



Libby Asbestos Superfund Oversight Committee Meeting
June 10, 2024
11:00 AM

Location of Meeting:

Virtual attendance with in-person 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 11:05 AM on June 10, 2024 with the Pledge of Allegiance.

This was the 28th 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

Chairman Gunderson 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 Committee Members:		
Director of DEQ or designated representative	Christopher Dorrington	Present in Helena
Lincoln County Commissioner designated by the Commission	Commissioner Brent Teske	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	Excused Proxy given to Brent Teske
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	
Mandy Harcourt	ARP	Present in Libby
Amy Steinmetz	DEQ	Present in Helena
Jessica Wilkerson	DEQ	Present in Helena
Kevin Stone	DEQ	Present in Helena
Melody Wunderlin	DEQ	Present in Libby
Beth Archer	EPA	Present in Libby
Corrina Brown	Lincoln County	Present in Libby
Ray Stout	Reporter	Present in Libby
Tom Millett	State Rep District 2 elect	Present in Libby
Steven David Aver	Citizen	Present in Libby

Sydney		
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Chairman Gunderson: Just a few things. I am sure everybody has heard. Director Dorrington is going to be leaving us. He is transferring over to the transportation agency. I'll turn it over to him to give us a quick update. **Director Dorrington:** Thank you Mr. Chair. The Governor has appointed me as director of Montana Department of Transportation. Sonja Nowakowski has been appointed director here at Department of Environmental Quality. She is absolutely great. She has the same effective date July 1. She will be the state's agency representation on LASOC as well. She will come up to speed and the program will continue to work as it has. I just want to say how important the work in Libby is that eligible funds match eligible projects. We do so expediently. I've been really benefited by this, the chance to participate in this venue and this committee and it's an important one. Thank you to each of you who I've work with here and thanks to my team who are all so amazing. I appreciate it. **Chairman Gunderson:** Thank you Director. I would definitely like to say we have been fortunate to have your leadership through DEQ not only from LASOC but through the legislature as well. I commend you on helping us get to where we are today. It has been a long haul but I think we are in a very good place and a lot of that is attributable to you. **Director Dorrington:** Thank you. **Chairman Gunderson:** Thank you for your service. **Director Dorrington:** You're welcome. **Chairman Gunderson:** I think that Sonja Nowakowski is probably the best pick to take your place. She has got some big shoes to fill but I think she is going to do a very good job. Senator Cuffe? **Senator Cuffe:** Thank you Mr. Chairman. Chris, I want to start with congratulations on the move. It's a big agency you are going to. You're leaving a big agency. Also, congratulation to Sonja Nowakowski who Steve and I have worked with a lot over a number of years. I appreciate you both and I appreciate the work that we have done, in particular Chris during these past four years that you have been the Director of DEQ. It has evened out the process a great deal. I appreciate your input and all the best after July 1. **Director Dorrington:** Very good. Thank you Senator. I appreciate it. **Commissioner Teske:** I'd like to say thank you too. Even though it was a short period of time I think your leadership and guidance has been really beneficial to this effort for public safety and the citizens of Libby and Lincoln County. Thank you. **Director Dorrington:** Thank you Commissioner. I appreciate that. **Chairman Gunderson:** I will be down in Helena this next week and I will touch base with Sonja. We have already spoke and she is already wants to get up to speed which is a great thing, again thank you for saying yes. That is one of your attributes that has really helped us.

2. Agenda Item	Discussion	Document Link
Review and approve minutes of March 4, 2024	Chairman Gunderson: Okay, so let's review and approve the minutes from our March 4th, 2024 meeting. Are there any changes, updates, corrections? Senator Cuffe: Not from me. Commissioner Teske: I don't have any as well. Chairman Gunderson: I don't either, do I have a motion to accept and approve the minutes. Director Dorrington: So moved. Commissioner Teske: I'll second. Chairman Gunderson: Okay all in favor vote aye; aye and George votes? Commissioner Teske: aye Chairman Gunderson: aye by proxy. Okay so it's unanimous.	

