



Libby Asbestos Superfund Oversight Committee Meeting
December 19, 2023
10:02 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 10:02 AM on December 19, 2023 with the Pledge of Allegiance.

This was the 26th 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	Excused Proxy given to George
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	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	Excused

Other Interested Attendees	Affiliation	
Mandy Harcourt	ARP	Present in Libby
Zach McNew	Citizen	Present in Libby
Amy Steinmetz	DEQ	Present in Helena
Jessica Wilkerson	DEQ	Present in Helena
Melody Wunderlin	DEQ	Present in Helena
Corrina Brown	Lincoln County	Present in Libby
Katie Garcin-Forba	WMR Bureau Chief	Present in Helena
Nick Raines	WR Grace	Present Online

2. Agenda Item	Discussion	Document Link
Review and approve minutes of September 21, 2023	<p>Chairman Gunderson: Lets review and approve minutes from September 21, 2023. Does anyone see any glaring errors? Director Dorrington: No Sir.</p> <p>Chairman Gunderson: Everything looks good to me. All those in favor of approving the minutes from September 21st, say aye. Unanimous Aye. You got that. Let's move on.</p>	

3. Agenda Item	Discussion
Site Budget and Funding Report- Melody Wunderlin	<p>Chairman Gunderson: Site budget and funding report, Melody Wunderlin. Melody the floor is yours.</p> <p>Melody Wunderlin: My name is Melody Wunderlin and I am taking over for Jason. I took over about a month ago, so if you have specific questions that I am not able to answer today, I will get back with you on those. That said, does anybody have questions about the site budget funding report. Chairman Gunderson: Mandy did we want to touch on those questions at a later time. Amanda Harcourt: Ya, the other O&M form has it. Chairman Gunderson: OK. George Jamison: Mr. Chairman. Chairman Gunderson: Yes, George. George Jamison: I don't have any comments or suggested changes to the report as I read it and we're near the end of the year here and I think about this time of year we encourage DEQ to try to make inquiries to EPA about updates to some of these estimates of balances of a couple of these funds. I would add that as a note, maybe something to throw on the to-do list to see if you can check and see if they will give you the information. Thank you. Chairman Gunderson: I would also ask Director, is it time to reach out again to EPA and ask them the status of that funding we continually question but we never seem to get an answer. I think they call that poking the bear. Director Dorrington: Yeah, I don't mind. Maybe Katie or Melody would want to comment on that. Katie Garcin-Forba: Yeah, I think both comments on the funding and current status from EPA and then what their plan is for the funds we've been asking about, we can prioritize that for 2024. If we get information pulled together prior to the next, first quarterly LASOC meeting, we'll certainly share that out to this group but we can prioritize that conversation as far as budgets with EPA and moving into next year. Yeah, we'll get that information gathered into the group. Chairman Gunderson: OK, great, Melody, maybe we need to put that on a permanent annual to-do list. If we don't get it done, keep poking the bear until we get an answer. Melody Wunderlin: Noted, Yeah. Chairman Gunderson: I don't have any other questions on the site budget and funding report so let's move on.</p>

4. Agenda Item	Discussion
Support of Property Owners Report- Melody Wunderlin	<p>Chairman Gunderson: Support of property owners report. Melody, you're up again. Melody Wunderlin: Does anybody have any questions about the non-reimbursable actions, you want to jump right into that right away? Chairman Gunderson: Yes, please. Melody Wunderlin: OK, so these are actually reimbursed. It says they're non-reimbursable, but they are NOPEC and NOEC properties. So we have reimbursed them. Yeah, and I wonder if it might be better to work at renaming that line item so that it is better represents what it is. Chairman Gunderson: I wholeheartedly agree. That is something that we've talked about numerous times, it's a little confusing and since we only meet every quarter, it's a little tough to keep track of. If you could change that or come up with something, either another line item to break it up into pieces and then explain what the two piece are, that would be great. Chairman Gunderson: George.</p> <p>George Jamison: This is George Jamison, actually, both these reports I drafted originally and to give you a little background and I admit that is confusing. What this table is intended to represent is the types, the nature of various things. Starting first with PEN notifications and second is informational requests and then the second other two where action items or requests. Some that were reimbursable in the context of what EPA said they'd reimburse. The non-reimbursables that we are talking about are things that deal with the NOEC, the developer properties and things of that nature. That is the way that list was divided was to look at different categories. It was not intended to speak to whether or not any of those, particularly the last two, it doesn't really capture whether or not they were actually reimbursed or what their disposition was. I suggest we might add a couple of explanatory footnotes to those two items and if Melody is interested, I'd be happy to work with her on that and we can bring something back to the next meeting. Melody Wunderlin: That would be good, I can work with you on that. Chairman Gunderson: OK, that'd be great. I'll let you and George work that out Melody and like I say, we're always looking for anything to improve to where if somebody picks this paper up it's very, very self-explanatory and shouldn't be any questions. Was there anything else Melody on the property owners report. Melody Wunderlin: I don't have anything else</p>

