



**Libby Asbestos Superfund Oversight Committee Meeting**  
**September 21, 2023**  
**10:30 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 10:30 AM on September 21, 2023 with the Pledge of Allegiance.

This was the 25<sup>th</sup> 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:

<b>Oversight Committee Members:</b>		
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 *Citizen Nominee	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

<b>Other Interested Attendees</b>	<b>Affiliation</b>	
Jessica Wilkerson	DEQ	Present in Helena
Jason Rappe	DEQ	Present in Libby
Amy Steinmetz	DEQs	Present in Helena
Mandy Harcourt	ARP	Present in Libby
Corrina Brown	Lincoln County	Present in Libby
Winston Taylor	Senator Daines' office, Field Rep.	Present in Libby
Brett Slaughter	Senator Daines' office, Natural Resources	Present in Libby

2. Agenda Item	Discussion	Document Link
Review and approve minutes of June 22, 2023	<p><b>Chairman Gunderson:</b> Review and approve minutes from June 22, 2023.</p> <p><b>Commissioner Teske:</b> I've got a question, how particular are you on spelling errors? Do you want them corrected or not, some minutes do and some don't. <b>Chairman Gunderson:</b> I'd say it's kind of up to the person. I do have something for the minutes, page one oversight committee members the citizen of Lincoln County nominated by the Lincoln County Commission and selected by the Governor. It shows George Jamison and below that confirmed by Governor. So far, we have not received confirmation on a reappointment but I've talked to the Governor's office and that is forth coming. We still have George Jamison for the next two years and I just want to confirm that. <b>Commissioner Teske:</b> Do you want to scratch that off of there. <b>George Jamison:</b> Excuse me but at the time of this last meeting that was correct. My term end was at the end of June.</p> <p><b>Chairman Gunderson:</b> Ya, we just wanna make sure everybody knew that George Jamison has been reconfirmed. <b>Senator Cuffe:</b> Congratulations. <b>George Jamison:</b> Thank you. It was a hard fought campaign. <b>Chairman Gunderson:</b> Yes, well fought. <b>Commissioner Teske:</b> I can take the signs down in my yard now? <b>Director Dorrington:</b> Mr. Chair I have one, the first letter in Caroline is a C and not a K throughout. <b>Chairman Gunderson:</b> Noted and corrected. Has everybody had a chance to go through them? Any glaring errors. <b>Commissioner Teske:</b> They don't affect content at all.</p> <p><b>Motion</b> by Commissioner Teske to approve the June 22, 2023 LASOC Oversight Committee meeting minutes. Second by Senator Cuffe. Motion carried. <b>Chairman Gunderson:</b> Unanimous review and approve. Let's move on.</p>	

3. Agenda Item	Discussion
Site Budget and Funding Report- Jason Rappe	<p><b>Chairman Gunderson:</b> Let's move on to the site budget and funding report, Jason? <b>Jason Rappe:</b> Good morning, everybody. I know the typical start is to see if you all have any questions but I do want to highlight table three on page six. I guess we should probably put page numbers on these. Which is the Libby Asbestos settlement funds. I want to highlight that we have been reimbursed for all of the remediation costs from WR Grace. Outside of that does anybody have any questions? <b>George Jamison:</b> I do. I guess you expect that right. <b>Jason Rappe:</b> I was looking at you the entire time. <b>George Jamison:</b> I know. I had circled things that were questioned last time and thanks for following up on that. You don't need to answer today but I am curious about how we reflect that in this report. We should at least change text. <b>Jason Rappe:</b> That is a good point. <b>George Jamison:</b> Maybe just change that sentence. <b>Jason Rappe:</b> OK. I think we can do that. The second paragraph under. <b>George Jamison:</b> Ya, where it says which is anticipated to be reimbursed you would change that to reflect reimbursed. <b>Jason Rappe:</b> OK. I can do that. <b>George Jamison:</b> thanks for following up on that. <b>Senator Cuffe:</b> The only other thing that is kind of in line. Any questions, comments, concerns that you might have for us? We are here to help move this forward. <b>Jason Rappe:</b> I do not. Nothing on my end.</p> <p><b>Senator Cuffe:</b> Or either of you? If I might Mr. Chairman, it might be appropriate, we have a couple visitors here. Winston Taylor and Brett Slaughter. <b>Chairman Gunderson:</b> Mr. Slaughter would you like to introduce yourself? <b>Brett Slaughter:</b> Sure, I am Brett Slaughter and I am with Senator Daines' office and I'm the Conservation and Natural Resource Liaison and I'm based in Helena. <b>Chairman Gunderson:</b> Welcome. Winston? <b>Winston Taylor:</b> I am Winston Taylor; I am a field rep for Senator Daine based in Kalispell but I have Lincoln County. <b>Chairman Gunderson:</b> We will miss your counterpart. Ron did a great job. <b>Winston Taylor:</b> Yep, he's gone and I am soon to be gone in a couple months actually. <b>Chairman Gunderson:</b> He will be gone in a couple months so we are going to be in turmoil here without a good Rep. for Senator Daines. <b>Winston Taylor:</b> We'll figure something out. We'll get our best on it. The government won't let you down. <b>Chairman Gunderson:</b> Good to hear. Jason, it really would help to have page numbers. It's hard</p>

