



Asbestos Superfund Oversight Committee Meeting
March 14, 2022
10:30 AM

Location of Meeting:

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

*Remote access was also available.

Call to Order

The Libby Asbestos Superfund Oversight Committee conference call was called to order with the Pledge of Allegiance at 10:30 am on March 14, 2022.

This was the 19th 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 Jerry Bennett	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 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 Mike Cuffe	Present in Libby

<u>Other Interested Attendees</u>	<u>Affiliation</u>	
Jason Rappe	DEQ	Present in Libby
Matt Dorrington	DEQ	Present in Helena
Carolina Balliew	DEQ	Present in Helena
Jenny Chambers	DEQ	Present in Helena
Jessica Wilkerson	DEQ	Present in Helena
Elzhon Anderson	ARP	Present in Libby
Ron Mahoney		Present by Phone
Brian Alkire	Libby Landfill	Present by Phone
Ray Stout	KVR	Present by Phone

2. Agenda Item	Discussion
Review and approve minutes. <ul style="list-style-type: none"> December 13, 2021 	Note: The sound was garbled, Helena called in to Senator Cuffe’s phone which was placed next to the microphone. Director Dorrington: Correction to page 5 under item #6, from Chairman Dorrington to Director Dorrington. Chairman Gunderson: Are there any other changes, amendments? Commissioner Bennett: Motion to approve December 13, 2021 minutes with one correction. Senator Cuffe: Second, motion carried. Chairman Gunderson: Minutes passed with one minor change on page 5. George Jamison: I will abstain because I was not present.

3. Agenda Item	Discussion
Election-Vice Presiding Officer Rep. Gunderson	Chairman Gunderson: Next agenda item is Election-Vice Presiding Officer. Do I have any nominations for the Vice Presiding Officer? Director Dorrington: I would like to be considered as a candidate for Vice Presiding Officer. Chairman Gunderson: Ok, we have a motion by the Director to nominate him. Any other nominations? Commissioner Bennett: Just as a point, a clarification. I think last time, they nominated me and I said no simply because I think in the next meeting or two, we will have Brent Teske get hold of the Governor to get him appointed to the committee because I’m retiring in December, and would give me some time. That is the reason I wanted to abstain last time. Chairman Gunderson: Any other nominations? Hearing none, I would say Director Dorrington you’re it by acclamation. Director Dorrington: Very good, thank you. For discussion, Mr. Chair, was that Commissioner Bennett saying he was retiring soon? Chairman Gunderson: Yes Director Dorrington: Thank you for the confirmation.

4. Agenda Item	Discussion	Document Link
Site Budget and Funding Report George Jamison	George Jamison: Thank you. You all have a copy of what has now become a standardized report. The latest addition is dated through February 28 of this year. The text as you remember remains constant and the values in the tables have been updated by DEQ. The reason I am introducing this report is that it was suggested by DEQ that one of the committee members introduce the report and we treat it somewhat like minutes since we have been through the report a number of times before and simply ask if there is discussion or anything that should follow instead of the, once again, a detailed report, excuse me, a narrative or discussion through each piece of the table. So, I would say, this is the report. If you have any questions, please ask them and DEQ can help you with any of the numbers if they relate to the numbers. Otherwise, we look for a motion to approve this report like we do our minutes. Chairman Gunderson: I would ask if there is any discussion. Senator Cuffe: I have a question Mr. Chair. On the last page, the Flow of State Orphan Share Account Transfers, there is the \$120,000 annually goes to, 25% or maximum of \$120,000 for administrative purposes. I was trying to find is that in one of the earlier pages. What I was wondering is what are we spending on the administrative part and how much is going into the reserve or the trust fund. George Jamison: I would defer to DEQ to try to respond to that please. Senator Cuffe: On the 3 rd page from the end 582852 shows 120000, that’s under the transfer. Table 4 Transfer fund. On the chart on the last page is says 25% or a maximum of 120 and unused funds go into the trust fund and I’m just wondering how that balances out. Director Dorrington: We just did the rollover to the transfer, to the new fiscal year; Table 5 is the remaining and Table 4 is the transfer.	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/March%202022/LASOC%20Budget%20Report%20through%202022-02-28.pdf

