



Libby Asbestos Superfund Advisory Team Meeting
September 7, 2018
1:30 - 3:00 PM

Locations of Meeting:

Lincoln County Courthouse Commission Chambers
 512 California Avenue
 Libby, Montana and

DEQ
 1225 Cedar Street
 Helena, MT

*Remote access was also available.

I. Call to Order

The Libby Asbestos Superfund Advisory Team meeting was called to order at 1:40 PM on September 7, 2018 at DEQ, 1225 Cedar Street, Helena, MT and Lincoln County Courthouse Commission Chambers, 512 California Avenue, Libby, Montana.

This was the fourth meeting in accordance with 2017 SB315 Legislation. Public notice of this meeting was provided via newspaper ads, press release, social media, and the DEQ website.

II. Roll Call

Tom Livers, Department of Environmental Quality director, 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:

Advisory Team Members:		
Director of DEQ or designated representative	Tom Livers	Present in Helena
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	Present in Libby
Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president	Senator Chas Vincent	Present in Libby

<u>Other Interested Attendees</u>	<u>Affiliation</u>	-
Tom Stoops	DEQ	Present in Helena
George Mathieus	DEQ	Present in Helena
Noah Pyle	ARP	Present in Libby
Carolina Balliew	DEQ	Present in Helena
Karen Ogden	DEQ	Present in Helena
Lisa DeWitt	DEQ	Present in Helena
Joann Wiggins	DEQ	Present in Helena
Jerry Bennett		Present in Libby
John Blodgett	Western News	Present in Libby
Elzhon Anderson		Present in Libby
Gloria Lewis		Present via Phone
Brad Pekas		Present via Phone
Eureka Office		Present via Phone
Colorado Call		Present via Phone

2. Agenda Item	Discussion	Document Link
Review and approve June 28, 2018 minutes	<p>Motion: To approve the minutes of June 28, 2018 as circulated, Tom Livers</p> <p>Motion By: Senator Vincent Second By: Commissioner Mark Peck</p> <p>No additional comments on meeting minutes</p> <p>Motion Carried</p>	http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/September%207%20Meeting/6_28_2018_Minutes_%20Libby%20Asbestos%20Superfund%20Advisory%20Team_Final.pdf?ver=2018-09-10-094158-003

3. Agenda Item	Discussion	Action Item
OU2 partial deletion	<p>Tom Stoops read statement:</p> <ul style="list-style-type: none"> DEQ received US EPA request for written State concurrence regarding partial deletion of OU2 as required by 40 C.F.R 300.425 (e)(2). Site has been in O&M since August 2013, Site-Wide Risk Assessment was finalized in 2015 and Institutional Controls and Implementation Plan was updated March 2018. DEQ concurs with partial deletion of OU2 is appropriate action. Deletion does not preclude the EPA from Fund-financed activities at the site in the future should conditions warrant. <p>Discussion:</p> <ul style="list-style-type: none"> Final Remedial Action Report published April 20, 2012. Operations and Maintenance Plan published August 13, 2015. First Five-Year Review completed. Start of second Five-Year Review no findings. Institutional Controls revised to reflect slight changes since the site was closed in 2012. 	

	<ul style="list-style-type: none"> • Site is meeting all its requirements. 	
--	---	--

4. Agenda Item	Discussion	Action Item
<p>Update on the Libby liaison position and options discussion</p>	<p>Tom Stoops:</p> <ul style="list-style-type: none"> • Meeting August 21, 2018, in Missoula at DEQ Satellite Office, attendees include: Joe Coleman, Legislative Environmental Policy Office; George Mathieus, DEQ; Tom Stoops, DEQ; Mark Peck, Lincoln Co.; George Jamison, Lincoln Co. • Discussed options presented to Environmental Quality Council (EQC), led to revisions to SB315 to reflect the deletion of the Libby Liaison position. • Discussion regarding revising the team title from “advisory” to “oversight” and clarifying duties. • Discussed transfer of administrative activities to Lincoln Co. Asbestos Resource Program (ARP). • Discussion about using a facilitator to assist with development of O&M plan. <p>George Mathieus:</p> <ul style="list-style-type: none"> • Hear input on whether moving in the right direction with the new Senate Bill. <ul style="list-style-type: none"> › Mark Peck and George Jamison agree with the draft of new Senate Bill. • What to do in the interim between the current law and event this law passes. Discussed possibility of contractor. Would like to hear thoughts from the rest of the team. <ul style="list-style-type: none"> › If supported at (EQC), no need to make shifts in that direction. Using a contractor to help facilitate O&M planning and Institutional Controls within the timeline of January 2020. › Eliminating the liaison position does not impair the ability to move forward. Shifting most of the responsibilities to Lincoln Co. with a commitment soon to meet the timeline for O&M. <p>Senator Vincent:</p> <ul style="list-style-type: none"> • Operating expenses: You could contract services with the current funding that has been transferred for that purpose. Unspent funds go into the trust that won't be touched for 10 years. If we do a contract for services, it wouldn't have to be with the money appropriated for the liaison position. <ul style="list-style-type: none"> › We will be as flexible as we can to keep moving toward the January 2020 deadline. <p>Chairman Livers:</p> <ul style="list-style-type: none"> • Recommended presentation next week to EQC with the option of it being a committee bill or an agency bill. 	