3. Agenda Item	Discussion
	to find stuff as it is. <b>Jason Rappe:</b> That is fair, I will make sure we get page numbers on these now. I think we've made that comment before and I let that slip through the crack. I apologize. <b>Chairman Gunderson:</b> OK, any other questions for Jason? Seeing none, let's move on.

4. Agenda Item	Discussion
Support of Property Owners Report- Jason Rappe	<b>Chairman Gunderson:</b> Support of Property Owners report. Jason? <b>Jason Rappe:</b> I don't think there is anything to highlight on my end from here so again my question is back to you guys. Do you have any questions, comments, concerns? <b>Chairman Gunderson:</b> I don't believe we have any? Jason, I did have a question on page one on the table, the last item, non-reimbursable actions, could you explain that zero in the fiscal year to date and then the O&M total which is four? <b>Jason Rappe:</b> Non-reimbursable actions would be the NOEC and NOPEC. The way I track of these is once we finalize costs and reimburse those, that is when I tally. Until we get the final costs back and actually reimburse the property owner or send the funds to the contractor those don't get tracked on my end. It's easier for me to keep track of once everything is paid. That is when the tally goes in. I know we have done a lot of NOEC and NOPEC approvals recently, we just haven't finalized payment for those. <b>Chairman Gunderson:</b> OK any other questions from the committee? OK, let's move on then.

5. Agenda Item	Discussion
O&M Update – Jason Rappe and Mandy Harcourt ☑ Activities at OU1, 2, 4, 5, 7, & 8	<b>Chairman Gunderson:</b> O&M updates Jason, and Mandy. <b>Jason Rappe:</b> Yes, sir. You start. <b>Mandy Harcourt:</b> Today's update will cover activities ongoing since the last June 22nd meeting. ARP has responded to 75 hotline calls; 225 utility locates and has completed 172 site visits between June and September. Libby and Troy property abatements that have been completed; 1218 Dakota Ave. interior removal, GID 8224 exterior removal and phase 1 of central maintenance building is ongoing. Libby and Troy property sampling that has been completed; 155 Big Horn Way, 3274 Farm to Market Rd, GID 8224. Properties with upcoming abatements; GID 5730 Fish Pond exterior removal, 276 Dolphin Way interior removal, 3274 Farm to Market Rd. interior and exterior removal, 713 Michigan Ave. interior removal, 386 Riverside Dr. interior removal and phase 2 of the central maintenance building. Libby and Troy active properties with upcoming sampling; 36573 US Hwy 2, 439 Elijah Dr., 39265 US Hwy 2, 340 Edgewater Dr., GID 443, 540 Quartz Rd and 100 Minor Dr. <b>Chairman Gunderson:</b> OK. Jason? <b>Jason Rappe:</b> General O&M update, the O&M plan and site wide ICAP have been finalized and signed by EPA. Those are official documents. They should be found on DEQ's website. They should also be available as a hard copy through ARP. We finished up the annual inspection in June. The final document is on my desk for review and approval. We should have that finalized by the end of October. Other than that, we are continuing to track properties with parcel splits and mergers, especially with all the changes happening in Libby. That is a pretty big effort and I am continuing to contract technical assistance on my end for that. That is all I have for general O&M update. <b>Chairman Gunderson:</b> OK, any questions. George? <b>George Jamison:</b> A comment about the final site wide ICAP, I guess we have not seen that yet. I mean a physical copy for our library. <b>Jason Rappe:</b> OK. <b>George Jamison:</b> Also, if it's not a lot of trouble if we could get that electronically. It used to be on the Health Board, we are getting quite a list or repository of historical documents related to the site and I think it would be a good idea for us to get that and then maybe Mandy, you could post that either on ARP with the other documents and maybe on the Health Board. <b>Mandy Harcourt:</b> OK. <b>George Jamison:</b> Maybe somebody in the next twenty years wants to look for it. I'll look for it, just to see if it's there. <b>Chairman Gunderson:</b> Commissioner. <b>Commissioner Teske:</b> Do we know how that fish pond building fell through the cracks on this. I know that building has literally been there for years in a pile. How EPA nor anybody else ever discovered that site. It came to us through the grapevine. <b>Mandy Harcourt:</b> Ya, I am assuming they may have designated it as a nonuse area or maybe it had to do with industrial property that it's on. I'm not entirely sure. We got approached by Mark with concerns of kids being down there a lot with the pond and all the activities that are happening there. I am not entirely sure why it was missed but assume that is probably why. <b>Commissioner Teske:</b> it seems like a strange one to me even when they developed the fish pond that wasn't recognized as a hazard and then discovered. <b>Senator Cuffe:</b> Is that location up on the old mill site. <b>Commissioner Teske:</b> It's on recreational aspect of the Port but where the fish pond was built and developed there used to be a tree plantation building that caved in years ago and there was just a pile