	<p>Senator Cuffe: It shows transfer to trust under Table 5 the 3rd line down \$402,224.</p> <p>Director Dorrington: Yep, and that is this fiscal year, 22.</p> <p>Senator Cuffe: There is still a little ways to go this year, ok.</p> <p>Director Dorrington: Is there a pending question? I just want to make sure I get your question answered.</p> <p>Senator Cuffe: I'm not questioning or challenging, I'm just trying to understand it Chris.</p> <p>Director Dorrington: Jenny just explained Senator, I just want to make sure. At the beginning of the year, we automatically transfer the 120 and then of the 480 we spend through the year anything that is unspent of the 480 at the end rolls over in the transfer.</p> <p>Senator Cuffe: Oh, ok. So, we are spending the full 120 on administrative.</p> <p>Director Dorrington: No. That's the transfer amount unspent. Any administrative costs come out of the 480 and then anything unspent would transfer in. Jenny and Carolina confirmed we are spending 80,080 total so far.</p> <p>Senator Cuffe: For the 9 months or something so far.</p> <p>Director Dorrington: Correct</p> <p>Senator Cuffe: From July 1 to close to the current date.</p> <p>Director Dorrington: Correct</p> <p>Senator Cuffe: We are probably going to spend 100 over.</p> <p>Jenny Chambers: If you look at Table 5 that really does allocate what we project for the \$480,000 that's remaining from the \$600,000 transfer. We project \$22,000 annually for personal services, a little over \$5,000 for operating. We think we are going to not spend a whole bunch, so we are going to transfer end of the fiscal year the \$402,000 to the trust. We project some from Lincoln County and some fund reimbursements for cleanups. If you look at expenditure's fiscal year 22, from July 1 to now, we have only spent \$7590 of our projected amount. Then at the fiscal year end, we might have some different categories where we spend some more money, but any remaining money will transfer into the trust.</p> <p>Chairman Gunderson: Jenny, what is our fiscal year to year?</p> <p>Jenny Chambers: July 1 through June 30.</p> <p>Senator Cuffe: So, we have only spent \$7500 then.</p> <p>Jenny Chambers: Through this report which is February 28.</p> <p>Senator Cuffe: Do you think that number holds or will there be a large...I realize that as you get to the end of the year, as you pull things together, probably going to have some little bump there, but would you anticipate like a big one.</p> <p>Director Dorrington: The biggest chunk of your budget is a transfer, that 402.</p> <p>Jenny Chambers: We expend all of the money from this transfer so that our appropriations are fully used, so it goes into that long-term trust transfer. Then if you look at the last column, since we started this process from fiscal year 18, the last column really shows you how much we spend in each one of those categories since the inception of this fund.</p> <p>Senator Cuffe: Ok, very good. Thank you so much Jenny.</p> <p>Jenny Chambers: You're welcome.</p> <p>Chairman Gunderson: Is there anymore discussion? Does anybody want to move accepting that report?</p> <p>Director Dorrington: So moved.</p> <p>Senator Cuffe: I'll second that.</p> <p>Chairman Gunderson: Thank you. Everybody that wants to accept the report say aye. (The board responded as one) Ok so the report is accepted.</p>	
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5. Agenda Item	Discussion	Document Link
<p>Proposed Supplemental Documents-George Jamison</p> <ul style="list-style-type: none"> • Support of Property Owners Document • Analyses of Sitewide Activities 	<p>George Jamison: At the last meeting which I was unable to attend, there was discussion and partial approval of two subcommittees to prepare basically the two reports that I am going to introduce under this agenda topic. The first, which is called the O&M Support of Property Owners Report. Basically, takes us from the report that we just reviewed, the Site Funding and Budget Report and carries us a step further to focus upon, not just simply funding and expenditures, and the different budgets and so forth, but it really takes us down to the property owner level. This report I drafted with the input from Mandy and the ARP. And then we were very, fortunate to have Jason’s input into this report and he provided some good suggestions that helped us with the text. The three of us were able to kind of whittle down these tables to some very simple things. The first table, Table 1 really lets the reader know, it looks at the PEN notification process which is really the gateway for property owners into ARP and DEQ system or any informational needs or reimbursement actions. If you look at Table 1, it gives you a very concise history of that about the total number throughout O&M so far and how many of those most of which you can see we are mainly informational or requests for just support and much fewer in number for reimbursable actions. And by the way, before I go any further, I want you to understand this is a draft and we did not update this. The numbers that went in this at the time we drafted it, are May 31 of 2021.</p> <p>Director Dorrington: The numbers in there are through Mid-February I believe of 22. They are reasonably updated.</p> <p>George Jamison: Ok. There was some confusion there for a while as to whether we were to update and resubmit this. I’m just saying, ok, these are pretty close to being current, but not up to the minute so to speak. On the second page under funding, its important I think, you can see glimpse in Table 1 just by number. But then this last part of the report, Table 2 and 3 breaks it down as to how do those numbers, how is that money being directed and it breaks it down into incident cost categories such as sampling and analysis, abatement activities, landfill disposal, and other activities. Kind of gives us a sense of what those requests are for. And then it further breaks it down in the columns as to the source of funding for each of those activities. So, Table 2 is the number of incidents and then Table 3 puts dollar figures on it. And that’s basically the report. I’m submitting this with the, I think you can maybe see from the way its written and so forth, I’m suggesting and recommending to the committee that we adopt this report to serve in the same fashion as the Site Budget and Funding Report and that it be a standardized report that we update for each of our meetings. And I do want to close by saying that we and it was Mandy and I for her unexpected absence that work on this with Jason. We are very appreciative of his help. It went very smoothly and I feel very good about that. That’s my report and suggestions.</p> <p>Chairman Gunderson: Thank you George. Is there any other discussion?</p> <p>Senator Cuffe: Do we need a motion?</p> <p>Chairman Gunderson: Do we need to vote on this now or do we want to let everybody mull it over and vote on it next meeting. Director, are you ok with that?</p> <p>Director Dorrington: Yes, I think the two tables are pretty straightforward. I’m comfortable, its easy to update the information and work with George and Mandy, no problem.</p> <p>George Jamison: I recommend that we adopt this if no objections. It’s pretty simple.</p> <p>Senator Cuffe: We have seen it and discussed it, I think its time to move. I make the motion.</p> <p>Chairman Gunderson: Seeing no objections, I would say let’s vote on adopting both of these reports. All those in favor, say aye.</p> <p>Committee Members: Aye in unison</p> <p>Director Dorrington: Sorry, Mr. Chair, we are voting on the tables correct, we haven’t discussed yet the analysis of sitewide activity report.</p> <p>George Jamison: Good point Director. The motion so to speak is your correct, it is limited to this report that’s titled O&M Support of Property Owners Report. It’s that document with the intent being to use it as a standardized document. You are correct, it’s just this one-page report that we just discussed, not the other one.</p> <p>Chairman Gunderson: So, we need to wait till next meeting then to approve and adopt the other report.</p> <p>George Jamison: We are going to discuss it.</p> <p>Robin Benson/Recorder: Was there a motion on the table and a second? I’m just taking</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/March%202022/Draft%20ASOC%20OM%20Support%20to%20Property%20Owners%20Report.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/March%202022/Analyses%20of%20Sitewide%20Activities_draft.pdf</p>