3. Agenda Item	Discussion
Site Budget and Funding Report-Melody Wunderlin	Chairman Gunderson: let's move on to site budget and funding report and that would be Melody. Melody Wunderlin: I don't have too much to highlight in this. We did get the updated numbers from the EPA for their O&M and remediation funds, so those are up to date as of March of this year. Any other questions about that report? Chairman Gunderson: I think I've got it. Seeing no questions let's move on.

4. Agenda Item	Discussion
Support of Property Owners Report-Melody Wunderlin	Chairman Gunderson: Support of property owner's report, Melody. Melody Wunderlin: I did go through and I did update and audit our own numbers. Some of these numbers have shifted a little bit since our last meeting, but these should be accurate for the entire span of LASOC. Any questions? Chairman Gunderson: You should just ask one question just so George isn't missed. Commissioner Teske: You really need to ask; I think everybody knows. Chairman Gunderson: Yeh, is everybody happy with that? Senator? Senator Cuffe: I am happy. Chairman Gunderson: Commissioner? Commissioner Teske: Yes Sir. Chairman Gunderson: Okay, we're all happy, so I would say that we can move on. Thank you, Melody.

5. Agenda Item	Discussion

O&M Update –
Melody Wunderlin
and Mandy
Harcourt
-Activities at OU1,
2, 4, 5, 7, & 8

Chairman Gunderson: O&M update, Melody and Mandy Harcourt. **Mandy Harcourt:** Today's update for ARP will cover activities completed and ongoing since we last met in March. ARP responded to 58 hotline calls, 229 utility locate tickets and conducted 62 site visits between March and June. Libby and Troy property's abatement completed; 276 Dolphin Way, interior. GID 5730, that was the shack out at the fish pond area. GID 10474, carrier around the landfill site in Troy, and then we also conducted a quick response for spill that happened out of the dump in Troy. Libby and Troy property sampling completed; 365 Bobtail Way and 96 Foot Drive. Libby and Troy property upcoming abatements; 713 Michigan Ave is an interior removal of a sub floor, 386 Riverside Drive exterior removal yard areas, 540 Quartz Road. This is a NOPEC that's going to be coming your guys way, one of two. This property is a combo, so it has an interior trigger, the Atticus Bull. However, at that point, the previous owner didn't allow access to the property to conduct further inspection on the yard areas. It's going to be a removal. We're just trying to figure out if it's going to be a combo or not, and the soil samples will be collected before that. The first scope of work you guys are going to be seeing, this is a NOEC, is for approval to cover the cost of the sampling that needs to be done. When the sampling comes back, that will determine whether or not it's going to be a combo or just an interior. Either way, you're going to be getting a second one for the abatement. **Chairman Gunderson:** Okay. **Commissioner Teske:** Is it changed hands, is it transferred or is it still the same owner? **Mandy Harcourt:** This one is actually foreclosed on. **Commissioner Teske:** Okay, all right. **Mandy Harcourt:** Yeah, and it's owned by a bank and they have a representative here, a realtor or broker I think that is acting as representative for them. However, also just FYI we've been working with a couple of people that are prospective buyers for this property. They're aware of what's going on with the property, but they're also want to do a quick sale on it. It might transition to different owners right in the middle of everything which will make it a little bit messier, but we'll let you know when I'm sending out any documents that by the time you guys get the abatement it might be under a different property name. **Chairman Gunderson:** What's the possible time frame on that quick sale? **Mandy Harcourt:** He isn't 100% yet. He's still kind of working with us and wanting to touch base. He has spoken to REMAX the representative for the property, about doing it. He and his wife are leaning towards it but aren't 100% sure yet. I'm not sure how fast a quick sale works like that. I'm guessing they'll probably fall right into the middle of what we're doing. **Chairman Gunderson:** Right, and that gives me a little better idea. **Mandy Harcourt:** Moving on with upcoming abatements; 1218 Dakota Ave is an exterior removal, 118 West Kalispell is an interior removal, and we have some stockpiles that Noble has staged at the Port property that came from Asa Wood that need to be removed. Libby and Troy active properties upcoming sampling; that's the 514 Mineral I just talked to you guys about. There's another property that will be coming up for an exterior abatement. It's 558 Quartz. I wanted to present them at the meeting, but I didn't get the bids back in time. They'll be coming through email for your guy's approval. One is gonna be for sampling and one is gonna be for abatement. **Commissioner Teske:** What was the material spill? **Mandy Harcourt:** We got a call. Brian called me on a Friday. Someone had gone up there and removed vermiculite insulation from somewhere. They had dumped it into a dumpster, I'm not sure if a can fell out of the back of the truck or something, but there was some in the dumpster, there were some outside of the dumpster, and then there were some piled over here. We went out and took a look at it. They covered it up, blocked it off. ER couldn't get in there to complete it because of the access issue, so we waited until Sunday when the dump was closed. ER went up there, cleaned it all up, emptied out and deconned the green box that they had put it in, did surface scrapes in the area where it had spilled, and put some crush down for cover. **Commissioner Teske:** No idea who it was? **Mandy Harcourt:** No. **Chairman Gunderson:** Senator? **Senator Cuffe:** Yeah, I think to follow up on that, I'm not sure how, but that's exactly the kind of thing we're set up to try to avoid. **Chairman Gunderson:** Exactly. **Senator Cuffe:** Things that you have feared we'd find dump someplace. We should try to make some kind of public announcement or something to avoid that. The other question I had was, was the one on Mineral Avenue, is that the one you said is going in the process of perhaps changing hands? **Mandy Harcourt:** Yes. **Senator Cuffe:** I do think on this one. That's the whole thing, a big one. **Chairman Gunderson:** Yep. And that's exactly it. I guess the question to you, Mandy, is do we need to update how we're advertising or utilizing more public service, you know, PR stuff that doesn't cost us a lot, but gets that message out. Maybe a news article needs to be done in all three papers. **Mandy Harcourt:** I mean, honestly, I am at my limit for outreach. We do weekly ads in all the papers. We do all of the outreach events. We do Farmers Market here; we do Farmers Market in Troy. We put up posters, we do flyers. I think this is gonna continue to happen. I don't think that a property owner found it and went, oh, I don't know what this is and I'm gonna go dispose of it. I think a property owner was either being lazy or