5. Agenda Item	Discussion
	of debris there. We got initial complaints about nails and metal with kids playing around there and then looked into it farther and found it contaminated. <b>Senator Cuffe:</b> We did, it was used in a lot of fertilizer, a conditioner. <b>Commissioner Teske:</b> It seems strange to me and I hope there are not too many of those out there. <b>Chairman Gunderson:</b> Any other questions for Jason or Mandy on O&M. OK, moving on.

6. Agenda Item	Discussion
DEQ/EPA Site Update – Jason Rappe Activities at OU3 & OU6	<b>Chairman Gunderson:</b> DEQ EPA Site Update, Jason? <b>Jason Rappe:</b> OU6 is chugging along and O&M BNSF just finished their annual inspection. I believe we expect that document sometime this month. For OU3 the agency and WR Grace are still working on the feasibility study. Hopefully, we are currently slated to get a final feasibility study by the end of 2024 if all stays on schedule: <b>Chairman Gunderson:</b> What quarter are you looking at. <b>Jason Rappe:</b> Q4. <b>Chairman Gunderson:</b> OK. Any other questions from the panel for Jason on the DEQ EPA Site Update? OK, moving on.

7. Agenda Item	Discussion
NOPEC/NOEC Properties – Mandy Harcourt	<p><b>Chairman Gunderson:</b> NOPEC and NOEC properties, Mandy? <b>Mandy Harcourt:</b> You guys should have two statements for work for sampling starting with 134 Parmenter Cr. The background on this is the lot was owned by someone that lived out of town and didn't really understand what was happening in Libby and has since been bought by a developer and they are planning on putting up a cell tower. The only thing out there that needs to be sampled is the approach and a little area where they are putting a pad. The rest of it is forested and they have no future plans for development on any of the rest of the property. <b>Senator Cuffe:</b> did you say cell tower? <b>Mandy Harcourt:</b> yes. <b>Senator Cuffe:</b> This is what thirty nine miles south? <b>Mandy Harcourt:</b> It's 134 Parmenter Cr. <b>Chairman Gunderson:</b> Does the whole site need to be cleaned then or just the construction site. <b>Mandy Harcourt:</b> No, most of it is nonuse area. It is all wooded. There is an approach that goes to the back of the property that loops around. You can see it on the sketch if you turn to the back page. It will show you the sample areas that are broken down by use. It should be on the last page of the scope of work. <b>Senator Cuffe:</b> Mr. Chairman? <b>Chairman Gunderson:</b> Senator? Amanda, if we do it as you are talking about, is there something to remind the land owner if they go further, they need to do checking. <b>Mandy Harcourt:</b> The ARP ordinance, yep. <b>Senator Cuffe:</b> If they go in and start taking trees and building sites and stuff. <b>Mandy Harcourt:</b> Yep. <b>Chairman Gunderson:</b> There will be a comfort letter on that, stating... <b>Mandy Harcourt:</b> Once this gets done, because if it is sampled current use the NOEC can be removed and they can move forward with development. Then at that point, once NOEC has been removed, we can provide them a status letter. When we provide them a status letter, they also give all the background, the history of sample results all of that and also best management practices, future notice, contact for ARP and are informed about an ordinance and how they go about future development on the property. <b>Chairman Gunderson:</b> OK. Mandy on this site it's actually gonna be a small work area and remediation area. <b>Mandy Harcourt:</b> Ya. <b>Chairman Gunderson:</b> Compared to what we are normally working on. <b>Mandy Harcourt:</b> Ya there are not very many samples that need to be collected out there. <b>Chairman Gunderson:</b> OK. <b>Director Dorrington:</b> Mr. Chair would you entertain a motion to advance this for approval. <b>Chairman Gunderson:</b> That was gonna be on my next agenda. Do you wanna make that motion? <b>Director Dorrington:</b> I do. <b>Chairman Gunderson:</b> OK. <b>George Jamison:</b> I'll second it. <b>Chairman Gunderson:</b> The motion has been made by the Director and seconded by George. All in favor say eye. Looks unanimous so we can move that one forward. <b>Mandy Harcourt:</b> I'll send out a letter of recommendation. <b>Chairman Gunderson:</b> OK and then 39265? <b>Mandy Harcourt:</b> Yes, a little bit of background on this property, the previous owner has been ill for many years. She has recently been diagnosed with dementia and her kids have come in to help her out. She has since been relocated and lives with the older son. The daughter now has power of attorney over the property. They have a prospective buyer that moved forward, financing shut them down mid-move and now the prospective buyer is living with her mother with her three kids and husband waiting for the NOEC to be removed so she can get financing to purchase the property. ARP has already conducted the interior inspections on the house and all the out buildings as also. The only thing that needs to be done is exterior sampling. <b>Chairman Gunderson:</b> That brings up something, on the site drawing, the aerial photograph. On the lower center portion, it shows structures are full, no samples. How do we handle something like that we don't</p>