notes in case we have issues with the audio.

Director Dorrington: I appreciate that.

Senator Cuffe: I made the motion. Chris said he was ok with it; I took that as a second.

Director Dorrington: Second, yes that's fine.

Commissioner Bennett: Just to comment on this, I think it's a great addition. I know we have talked about those different posts of money in the past and trying to get a balance. It would really be nice to see a number at the top of what's in those accounts. But from all that I've read Director, that probably really has to come from the county in dealing with the EPA to get numbers on these funds. Is that correct?

Director Dorrington: Yes

Commissioner Bennett: Ok, I just wanted to make sure I was reading all that right.

Director Dorrington: I can clarify Mr. Chair.

Chairman Gunderson: Go ahead.

Director Dorrington: The two bullets at 11:05 are proposed supplemental documents, so, we just had a motion to approve the first of the two Support of Property Owners Document. I don't know if we recorded the vote, but the aye was on bullet one.

Chairman Gunderson: Correct, I think that is where we are at. And now moving on to Analysis of Sitewide Activities. Do we have discussion there?

George Jamison: Thank you. I take full blame or credit, whatever you may think of this next document. This was originally intended by the second subcommittee and I thought that in the interest of time and I'm sorry I wasn't able to attend the December meeting because I think there was considerable confusion maybe the way I wrote the proposal about what this represented. This simply is a document and I wrote it as you can see in the first paragraph with the hope or expectation that both the site funding and budget report and the property owner report that we just approved would become essentially a standardized reports and regular reporting tools to the committee. And as I said here, and I'm not going to reread it, but neither of these documents really sort of list an analysis of overall sitewide budget expenditures and really don't focus on...now that we have got this information in from of us, what are the things that we really need to give attention to over the years. My thought was, I think this is important, I'm not sure exactly how we would use it, but I think it should be a regular, we should have something that helps us collectively capture the things that we need to pay attention to. Besides of course, the day-to-day activities and I have tried to list some of those. There are some editorial errors in here that can be cleansed up a bit. I think you all had a chance to read it. I did notice when, I drafted this actually in May of last year. I did notice when I reread this again this morning that one of the things I did not put in here, that should be monitored is basically the spending by ARP and their budgets and I didn't specifically call that out as something to pay attention to. But I guess I'm so close to that and I feel I'm still involved kind of in putting some of those things together that I feel that's been watched very carefully. But it should be included in this document if we choose to use this. This is food for thought. I think to me that the most important use of this document is to have something that we all collectively feel is in all of best interests to monitor and give oversight to what each other do and I mean that in a true collaborative sense. But I also think that collectively, what's embodied in here is this should identify things that we should give oversight to related to EPA. You know, they are really driving a lot of the things with funding and so forth. That's my introduction. I would hope this would be of some use to the committee. Turn it over back to the Chair.

Chairman Gunderson: Is there further discussion?