didn't wanna deal with ARP holding them up or anything. So they went there and they dumped it. I think that's not gonna happen a lot, but I think that it will continue to happen every once in a while. It used to happen a lot more than it does now. We haven't had a situation, a quick response like that for years. I think that that is huge. I don't think that it's something that occurs nearly as much as it did. I mean, if you think that we should post more stuff in the paper. I think we do a pretty good job at informing the community that we're here and how to contact us. **Chairman Gunderson:** Do you think we could actually put a letter to the editor out that the panel could sign on to that hits those points that we keep hammering to everybody so we don't end up with those 50-gallon garbage sacks out in the forest full of asbestos. **Senator Cuffe:** I think it's a good idea. **Chairman Gunderson:** I think it's time to put our names on it and actually formulate something. It doesn't have to be gaudy. Maybe what I'll do is I'll go talk to the editors and see if we can by with expanding the size or the word count because it's not a letter to the editor it's more a public service. It's not an opinion, it's a service that the state's trying to do at the county. **Mandy Harcourt:** Okay. **Commissioner Teske:** I can talk to Kathi Hooper too. I mean not that people read signage for the most part but maybe on these green box sites we need to have something posted no vermiculite. No hazardous materials kind of thing. **Mandy Harcourt:** We do have some posted on the green box sites, like the one out by the Fisher. I think we did, but I think it would be beneficial because Troy is just a staging yard, not a landfill. I think that it'd be beneficial at the actual landfill too, to have signage out there too. I think that falls under refuse, something that they would have to do, I'm not sure. **Commissioner Teske:** With the gate attendant there, they kind of screen those loads as they're coming in. I would think that they would know if it was something particular. These green box sites, people drive in and they're unattended and basically for the most part just to do whatever they want to do. **Mandy Harcourt:** I think that we already have signs at the green box sites here. **Commissioner Teske:** I'll talk to her. **Chairman Gunderson:** Okay, what we'll do is you and I'll sit down and we'll come up with an LTE. I've got some free time today till my next meeting and then I'll go over and talk to each one of the editors. I don't think it needs to be in the Interlake or anything like that. I think we just keep it more local. If I come up with anything else, I'll just text everybody and get their thoughts on it. As long as we're good with that, I think that's a step forward because we have to keep hammering. We have to safeguard that remedy. The EPA put it in place for a reason they spent a hell of a lot of money to put it there and I think that we need to bend over backwards to continue keeping that remedy in place. Okay, any other comments? **Melody Wunderlin:** I will just add that I'm here this week. We're doing our yearly inspection, so you'll see me driving around. We're doing inspection activities tomorrow and probably Wednesday morning. We'll probably get to that. We are focusing heavily on OU1, which is the Riverfront Park, because there is some erosion concerns as well as whether or not the trees can grow in a clay cap. **Chairman Gunderson:** Well, maybe what we'll do is later on this afternoon, maybe we can get together, and if you want to join us, maybe we can do a little brainstorming and just block out what we want to do. **Melody Wunderlin:** Okay, I've got a couple other meetings, so we'll touch base after this. **Chairman Gunderson:** Okay, sounds good. Well, you're going to be at that EPA open house. **Melody Wunderlin:** Are you going to be there? **Chairman Gunderson:** Yes, I will be there. **Melody Wunderlin:** Perfect, yep. **Chairman Gunderson:** I was just going to make sure, were you aware of the EPA open house tonight? 4:30 to 6:30 at Ponderosa Room **Commissioner Teske:** There are some flyers in the back room. I can grab you one. **Chairman Gunderson:** Yep. I didn't know if you were aware of that or not. **Senator Cuffe:** No, I didn't hear anything. Okay and maybe we should include the Tobacco Valley News. Yeah, it's outside of the area. **Chairman Gunderson:** Yeah, I think the three newspapers hit pretty much everything. Okay, if there's no more comments.