have access to? **Mandy Harcourt:** They will mark it, in the as build after words. After this is done, if it comes back not meeting removal criteria for the next step of abatement, we put together as build of the sampling marking out all the areas that came back that correlate with the analytical report we get. We will have it documented that these areas weren't sampled. That is really all we can do is document that it is unknown in those areas. **Chairman Gunderson:** OK. **George Jamison:** Mr. Chairman, the last page, is that a total number or do we add these numbers? **Mandy Harcourt:** You should have separate bids. **George Jamison:** Oh, these are bids. **Mandy Harcourt:** Yes. **Commissioner Teske:** It amazes me how much they vary. **Chairman Gunderson:** That is very interesting. You would think a sample is a sample. **Chairman Gunderson:** Is there any discussion on 39265 US Hwy 2? **George Jamison:** looks very straight forward to me. **Chairman Gunderson:** I would have to agree with George, pretty strait forward. **Senator Cuffe:** I would make sure Amanda is comfortable that all three are doing what we need done. **Mandy Harcourt:** Yes, all three inspectors. One of the reasons you see an increase in Kirby is he's paying road costs. He is not local. He is one reason it's such an increase, he has to pay travel and accommodations for his staff. **Chairman Gunderson:** OK, last call, any comments, or questions. OK, do I have a motion to move this property forward? **Director Dorrington:** So, moved. **George Jamison:** I'll second that. **Chairman Gunderson:** OK and George has seconded so all in favor say eye. **George Jamison:** I'll ask a quick question, mainly for you Director, these are a couple of really straight forward, small sampling efforts and I know our normal process is that ARP would provide a recommendation letter to you but I wondered if we could let that process keep up with allowing Mandy to go ahead and proceed with this as there is some urgency on the part of these families. Would you be comfortable with that? **Director Dorrington:** Just to clarify, what are you seeking a change on? **George Jamison:** Normally the process is after the committee has recommended that there be approval. **Director Dorrington:** Is there a way to waive the agency letter of approval, is that what you are thinking. **George Jamison:** Yes. I mean, we have supported this but more importantly you have indicated your support and I am wondering if we couldn't allow her to proceed with this and let the formal recommendation catch up with it. **Director Dorrington:** I would probably ask Jason, who has the most experience with process, if that upsets anything. As a matter of concept, I have already approved it. I understand your point. I don't want to get sideways with a letter or some sort of activity prior to a signature that would put us in audit risk. **George Jamison:** OK. **Jason Rappe:** I think it's probably ok for this specific situation but I don't this is a blanket approval for every future NOPEC, you can skip a letter. I think for these two we are comfortable with going ahead to get that done. **George Jamison:** I understand we don't want to set a precedent here. If we could go ahead with these two, I think that helps. **Mandy Harcourt:** Ya, they are in a really hard spot right now. **Director Dorrington:** The other thing Mr. Chair, George to your question, I slowed this down just a little bit during the summer and I can make it a priority to watch for these. Jason, I know can quickly draft a letter so we're quite responsive to the need as the season closes for sampling work. I can watch for and approve it as soon as I see something here in the next day. **Chairman Gunderson:** Director, I guess the question if we run into another situation like this where I would consider it a hardship can we agree to say on this property, not a blanket all properties. When we get close to the end of our construction season, we need to be cognizant of time and try to accelerate those. I am trying to bring it up and say we need to be more cognizant of our short construction season we have and, on these September, and August meetings it's imperative to get things going so we don't miss out on an opportunity. **Director Dorrington:** I agree. **Chairman Gunderson:** We will leave it up to Jason on these two and just to make sure everybody is in agreement. **Director Dorrington:** Yes. **Chairman Gunderson:** Thank you, Director. They are in your capable hands Jason. Any other questions on NPEC NOEC. Seeing none, move on.