Director Dorrington: This is a question for Mr. Jamison. Do you feel that we have accomplished since this was written last year and then maybe introduce prior to development of the O&M Support Property Owners and improve expenditures and balances reporting, captured through the two fiscal reporting documents, the intent, in terms of transparency dollars the numbers? That the analysis of sitewide activities intends, is that fair?

George Jamison: Let me sort of restate what I think I heard you say. I think you are asking, do I feel like the, what I've called the budget report of the property owner report adequately capture sort of the fiscal end of things and the funding sources and so forth...yes I do. And I think the recording, that reporting those two reports collectively to me, are the basic information that this committee has needed in the past and I think needs in the future. Recognizing that there will be times that we want to dig deeper into some of those numbers and so forth. And you may want more detail from us and

likewise from you. But, yes, I think that those two reports really serve as the primary foundation for us to really sit back now and say, OK, in terms of program and funding and all that sort of thing, but things even beyond funding, what's this all mean. Yes, I agree with your assessment, I think it's adequate.

Director Dorrington: Ok. I guess following Mr. Chair what I would say that is if we have captured the intent and we are reporting transparently, the financials, the number of requests and the output of the dollars in existing documents, then the analysis of sitewide activities reported itself is more a reflection of thoughts, ideas and intent. I don't think LASOC should adopt this as actionable. I think there are some substantive statements that we would have to address on an individual basis such as legislative attention, that in and of itself is probably bigger than just the document in itself. So, I would say Mr. Jamison's outline of this document is helpful in context but I don't believe it becomes part of LASOC Record or the intent of LASOC given that the reports, the financials are updated, meet the intent of what Mr. Jamison was shooting for.

Chairman Gunderson: Is there further discussion? I would like to make comment, I think one of the things that George pointed out that we don't get to look at in a concise form is the ARP budget and I think that should be included to give us a clearer view of what we are accomplishing. Is that what you would agree with George?

George Jamison: My comment was that of the various things I listed in this draft, I did not list that as being something we should monitor. I think it could be added, but if we don't adopt the report or have any particular use for it, I don't know that it matters. It is certainly information we can provide at any time.

Chairman Gunderson: Would we just make a request to you prior to a meeting then?

George Jamison: Actually, I have some information if you want to talk about it now or later about that, I think we are going to talk here about renewal of our co-operative agreements and that includes ARP agreement. I think we could comment on it there if you like.

Chairman Gunderson: Ok. Go ahead Director.

Director Dorrington: The ARP portion is with the county, Lincoln County. So, I think it goes, I think it's an information item only, but we, LASOC don't have jurisdiction over that. I think its probably an awareness or informational item. Maybe you guys can speak more clearly to that than I.

George Jamison: Just my opinion, but I believe that anything that occurs at the Libby Asbestos Superfund Site is subject to oversight by this committee. And I think that includes if the committee chooses to drill down into what the county spends with the Memorandum of Agreement for administration of this committee, excuse me for ARP, I think anything is fair game. I think the same is true for any expenditure by DEQ and then if we could ever get it done, I think the same thing applies to how EPA spends the money. So, I think everything's open; should be.

George Jamison: I would concur with that. That if it's anything to do with the superfund site, then it should be pertinent information that we have access to but I agree with the Director, doesn't have to be actionable every meeting, but maybe just lists that there is information only and if its something that we need to discuss or further talk about then we can. But I think if we've got the data thee in that report, I think it would be valuable if it is brought up for discussion that its already there, we don't have to come up with it.

Senator Cuffe: Yes. I agree with what both of you just said, and on this sheet in particular, that I think we are talking about here, Analysis of Sitewide Activities, correct?

Chairman Gunderson: Correct

Senator Cuffe: I don't know how it fits, you know, how we can fit it in exactly, but what I do think is we've already seen quite a turnover on this LASOC and that goes from the Director's level to the County Commissioner to both Steve, the State Representative and the State Senator. In these four years' time, or is it five years' time? And I think this, as the people come in, because...you can easily get into a situation where everybody begins re-inventing the wheel, that's ok to adapt it perhaps if there are some kind of change in conditions. But, in general, I think that it helps a lot. I think its great that Jerry said he'd like to bring in his replacement on the county level perhaps six months ahead of time.

But the six months is only two meetings. And the Director, we walk in and all of a sudden there's no break in time for Chris when he took over. I came in, I think a couple of months early. I attended either 1 or 2 meetings before I replaced Chas, kind of the same with you Steve, forging your way after you've come on. So, I think this kind of a document, it has some importance, and I really thank you George for it. For your

dedication and perseverance.

George Jamison: One of the objectives of this is continuity.

Senator Cuffe: Because all of a sudden Virginia is gone and I relied like a whole bunch on Virginia.

George Jamison: I've been here since the beginning, and I don't pretend to make that forever.