6. Agenda Item	Discussion
DEQ/EPA Site Update – Melody Wunderlin -Activities at OU3 & OU6	<p>Chairman Gunderson: let's move on to the DEQ EPA site update. Melody Wunderlin again. Melody Wunderlin: For OU6, I don't have any updates for you. For OU3, we're still working towards a feasibility study. We don't have a timeline on that. We have had some changes come through as far as additional monitoring points, and I think that's going to change up the writing. It's going to delay the feasibility study. Chairman Gunderson: Okay. One of the things that I've got going is we will have an EQC meeting here in Libby in August, and you're invited to come down. One of the things that we've got planned, and we're working all of the kinks out of it. Is a tour of OU3, mainly and specifically the KDID and any associated work</p>

6. Agenda Item	Discussion
	<p>there. I don't know if we'll be allowed up on the OU3 mine site or not, but I'll leave that up to the EPA folks. I should have that all hammered out prior to our August. It's August 16th, I believe. It'll be three days. Yeah, it will be three days. What we're going to do is we'll tour. We'll cover pretty much everything from selenium to CWD, asbestos, LASOC, timber management, mining. Pretty much a very broad spectrum of the things that Libby tends to be known for, and it mirrors a tour that we did two sessions ago as EQC. It'll kind of give us a snapshot of what's currently going on compared to what was going on then. Then on the last day in the morning, we'll have a federal roundtable on forest management and mining a little bit and then that afternoon will be the EQC meeting. Anybody that would like to attend it'll be down in the Ponderosa Room and you're more than welcome to come. Let's move on.</p>