8. Agenda Item	Discussion
DEQ Reimbursement Statement for Property Owners – Steve Gunderson	<p><b>Chairman Gunderson:</b> DEQ reimbursement statement for the property owners. With the document here, personally I am happy with it, I really like it. I think you made some good points and it covers pretty much everything. Did you have any comments, Director? <b>Director Dorrington:</b> Mr. Chair, I don't. I also believe it covers a couple cautions we have but fits the intent of moving these samples and remediation properties in Lincoln County forward. <b>Chairman Gunderson:</b> Anything from the committee on that? <b>George Jamison:</b> Yes, I'll just comment this draft you created directly addresses the windfall concern, which we talked about at the last meeting. I think this is very well done. I appreciate the effort, whoever wants to take credit for that. <b>Director Dorrington:</b> I wish to give credit where credit is earned, Mr. Chair towards that I'd say Jason and Carolina really did the bulk of this and Jessica and Amy are on the program. They always</p>

work hard to try to satisfy the need and get something intelligible and short. My only stipulation when we wrote this up is that it had to be a one pager. **George Jamison:** Good for you. I like it. I think it's very well done and will leave it at that. I hope we can move this past the draft final stage and say that this is what we are gonna use. At the same time, kind of dealing with matters of timing and urgency to a certain degree, this was prompted by the Tungsten property we talked about it briefly earlier at 36573 Hwy 2 and I would hope that as part of our discussion her today on this document that we could also decide if we are going to use this and then move forward on this with Tungsten if they are willing to sign it. Just to put this in context we have got a property that has been sitting over a year. Thank you. **Chairman Gunderson:** Go ahead. **Senator Cuffe:** My feeling is this is really what we set about in the beginning. This leads us towards getting rid of the stigma, cleaning up some of these potentially problem areas we have and making improvements. It's good for economic development. I think it's good for everything and I think it's a good piece of work. **Chairman Gunderson:** Commissioner? **Commissioner Teske:** I agree and there are other avenues for people to pursue that if they are looking for a windfall situation, with brownfields and some other things out there. The fact that we identified this and get this out there ahead of time will really simplify the discussion we are having even on the Tungsten property. It will help a lot. **Chairman Gunderson:** Thanks Commissioner. I would like to say that in the contentious back and forth sometimes we lose sight of what we are here for but this document definitely ties that all together and I agree with Senator Cuffe, it moves us forward and that is a good place to be. Director, should we move to adopt this document so it's official. **Director Dorrington:** Yes, Mr. Chair, I move that this document be moved into a final state accepted by the committee to be used for properties today and in the future. **Chairman Gunderson:** OK, do I have a second? **Senatore Cuffe:** I'll second. **Chairman Gunderson:** Senator Cuffe seconded that. All in favor say Eye. We have a unanimous pass; we will definitely start using that. Mandy? **Mandy Harcourt:** I have a quick question. **Chairman Gunderson:** Yes, Ma'am? **Mandy Harcourt:** Would you like me to use this form on any developed property? For example, one of the NOEC where the cell tower is being put in. Is this something that would apply to that property? Do I need to have them fill this out in that scenario? Is it any developer doing anything or is it specific to the situation? **Director Dorrington:** I think the windfall provisions are being categorized under the funding allocation not what work or property is being proposed. I would defer to Jess or Jason in their thoughts first. That would be my first review. **Chairman Gunderson:** Any comment Jason? **Jason Rappe:** I'm not sure off the top of my head. My initial impression is no, I think we can make the determination based on the type of property it's going to be but how that gets done in a procedure I'm not quite sure, yet. Let me think on that. I will get with Jess either tomorrow or next week and I will get you an answer. **Senator Cuffe:** Would it work if we said basically to use it as we see it right now, a common sense basis and if we get down the road if we begin seeing that we need some kind of sideboards then we address that. **Chairman Gunderson:** I agree with the Senator, the common sense comes into play and I think Jason has got a lot of that so we'll give him a little rope here. **Director Dorrington:** On the record, Jason has common sense and I would second that Mr. Chair. **Chairman Gunderson:** Now is a good time to ask for a raise. I believe we want our front line people that are actually making determinations of property use present and future would be the ones to figure out if we need to have this in the file. Does everybody agree with that? No objections? So be it, Jason.