Chairman Gunderson: George has a good point. Both of us have been here since inception, but we are not going to be here forever. And I believe that any information that we can continue to keep bringing forward, even if it's just a reminder, just an indicator, doesn't have to be actionable. But if we ask for it, it's there.

Senator Cuffe: Mr. Chairman, it's kind of like a baseball field. You got home plate and you got first base, but generally you have a chalk line from base to base, kind of keeps you the direction you are supposed to go. That's how I see this and like I said, I don't know how we put it in officially, but I think it is an important guideline.

Director Dorrington: What I think is this is helpful context, LASOC has statutory responsibilities and there is an approved charter, I would say this is helpful information, but I don't think it's actionable like a vote saying yes, this represents LASOC as a committee with regards to the ARP. I think if you guys put an agenda on it, where you are requesting information from the county and the county is willing to share information, I don't have a problem with that. Otherwise, I think we have achieved quite a lot in the financial reports that we have all come to thanks to George, and thanks to Jason and the staff here. That's my thought. I think it's good context, but I don't think it's actionable for us to say this is our intent and focus, given that there's already governing documents received by a lot. And then the second piece is where DEQ is happy to provide an orientation to any new member. You know, that's subject to everybody's input, that's not just us. We would be happy to provide background and orientation to anyone new.

Chairman Gunderson: Thank you for that Director. Commissioner, any input?

Commissioner Bennett: No, I think its all been said. I think there's some important parts here that I read, you know that they are simply information. Going forward in discussions that we have had, that I think are relevant on an ongoing basis and kind of view it as you have the MCA's and you have the ARM's. This might be an ARM in the sense that it just puts on paper what our thoughts are and how we operated in a sense or hope to operate.

Chairman Gunderson: And actually, to take that a little bit further, and I think its something George and I have talked about before, is that everything LASOC is Lincoln County and everything Lincoln County ends up in our purview at some point if it has anything to do with the asbestos issue. And again, I do have to agree with the Director, its not an actionable item but I think it's information that is being informational, we just need to have something there to where if it's brought up its already in front of us. We don't have to wait till the next meeting or clamor to find that information out. So, is there any other further discussion?

Senator Cuffe: Mr. Chairman, I would like to ask George, what he was, you know, when you brought it forward, when you put together what were your thoughts on where it would be going.

George Jamison: Well, I have two thoughts. One, I was glad to get it off my desk and second, I wasn't sure. Frankly, I think that this committee and that obviously includes the DEQ. But I think that we should be able to come to some sort of a list, or do some analysis and say, aren't these the things that we need all of us to keep an eye on as this thing goes forward. And be able to agree to that, and then periodically say, how are we doing on some of these things that we think we need to be watching. And that was simply an attempt to try to articulate some of that. That's my perfect world. I think that no, it's not an actionable list, but on the other hand, I think we need something that reminds us, maybe it's a to-do list, or a reminder list or something like that, but that was my intent. Because if we just come and review these reports, the budget report and the property owner report then say ok, that looks good, any more questions and we're done, and we don't ask any more questions, like how EPA is spending some of their money, how ARP is spending their money or DEQ spending it, some of these other I have attempted to list. And I, frankly, think we fall short of oversight obligations, but I just simply leave this to the discretion of the committee, as long as I'm on the committee, I'll try to keep an eye on this list. I think that we all should, but its just those are just my

