'm not sure which one, I think I have it. I don't really have the right narrative behind it and I see that a certain amount of money was requested by DEQ and that comes out of the bankruptcy settlement funds and there is always quite a bit of administration is part of it, I get that. My concern is as we are dealing with, I told you this would not be linear, as we are now dealing with the company that's highly interested in coming into the Port Authority. They're asking me questions and I cannot give them any and talk with any confidence. I can send them an EA6Ba, I can send them various documents but I cannot tell them with confidence what will happen if they encounter asbestos. If it's a failed remedy, if its new asbestos. I truly cannot give them an O&M that will make them understand the risk they take. We're not arguing whether they take risk but they can't understand the risk they take. And when we were asked at Port Authority to provide a budget, DEQ I think wanted feedback from us, so we looked at what would major minor breaches be. It's very hard because you don't have a breach every year but you can't budget for a fraction of the breach. So, it's a very tricky process and we learned a lot. We use the cost right off of the O&M, I would really like to understand where this went from the validity to our efforts. I want to be able to tell outside businesses or inside businesses what funds are available should things happen. Then I layer on the fact about two years ago in a meeting in Missoula Kevin Peck, Mark Peck, Tom, Lisa were there and we were having a conversation about this fund and it's not only this one but this fund is a great application of it. We talked about 11 or 12 million we talked about dividing it over 30 years shelf life of a superfund. Which you have to pick something maybe 30 years is good and that in the end how much of that have to go to the necessary cost of administration rather than the cleanup. So, I'm just bring this up as you're going through that report I think it's critical as you're going through the flowchart. I think it's critical that these decisions be made. Lastly, going back to another letter so we got a timely response to our letter addressing these concerns on O&M from EPA saying, "EPA is now finalizing the O&M plan for OU5" this was February 15, 2018, with a commitment to updating the O&M plan for OU5 with additional clarity after related statewide institute site wide institutional controls and a site-wide O&M plan has been finalized. We're really looking forward to that because we're hanging out there with a lot of uncertainty. All these documents are easily available if anybody wants them.

Tom O Bleness: I've been involved with the Institutional Control Steering Committee began and I bring some passion to this group is similar to Commissioner Peck because I've lived here my whole life. I really commend everybody on their hard work. All of you that I hear fate names by don't know faces appreciate what you're and I certainly encourage the cooperation that Commissioner Peck has mentioned we feel the need to memorialize these things. I'm not going to live long enough and I want to make sure that my children and grandchildren are safe here and I applaud the efforts at making our community, I feel safe here. I really want you to remember that there's a personal issue here. A lot of us go home at night and wonder how we're going to breathe tomorrow. So, it's more than just filling out your job requirements are and everything else. I just plead with you to keep in mind the personal matter.

Dr. Black: Wanted to get my two cents in. I know a number of you and I've met you the director and I've had a couple of hats I wear in this community and one of course is the medical director

	<p>of the card, the center for asbestos related is where we have spent the last 19-20 years taking care of all the adverse effects from what we've had here and when I started I had no idea what I was getting into but the burden of disease from standpoint of just illness and death it's just beyond anybody's understanding except the people that take care of those folks. These diseases we see come in all levels of exposure. Obviously occupational all the way through but I'll tell you the low dose exposures from environmental exposures in our community, attic insulation only have caused very severe disease. My other hat I'm the Lincoln Co. health officer and I'm a strong proponent of prevention and I think it's imperative that we do everything we can to preserve the job that EPA did very well and I was very pleased to see the extent they did removing the immediate threats to the community, but unfortunately I think we are facing the harder road ahead because of are responsibilities and maintaining this are gonna be beyond what we can even imagine and we don't want to be left without support and I think its real critical for everybody involved here that we work to solve that to make sure we're assured that we preserve that remedy and we shouldn't get cut short here, not for what Libby has experienced. There were a lot of failures getting us here but let's not be a failure going forward. We don't want to be that, we've watched it already.</p>
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11. Agenda Item	Discussion	Action Items
Discussion and Next Steps a. Date of next meeting b. Summary of action items.	Next Steps: Subcommittee work Action Items: Legal question.	