9. Agenda Item	Discussion	Action Items
Discussion concerning term limits and appointments – Steve Gunderson	<p><b>Chairman Gunderson:</b> Next on the agenda is discussion concerning term limits and appointments. Part of that brings us to George. I have been in contact with the Governor's office and they were appalled that they forgot to put George's appointment on paper for this next two year period. I wasn't aware they hadn't followed up on that. I will have to follow up this afternoon. The word that I got from the Governor's office is that appointee's on any committee or board serve at the pleasure of the Governor and until the time the Governor actually reappoints someone the current appointee is still currently the appointee. There should never be a question of are we are holding an illegal committee hearing or anything because we don't have a physical piece of paper. <b>George Jamison:</b> Let me just add, I don't really care, I just don't want us to get crosswise on something. From a generic sense from my viewpoint, I have a letter that I have gotten every two years since this group started and it gives very clearly an expiration date on my term from the Governor's office. That is what I look at because that says as of that date, with the Governor's signature on it, your term is up. It seems like a minor thing to me but in terms of what I have on record and what I have with the Governor's office it says my term is up. <b>Commissioner Teske:</b> Mr. Chair? <b>Chairman Gunderson:</b> Commissioner? <b>Commissioner Teske:</b> This kind of started a little can of</p>	

worms in the fact that I went through the MCA and the by-laws and there is nothing in there about terms or term limits other than your chair as legislator and your chair as senator and those change, that's a reappointment. My chair as Commissioner that change. There is nothing in there about a two year term or anything else. I went back through a ton of minutes trying to find anything for term limits and can't find where it was ever agreed that there would be a term limit and the only thing, I can find is a letter from the Governor's office that defines a term limit and the letter that we sent not knowing that put a two year term limit on it, it expires 2025 and my seat isn't up until 26. Some clarification on how those appointments are gonna go and what kind of terms other than campaign or election timeouts. I would think would be beneficial in the statute or in the by-laws to clarify that so we don't have this issue again. Like I said, I did a lot of research and went through a lot of things and could not find anything specific to a two year term other than a letter from the Governor's office. **Chairman Gunderson:** I think the MCA, coverage of boards, not just LASOC, but all boards and committees is where we need to look because that would be the umbrella, state wide, of how appointments and term limits would work. **Commissioner Teske:** OK, I will research and see if I can find something. **Chairman Gunderson:** I will check with the Governor's office on what statutes cover boards and committees specifically. **Commissioner Teske:** Then I would suggest we update our by-laws to reflect that so we don't have this issue again. **Chairman Gunderson:** That might be an easy fix, to add that. **George Jamison:** Basically, the absence of any such statement in the by-laws means you are absolutely right, but what you have is a statement starting with the very first letter. It was Team back then starting with the prior Governor put a two year limit on it and that was in the letter and it just seems like it's gotten carried through. **Chairman Gunderson:** Maybe on by-laws we put in specifically until reappointment. **Commissioner Teske:** This just reflects the statute, the by-laws. **Chairman Gunderson:** Correct. I agree, I think we just need to do a quick update. I think we can take care of that now, can't we? **Commissioner Teske:** Well, let's look into your board question as far as board appointments, I don't know if there is a superseding statute that would limit that to a two year term or not. I don't know, I never looked into that. **George Jamison:** The statute is written out for this particular position that's appointed by the Governor; I don't think our bylaws can override how long the Governor has written out. **Chairman Gunderson:** Again, the way we want to word that is as per the Governor's appointments until another party is appointed. **George Jamison:** Anyway, I'm still here. I'm not sure if I'm supposed to be but. **Chairman Gunderson:** Oh Yah, you're supposed