	<p>ideas about what should be on this list. I really don't know how to answer your question.</p> <p>Director Dorrington: I think given George's input, which I think is valuable context, this is now part of the LASOC public record. I think this is an important contextual piece from Lincoln County and I would say, acknowledge it as part of the record, and then subject to orientation, we can refer to this and provide any new member, some of the historical perspectives that George captured here.</p> <p>Senator Cuffe: I think that's a good idea. And maybe not just for new members, but maybe even once a year review. Just Kind of help us remember because there was a lot of wrestling that went on and when I came on, kind of in the middle of the wrestling was halfway serious and I think this will help keep us on track better. And I think you are exactly right, if we use it as an orientation and just kind of help us along in the future. So, thank you Chris.</p> <p>George Jamison: Maybe if we blew the dust off of it once a year just look at what somebody wrote a few years ago, as a discussion thing, and is any of this appropriate applicable anymore, and what about these things, then it has probably served it purpose.</p> <p>Commissioner Bennett: Just a comment, Mr. Chair. I think the bullet points that are laid out in the document here are great for a refresher. I mean, are we doing these things. You know, looking at competing priorities for O&M funds, you know, at its adequacy to property owners support, are we always keeping those things before us and making sure that we are in a sense holding to our desires from it original foundation. I would agree with the Director, is it being part of the record. Probably looking at this on an annual basis, are we doing what we said we were going to do?</p> <p>Chairman Gunderson: Any further discussion? Does anybody want to move to accept this as an annual orientation type of document?</p> <p>Senator Cuffe: I so move.</p> <p>Chairman Gunderson: Senator Cuffe, is there a second?</p> <p>Commissioner Bennett: I will second it.</p> <p>Chairman Gunderson: All those in favor of making this an annual orientation type document, say aye.</p> <p>Director Dorrington: I have a no vote.</p> <p>Chairman Gunderson: Ok. Director Dorrington is a no. Do we need to move on to our O&M update, Jason Rappe, are you going to take Mandy's place, and Elzhon.</p> <p>Jason Rappe: Yep</p>	
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6. Agenda Item	Discussion
<p>O&M Update Jason Rappe and Elzhon Anderson</p> <ul style="list-style-type: none"> • Activities at OU1,2, 4, 5, 7, & 8 • Renewal of EPA/DEQ Cooperative Agreement • Renewal of DEQ/Lincoln County ARP Agreement 	<p>Jason Rappe: Mr. Chair, I will go ahead and let Elzhon start with all the actions ARP has done up to date since the last meeting.</p> <p>Elzhon Anderson: In Troy we have responded to 34 811 calls, we have also responded to 13 hotline calls. This spring, we do have a very large-scale excavation planned in Troy. Libby, we have responded to 242 811 calls and 135 hotline calls. We also have a large-scale sampling on a property here, and a large-scale demo, not reimbursable, it was a refusal. So that will be coming up here in the spring. The snow is starting to melt, so we are picking up pretty good right now with hotline calls and UDIGs. Since last meeting, we also finished up a large abatement, Hollingsworth property. Got that one done. That's all I have.</p> <p>Jason Rappe: Thanks Elzhon. Additional to that, DEQ is still working on the sitewide O&M plan. Just about done, I think we are finalizing the BMP manual right now and that is going to go through county review. Once that's done, working through ARP, we are going to send that over to commissioners and mayors for one final round of comments, in addition to that, I'm going to ask whether or not the commissioners and the mayors are interested putting that document out for a public comment period. Depending on what you guys come up with, we can pull together a public comment period for that sometime this spring or early summer and get that finalized by the end of the year. After that, we will start working on a sitewide ICIAP plan, or sitewide ICIAP document. We are working on trying to finalize that by the end of the year as well. With that, DEQ sent the amendment for the co-operative agreement between DEQ and EPA. I have not seen an award yet for that, so it still waiting for EPA approval. And in addition to that, we are currently working on the MOA between DEQ and ARP Lincoln County. We received the budget estimate from the county, which looks good. I think now I just need to work through finishing up the MOA itself. Just tweaking language</p>