7. Agenda Item	Discussion
<p>Public Comment (Public comment needs to be word for word)</p>	<p>Chairman Gunderson: Do we have any public comment. Steven David Aver: Sir. Do you need me to stand up? Chairman Gunderson: If you could, please identify yourself. Steven David Aver: My name is Steven David Aver. My concern is that there is a regulation that was supposedly issued by Jan Ivers at the Department of Health that has something to do with requirements for kennels for dogs and she issued that back I believe in July of 2020 in which I have asked the Clerk and Records Office to find out whether that regulation was ever passed by the Commissioners here and according to them they couldn't find any records whether that was passed or not yet the Department of Health is using that regulation actively during the normal course of business. I would like to see the Commissioner's office come out declare that either valid or invalid. Chairman Gunderson: Thank you for your input. To let you know though, LASOC is the Libby Asbestos Superfund Oversight Committee. We have no bearing on anything other than specifically the asbestos issue. So that would be a Commissioner thing that you want to be at the regular Commission meeting. Commissioner? Commissioner Teske: Or a Board of Health meeting. Chairman Gunderson: Ya, or Board of Health. One of the two. Steven David Aver: This isn't that? Chairman Gunderson: No. We're specifically dealing with the asbestos issue and cleanup and working with the EPA at the state and county level. Steven David Aver: Okay, and then the other comment that I have about the comments about how to get the word out. I'm not sure how effective putting it in the newspaper is going to be because I don't think viewership or readership of the paper is very large, community wise. Obviously, by the turnout of the public, other than me, they don't seem to be really all that concerned with asbestos issue, which they should be. Might want to consider some broader way to get the word out, posting your letters or whatever in public Places might want to add that to the list. Public functions, you might want to announce it at public functions in detail, the letter actually created, I wouldn't even read it, some people don't know how to do that. It's kind of hard because you guys don't have a radio station or anything like that to get it out, or a TV station to get it out on normal media. I don't know if there's enough computer, social media, viewership to make that even worthwhile. I think those are some of the things you might want to consider. Chairman Gunderson: Thank you, sir. Definitely good ideas. Commissioner? Commissioner Teske: I was thanking him for his comment. Chairman Gunderson: Thank you, sir. Steven David Aver: You're welcome. I apologize. Chairman Gunderson: Oh, no, no, you're fine. You're fine. We'd like to get you in the right place. You're in the right place, but wrong time. Steven David Aver: Okay. Chairman Gunderson: thank you, sir. Steven David Aver: Take care. Chairman Gunderson: Any other public comment? I'd like to introduce Mr. Tom Millett. He's our designated candidate for my replacement in the new district 2. I'm sure he'll probably be taking over being on the LASOC committee as the representative for the House in Lincoln County. Would you like to say a few words, describe yourself, or let people know who you are? Tom Millett: Sure, I'll just say I'm Tom Millett from Marion, Montana, which is on the very southwest end of House District 2. Glad to be here, glad to learn all I can about LASOC, and I hope to serve very well in the legislature. Thanks. Chairman Gunderson: Thank you, Tom.</p>

8. Agenda Item	Discussion
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Discussion and Next Steps

- Date and location of next meeting
- Summary of action items

Chairman Gunderson: Okay, discussion and next steps, date and location of next meeting. We'll do our doodle poll as usual. That seems to work out quite well. A summary of action items, I guess we'll just start hammering out a letter to the editor. That gentleman's comments kind of jogged my memory a little bit, we do have a sign outside on the county lawn, an electronic billboard and the websites also for the county we might think about taking that letter and doing exactly what he said and posting it there. I think anything that we can do to just kind of put a blurb out there I think will definitely help. Any other action items that we need to consider? **Senator Cuffe:** Is there an internet Libby bulletin Board? **Chairman Gunderson:** That's one of the things I was going to check on with the cable company. **Commissioner Teske:** There's a number of them, the Facebook sites, Libby opinion page, Lincoln County page, Eureka and so on. **Senator Cuffe:** I had a question on the EQC meeting. Is it 14, 15, and 16? Is it three days? **Chairman Gunderson:** I'll just look back at my calendar. I think it's 16th, 17th, 18th, but I'll confirm it. **Senator Cuffe:** That'd put Saturdays on there. **Chairman Gunderson:** Okay, Yeah, you're probably right, 14th, 15th, 16th. Yeah, I'm pretty sure that's the date then, but I'll follow up on that with you. Okay, so any other action items? Seeing none, I'm gonna adjourn the meeting. Thank you.

Meeting Adjourned 11:36 PM

DRAFT