to be here. **Senator Cuffe:** I would suggest you check with legislative services. **Commissioner Teske:** That is the thing, just cleaning up that confusion so in the future if it comes up again. Some of them are pretty clear in the fact that they run the term of the office some not. **Chairman Gunderson:** There is already egg on the Governor's office face because I was told that reappointment letter would be done within days and that was right after our last meeting. We need to get that clarified. Any other discussions. **Senator Cuffe:** I would suggest that we somehow put it on a calendar so when we are approaching the term it gives a reminder. **Chairman Gunderson:** They are supposed to be on top of that. **Senator Cuffe:** I know they are supposed to, but if we had it on our agenda say three months before or if it was on a calendar, then it's easy for me to put it on somebody else. **Commissioner Teske:** This one fell through the cracks as well. My appointment happened quite some time ago but wasn't recognized until the Commissioners officially voted and then sent it to the Governor. **Chairman Gunderson:** Was yours was also two years? **Commissioner Teske:** Based on what we had. We can clarify that. **Commissioner Gunderson:** Can you make a copy of that and I will check on that at the same time as that should actually read not a date but at the end of your capabilities as an election official. **Commissioner Teske:** It doesn't clarify that specifically to this seat in the by-laws or statute whereas it does senator and legislator. **Chairman Gunderson:** Within the bill we ran we put specific limits for the senator and representative positions. I will do that. **George Jamison:** What of the Director, do we term limit him? **Chairman Gunderson:** No, the Director is listed as being specifically attached to us. We are pretty safe there aren't we Director? **Director Dorrington:** Yes. **Chairman Gunderson:** OK let's move on.

10. Agenda Item	Discussion
Public Comment (Public comment needs to be word for word)	Chairman Gunderson: Public comment. Do we have any public comment, any online? <b>Senator Cuffe:</b> Part of what they were coming over today was for a different meeting and they found out we were meeting. They'd like to just help build a sense of how we do asbestos related things and what we do in particular. I suggested it might be of benefit to stop in and get an idea of what we do. I gave them a brief summary of what we do but maybe you or George, who's been around forever, might be more specific of the asbestos issues. It's not really a federal matter, it's us and DEQ. <b>Chairman Gunderson:</b> Yes, I

can sit down and answer any questions. Probably the best document is this one and I will give you a copy but it covers all the senate bills and house bills that were passed to get us to this point but I think to Senator Cuffe's comment the reason that we are here doing the things we are doing with Mandy and Jason and the Director is we've actually evolved from a pretty loose not knowing what we were doing but having a vision, to I think, now we have got a highway that we've build and we are going right straight down it. To the Directors credit we work well together to bring the community and the state at the DEQ level together in one room and we talk. Mandy brought up our need to quickly address somebody's property that they are in a bind. Ok if we can expedite things like that, get it moving and help expedite that, which is our job. The one vision that Senator Benson at the time and I had and we really wanted to make that our number one priority is that every property needs to be cleaned. We want to get rid of the asbestos stigma and it should be at no cost to property owners. We found there were a few hold outs and we are now identifying those and trying to bring them into the fold and make sure we have one hundred percent coverage. I think Commissioner Peck probably put it best a few years back, he was the commissioner representative, he said we have to protect the EPA's remedial action, if we don't, we are gonna find black plastic garbage bags in the forest with asbestos. If we do it right, we won't have that garbage bag in the forest scenario. We will take care of it properly with dignity. We won't degrade or downsize anybody. We are gonna do the job. I think that consistent report sums up what we do and we do it well. I have enjoyed working with everybody, including the director and his predecessor since day one and I think we have come a long, long ways. I think we are doing what we set out to do. Any Questions?