6. Agenda Item	Discussion
	<p>here and there from two years ago. The MOA ends May 31st I believe, so we are getting that done before that's up. Other than that, that's all I really have for O&M. Any questions?</p> <p>George Jamison: May 31st I'm sorry, but I'm confused again about May 31st vs. the end of June. I thought we got those in sync. I'll probably forever be confused about this.</p> <p>Jason Rappe: I'll have to go back and look. You know, I thought the MOA was over the 31st. I have to apologize. I was traveling this morning, but from what I recall, the EPA Cooperative Agreement and the Lincoln County MOA are not in sync. They are at least a month apart.</p> <p>George Jamison: Ok, I thought we got them in sync, that's alright, doesn't matter. As long as we get the funding, continue to get it and continue to do our job, who cares.</p> <p>Jason Rappe: I do want to note there is a shortfall between what DEQ submitted to EPA and what the county submitted to DEQ. Only because we had to submit our grant application before we received the estimate, but again similar to the last MOA, we are starting to get close on funds, we will request an amendment to EPA and we will get those funds for ARP.</p> <p>Chairman Gunderson: Are there any other questions for Jason? See none, discussion?</p> <p>George Jamison: I don't know have a question for Jason, but he is absolutely right, about the current agreement was, for example, that we will be finishing up here soon, it was for around \$187,000 and the budgeted amount, that actually got put in because decisions were made early with EPA and so forth for \$600,000 and we are going to be real close on that. I think we are going to stay under it "helped" that's in quotes somewhat by the absence of Virginia there for a while, and a person in the staffing. The Chairman also raised a question about reporting or information about the ARP proposal and what and to follow up on what Jason said very quickly, is that or proposed budget for the next two years was just slightly over one million dollars. And then we also had a contingency on that, that we normally do anyway. And a large part of that was based on uncertainties, largely about the volume of material to be disposed of at the landfill. That's a big line item. And he's right, what he's basically telling you, as we got our estimate in just barely on time, but we did get it in on time, but the schedule that you've been given, but in the meantime, EPA did like they did before and move things forward more quickly and what he's talking about is that a number less that that went into their...is actually embedded in the request to EPA. In the past, just so you know, we have the same thing that occurred, with the difference between the \$600,000 and the \$860,000 on this current year, and we do have an understanding of that written agreement with DEQ that should we exceed what is actually in that agreement, that we are eligible for consideration of additional funds. I'm comfortable with that.</p> <p>Chairman Gunderson: Any further discussion?</p> <p>Commissioner Bennett: In the \$660,000 or whatever and that takes place before those funds are transferred to the Trust, how does that work, just for my own mind.</p> <p>George Jamison: It's not part of the trust, it's all from EPA. It's a reimbursement.</p> <p>Senator Cuffe: The question that I might have, Mr. Chairman, is at some point, does somebody come along and say, well, it looks like we are pretty sloppy or not keeping track of stuff, that we are continuing to...we submit one number and then need an additional supplemental, we would call it in the legislature at the end of the year, a supplemental. And I've been part of the people who criticized one department or another for not being a little more accurate. So, is there a concern? Or can we I guess in the future, is there a way that we can somehow get coordinated?</p> <p>Director Dorrington: The notion that we'd be sloppy or not recording numbers is so far out of the realm of reality, there's so much information, even including the budget, Table 4, Table 5 that we just looked at. There's a budgetary number, there's an expense number, we are reporting both to the committee, then also do an annual report to the legislature. In terms of transparency and recordkeeping, ability to be nimble with both of those, I think we have demonstrated that, so, I don't want that to be really the notion that carries forward here.</p> <p>Senator Cuffe: Chris, yeah, I wasn't thinking so much at the state level. I was thinking more like the federal level, but maybe it's a common procedure, I don't know. I feel good about what you've said, I do think we are very open and transparent.</p> <p>Director Dorrington: Thank you Mike.</p> <p>Jason Rappe: Just so everybody's aware, for this most recent amendment for the cooperative agreement, what we based ARP's budget on was their current drawdowns. So, we use their current numbers and then bump them up by a certain percentage to try to be...</p> <p>Senator Cuffe: As accurate as can be. I appreciate that.</p> <p>Chairman Gunderson: Further discussion? Hearing none, let's move on to DEQ/EPA Site Update Jason Rappe.</p>

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<p>DEQ/EPA Site Update Jason Rappe Activities at OU3 & OU6</p>	<p>Jason Rappe: OU6 is the BNSF railway corridor that's officially in O&M as of September or October of last year. BNSF is the lead with EPA oversight, but the State remains the support agency for O&M. BNSF will be doing that first annual inspection this year to check the remedy that we have probably done around the same time that DEQ's doing its annual inspection for the remaining operable units in O&M probably sometime in June. OU3, we are still working through the feasibility step and we have been for awhile now and we will be for awhile in the future. Right now, we are in the developmental alternatives, and those documents are still working through comments between EPA, DEQ and Forest Service.</p> <p>Chairman Gunderson: Any other discussion? I've just got a couple of questions and I'm not sure who to ask, but just off the wall, is there a future date set for OU3 to be closed out and they won't be able to take any more material into it or is that still open?</p> <p>Jason Rappe: As in the capacity that we would take contaminated soils from town and place them at the mine? I don't know. That would be a question for WR Grace and EPA.</p> <p>Chairman Gunderson: Ok, to go along that same line, what's the lifespan of the cell out at the Lincoln County landfill? Is that where we'll take everything once OU3 is closed out?</p> <p>Jason Rappe: We are currently not taking any soils. All soils from the operable units and O&M are going to the landfill. And right now our predicted closeout plan, it's somewhere in 30 years. But no soils are going to the mine site.</p> <p>Chairman Gunderson: Ok, any other discussion, questions on the DEQ/EPA Site Update?</p> <p>Jason Rappe: Can I go back to the other bullet? Just so everybody's aware, EPA is trying to do a public meeting for OU3 sometime this summer. We haven't finalized a date yet. They are trying to work out schedule's right now. They may incorporate the new division, or Regional Administrator, that's also still up in the air. I still think some additional question there needs to be answered before they finalize that but there is hope that there will be a public meeting and a County Commissioner update sometime this summer.</p> <p>Chairman Gunderson: Ok, thank you Jason. Any other discussion on DEQ/EPA Site Update? Hearing none, let's move on to the next item, which is EQC/DEQ.</p>
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8. Agenda Item	Discussion
EQC - DEQ	<p>Director Dorrington: Mr. Chair, per statute, LASOC reports to EQC every year by June 1 and Mr. Coleman had some space in his agenda and I think he added this in early, so we're just pulling together bullets to report out here in March. Is there anything the committee would like included. Is there any context that they would like for that report out here and March the early report out?</p> <p>Chairman Gunderson: Mr. Director, I'd just say kind of wrap up the activities that we still have currently going. The information about OU3 and OU6, unless anybody else has got any information that they would like to hear.</p> <p>George Jamison: Mr. Chair, I would just suggest if you find them useful that you plagiarize these two standardized documents that we have adopted. I think they would be really good reports for the EQC.</p> <p>Chairman Gunderson: I agree with Mr. Jamison. Director, how do you feel.</p> <p>Director Dorrington: Just to be super clear, are you speaking of the support of property owners document.</p> <p>George Jamison: I'm speaking of, that's one of them and then the other one is the budget and expenditure report, those two that we have adopted now.</p> <p>Director Dorrington: It's hard to hear you George, I'm sorry, the two financial reporting documents that we approved earlier. Is that it?</p> <p>George Jamison: Yes, the one that we approved last meeting in December as well as the one today.</p> <p>Director Dorrington: I think we can reference the documents. EQC is more policy than budget, so we can reference a document for certain; I think that's doable.</p> <p>George Jamison: Yeah, we have those documents as WORD documents too, if it helps you prepare anything. Let me know or let us know.</p> <p>Director Dorrington: Will do, thank you George and thank you Mr. Chair for your outline on activities OU3 and OU6. I think that's helpful.</p> <p>Chairman Gunderson: Yeah, Director, I think that'd be something that EQC, I know as a member of the EQC I'd like to hear the whole council be able to hear. Any further discussion on EQC and DEQ? Hearing none, let's move on to public comment.</p>