5. Agenda Item	Discussion	Document Link
<p>Current budget overview- Tom Stoops</p>	<p>Tom Stoops: Summarized the budget overview. See document link.</p> <p>Discussion: No additional discussion.</p>	<p>http://deg.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/Budget%20Overview_June%202018.pdf?ver=2018-06-22-100743-007</p>

6. Agenda Item	Discussion	Document Link
<p>O&M update</p> <ul style="list-style-type: none"> • OU5 • Workgroup Update • Facilitator to assist with O&M Planning 	<p>Tom Stoops: Thad Adkins, DEQ legal advisor had given responses received from Kootenai River Development Council (KRDC) a quick review with the purpose of getting a meeting set up with all the parties, including Port Authority’s legal staff, however Thad moved to Montana Natural Resource Damage Program. Replacement attorney starting in two weeks and once on board will pick up those conversations again.</p> <p>George Jamison:</p> <ul style="list-style-type: none"> • Recommends that Advisory Team check in with Tina Oliphant and Port Authority prior to each Advisory Team meeting to see if to see if OU5 needs to be a specific agenda item. Tom Livers agrees with recommendation. <p>Lisa DeWitt Workgroup Update:</p> <ul style="list-style-type: none"> • We’ve had two O&M break-out meetings to discuss specifics of what we generally agree that O&M will be and how we see that moving forward. Meetings were in June and August, and an October meeting is planned. Topics have included: <ul style="list-style-type: none"> › Manage data and keep track of things moving forward. › Need for permitting for similar program to track activities on individual properties. › Continued functions of the ARP and the Board of Health as well as continued operation of the landfill and EPA Remedial Action education programs. At the October meeting we’ll start putting cost estimates to those activities that to see where our finances stand. <p>Commissioner Peck: Suggested facilitator to assist with O&M Planning</p> <ul style="list-style-type: none"> • Need for effective facilitator that knows how to facilitate toward a solution. • Recommended Bret Romney of Helena <p>Discussion of facilitator to assist with O&M Planning:</p> <ul style="list-style-type: none"> • Would require competitive procurement requirements. Could be abbreviated if the amount is small enough. • Team would drive the process on what they are looking for and attributes. Team would make the selection. • Review restrictions under current law. Know the direction we want to head. • Having a third-party facilitator to help with discussions would be worthwhile. • Discuss what areas to have them work on so money and time are spent in the right places. • Take some of the language from the current liaison position. Keep moving forward. Focus on the O&M in front of us. • Investigate contracting options. Take time to talk about how we scope what budget might be. Come up with options and have something prior to next Advisory Team meeting. 	<ul style="list-style-type: none"> • Scope of facilitator worked out. • Investigate the requirements for state procurement and look at the feasibility of memorandum of agreements. • Commissioner offer characterization of county flexibility on procurement

	<ul style="list-style-type: none"> • Team will authorize moving forward through state procurement or memorandum of agreement with Lincoln Co. if the county process affords more flexibility. Work with counterparts and provide information to team members about facilitator scope of budget and how to best achieve hiring of facilitator. <p>Motion: Grant authority to move forward, in the interim between meetings, with information-gathering on how to hire facilitator.</p> <p>Motion By: Senator Vincent Second By: Representative Gunderson</p> <p>No further discussion</p> <p>Motion Carried</p>	
--	---	--

7. Agenda Item	Discussion
Public Comment	<p>Chairman Livers calls for public comment:</p> <p>No Public Comment</p>

8. Agenda Item	Action Item
<p>Discussion and next steps.</p> <ol style="list-style-type: none"> Date of next meeting Summary of action items. 	<p>Date of next meeting:</p> <ul style="list-style-type: none"> • Doodle Poll with general options; early December. • Come to next meeting with sense of calendar availability for 2019. • Request incoming Senator to be present. <p>Summary of action items:</p> <ul style="list-style-type: none"> • DEQ sending letter to EPA regarding concurrence on the partial deletion of Operable Unit 2 of the Libby National Priority List Site. • DEQ will give a presentation to EQC on the revised bill. • Keep OU5 discussions as active agenda item and check in prior to next meeting. • Work with counterparts and provide information to team members about facilitator scope of budget and how to best get action completed. <p><u>Jamison: Referred back to June 28 minutes and stated importance of making sure that Agenda Item 11 (Action Items), numbers 3 through 6, remain ongoing items, including:</u></p> <ul style="list-style-type: none"> • Development of chart with funding sources and tasks. • Prepare to talk about roles, responsibilities and impediments. • ROD: Difference between home remodel but no clean-up of what is left behind. Possibly change in ROD. <p>Livers agrees it's important for these agenda items to not fall off the table and to categorize them as ongoing issues.</p>