**Winston Taylor:** That's great. **Senator Cuffe:** I might add that on some of these properties folks had refused for some time for whatever reason they refuse to have people come on and clean up. We also, as you heard today, found one that just got lost in the process. This is mixed into the soil and I remember when we developed that. There wasn't a structure and it just got lost in the shuffle and somehow didn't get cleaned up and it needs to be. We will probably find a few more before we are done. Hopefully they are a rare situation. **Chairman Gunderson:** At some point I hope it becomes a rare situation that we find one that fell through the cracks or we didn't find. **Senator Cuffe:** Our contacts had asked specifically with federal agencies. Our work is primarily state agency, county, legislative and private property owners. **Chairman Gunderson:** Prior to the O&M we did work with the EPA but now with O&M's in place it's our back yard and in some cases our front yard. That's us.

11. Agenda Item	Discussion	Action Items
<p>Discussion and Next Steps</p> <ul style="list-style-type: none"> <li>• Date and location of next meeting</li> <li>• Summary of action items</li> </ul>	<p><b>Chairman Gunderson:</b> Discussion and Next steps. Date and Location of next meeting. Mandy, do you want to work on that or are we at a point where we need to go to Helena to meet or are we still comfortable with meeting here? <b>Mandy Harcourt:</b> I'm comfortable with meeting here. <b>Chairman Gunderson:</b> Next meeting might not be the best for traveling roads. Mandy, you will work on a doodle poll. <b>Mandy Harcourt:</b> Yes. <b>Chairman Gunderson:</b> I would say location would probably be Libby for the majority of us. Action items. I will work on that appointment with the Governor and ensuring the both the Commissioner's letter reflects properly what it should date wise and make sure George is where he's supposed to be with an appointment. Anything else we needed to keep an eye on? <b>Mandy Harcourt:</b> There are going to be more NOEC and NOPEC sent out by email. If you can just really work hard on getting those approved and turned around quickly it would help us a lot. We have a pile up we need to work through. <b>George Jamison:</b> A pile up. <b>Mandy Harcourt:</b> Of properties that are coming in. <b>Chairman Gunderson:</b> What kind of timeframe are we looking for our construction period where we can still sample properties? <b>Mandy Harcourt:</b> It's all dependent on the weather, of when the ground freezes. I'd like to get as many done because if they do meet removal criteria, we have the winter and we can schedule abatement and get it through the process during the winter and we can move on it in the spring. I'd like to have as many done as possible. <b>Chairman Gunderson:</b> OK. Director, did you have any wants, needs, comments? <b>Director Dorrington:</b> No, I second your point on our collaboration. This improvement of properties there, I hope the community feels our positive intent and maybe some of these moves to fund properties that were hold outs. Maybe as they gain some understanding of our positive intent that a better message and maybe the rest of the properties that we need to get will come forward knowing that we are gonna treat them right. <b>Chairman Gunderson:</b> I agree and maybe a suggestion, maybe we need to do some sort of a media statement or talk to some reporters and do a background on LASOC and point out that people need to contact us as soon as possible to get into the loop so we can ensure that we do accomplish our mission. I will do that between now and the next meeting. <b>Director Dorrington:</b> OK, I'm</p>	



supportive of positive press. **Chairman Gunderson:** I think everything we have done is positive. In fact, I think we have done away with the majority of the stigmatism. Maybe it's time to call the Seattle Times and have them run a new story. I will see what I can do. **Senator Cuffe:** Mr. Chairman, that is part of informing Winston and Brett, I have had a few calls recently of other issues regarding asbestos that hit the headlines. They called me to say why isn't this committee doing something about it. We are a very specific part of the cleanup process. **Chairman Gunderson:** I have actually gotten a couple calls wondering why we haven't been doing anything. I pointed out you might want to go back and check the records because we have accomplished more in the four sessions that I have been working with LASOC in probably the last two quarters than we have going back. We have come a long way. Ya, I think it's a positive thing. **Senator Cuffe:** Along the way we have done a lot of chewing and digesting and figuring out who's doing what and how. We have some good folks to work with at DEQ. **Chairman Gunderson:** We don't give DEQ and staff enough Kudos. Thank you all. Mandy – Elzohn, pass that on to them. Your work is greatly appreciated. Director, the same for your staff. I think we've come a long ways and you folks have done some really great things. We have dropped the ball a few times but we've recovered and made goals. We keep moving forward, I think we are winning the game. **Director Dorrington:** Great, thanks I will pass on those appreciative comments. **Chairman Gunderson:** any other discussion and next steps? Any action items? Seeing none, lets adjourn.

Meeting Adjourned 12:10 PM

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