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Public Comment	Chairman Gunderson: Is there any public comment on anything under the purview of LASOC? Hearing none, lets move on to discussion and next steps, date and location of next meeting.
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11. Agenda Item	Discussion	Action Items
<p>Discussion and Next Steps</p> <p>a. Date of next meeting</p> <p>b. Summary of action items.</p>	<p>Chairman Gunderson: Director, what’s your feelings? We have been meeting here, is it time to meet in Helena?</p> <p>Director Dorrington: Mr. Chair, with a note that EPA might be headed your way sometime in summer, I would to be in Libby for that meeting. Not knowing yet when, so we are looking out three months. So, April, May, June. If we are in June in Libby, I’d certainly take that opportunity.</p> <p>Chairman Gunderson: And that sounds pretty good. Do we want to do a doodle poll on the date or do we want to leave that open for a little bit longer?</p> <p>Commissioner Bennett: I think it would be good. If they are planning the first part of June, then maybe coordinate to where we could have both meetings on the same day here, whatever, if possible.</p> <p>Chairman Gunderson: I totally agree. How’s that sound to you Director. Leave it open at the moment, let’s do a little coordinating.</p> <p>Director Dorrington: Yes, sir, thank you.</p> <p>George Jamison: Specifically, to help ARP here a little bit, because they usually send out that doodle poll. We are going to wait sending out a poll to the committee until we get some feedback from somebody about what timeframe you want us to explore. Who is going to provide us that input?</p> <p>Jason Rappe: If EPA does pull together some dates in a reasonable timeframe, I can let you guys know.</p> <p>Senator Cuffe: I was going to say the week of June 13th, I think is a busy week for legislators in Helena. I think I have at least two days of that week and there may be another one. There are several committees, I think, meeting that week.</p> <p>Chairman Gunderson: Why don’t we try to squeak it out sometime on June 20th through 24th? Would that still give us our three-month window?</p> <p>Jerry Bennett: Mr. Chair, I think that’s a little premature of the fact, if we need to contact EPA with some recommendations to them to see if we could coordinate those meetings, would probably be the first part of that. Find out if, when in June they are willing to meet and then go from there.</p> <p>Director Dorrington: Mr. Chair, I think your first notion was a good one. Let’s leave it open for right now, while we coordinate with EPA, and if we can get it in this quarter, then we can coordinate. I agree with Commissioner Bennett.</p> <p>Chairman Gunderson: Director, should we give an end date to make a determination on when to meet?</p> <p>Director Dorrington: Yes, I think that’s a good idea. Maybe Jason can give a little input on, I don’t know, if we can figure it out in the next two weeks, or one month, something.</p> <p>Chairman Gunderson: I was thinking if we hadn’t done anything by the third week of April, then we need to do a doodle poll and find out when everybody wants to set our meeting. And I guess we’ll just set it tentatively at that time so if there is still some coordination being completed, Jason can let us know and we can re-doodle it and figure it out from there.</p> <p>Director Dorrington: Good idea, I concur.</p> <p>Chairman Gunderson: Ok, so we’ll put down Jason the third week in April and if we haven’t heard anything, we will do a doodle poll then and get everybody together for a June meeting. That will give us some breathing room as well as time to figure out if EPA can coordinate with us. Do we have any action items that we need to summarize? Hearing none, I would say if anybody doesn’t have anything else, we’ll adjourn.</p>	

	Next Steps: Action Items:	
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