	to highlight. If anybody has any questions. Chairman Gunderson: I'm ok too. I'll put that in as an action item for George and Melody to work on for the next meeting.
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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. Melody do you wanna start off. Melody Wunderlin: I actually am going to pass this off to Mandy and let Mandy start. Chairman Gunderson: We can do that. Amanda Harcourt: Today's ARP update will cover activities completed an ongoing since last September meeting. ARP responded to 55 hotline calls, 187 utility locates and conducted 74 site visits. Libby and Troy properties abatements completed since the last meeting: GID 5730 which is the fish pond out at the mill site. 3274 Farm to Market Road interior and exterior removal. GID 8224 exterior removal and GID 10474 exterior removal. Libby and Troy properties sampling completed since the last meeting: 36573 US Highway 2, 437 Elijah Drive, 39265 US Highway 2, 340 Edgewater, GID 4434, 54 Quartz Road and 100 Minor Drive. Libby and Troy properties with upcoming abatements: Phase 1 and 2 of central maintenance building, which will be ongoing through winter, 276 Dolphin Way, which started today as an interior, 713 Michigan Ave, interior removal and 387 Riverside Drive are both lined up to start spring of next year. Libby and Troy properties with upcoming sampling: 365 Bobtail Way also scheduled for spring. Chairman Gunderson: great, Melody, anything to add to that. Melody Wunderlin: No, at this time DEQ doesn't have anything else. Chairman Gunderson: OK, sounds like it's getting close to that time of the year for construction season to cease and to start working interior paperwork. Moving on to the next item.

6. Agenda Item	Discussion
DEQ/EPA Site Update – Melody Wunderlin -Activities at OU3 & OU6	Chairman Gunderson: DEQ/EPA site update, Melody. Melody Wunderlin: There aren't any updates on OU6. For OU3 we're working on our last tech memo and getting some comments back on that and we are expecting that feasibility study in May of 24. Chairman Gunderson: OK, Nick do you have anything on OU3 at this time that you'd like to add. Nick Raines: Yeah, I think Melody already mentioned we're working away on the feasibility study. Looking forward to getting a full draft in front of the agency's for review, early or middle of next year, early May I'll say. Maybe shifting gears to KDC operations up there. The dam and spillway, we completed construction on the upper half of the new spillway. Technically we finished construction, substantial completion in the October timeframe but then by the time the contractor was off site it was late November. So work has ceased up there for the year. We are now moving ahead with setting up everything for the lower half of that project and we'll continue construction into next year as we continue to evaluate and address other long term durability and stability items for the dam itself. Chairman Gunderson: Great, I guess just off the wall. You and I have talked about this. What would be a good time to get all the LASOC team together up there to do a site visit and get a better indication of how massive this project is. Nick Raines: Yeah, absolutely. We would love to get you up there. You know, we've had a lot of interest in site tours this last year, and we've had to kind of scale back and let folks know that right now, it's limited to our contractors, agency representatives and organizations like LASOC that have direct involvement in the project. So I think we can certainly co-ordinate getting you guys up there. We have the means and methods to get everyone up there for a tour. Obviously, weather plays a big part in timing and not sure what this winter is going to bring, what I would normally say ideal timeframe would be in May, because at that point, we're sure that we can get to the top of the mine. The road is in good condition, snow free and any repair that we need to do on the road and whatnot and before we start getting into fire season, however, this year it could come a little bit earlier if snow continues to be as limited as it has been so far, I'd probably say anytime in that April, May, June range is kind of the ideal time to schedule something. Chairman Gunderson: OK, lets you, Mandy and myself keep talking about it and see if we can nail down a time and give everybody, the director and any staff from DEQ ample notice to where we don't slam them in an overnight type thing. Nick Raines: Absolutely. Chairman Gunderson: Yeah, I think that'd be great. OK, anything else up there that's going on. Nick Raines: We've got a lot of work, obviously, going on. The feasibility study, as Melody mentioned, we're kind of full bore developing that, but as far as other kind of general update, I think covers it. Any questions for me on OU3. Chairman Gunderson: When can we get up and see it. Nick Raines: I guess I do, now that I mentioned that, I do have a little side note because I know Commissioner Teske is not on today. I had heard through the grapevine that he had a couple of different questions, one primarily related to some property that Kootenai Development Company owns across the River. I think he drove by and seen some logging operation going

	<p>on there and had some questions about it. We've been actively managing the property that we own. I think we have eight lots on that side of the river, on the Haul Road side that was long overdue for some forest management, and really some wildfire fuels reduction. We went in and have really been focused on clearing diseased trees and undergrowth for that project. Once most of the logging done, we'll do some mastication and other work. Primarily from a forest health and fire fuels reduction effort. Chairman Gunderson: Super, it's good to hear that we're able to do some sort of fuels reduction and forest management without litigation. That is kind of an odd thing lately. OK, well moving on.</p>
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7. Agenda Item	Discussion
Public Comment (Public comment needs to be word for word)	Chairman Gunderson: Let's move to public comment, does anyone have anything for the betterment of LASOC that's not on the agenda. Hearing none, let's move on to discussion and next steps.

8. Agenda Item	Discussion	Action Items
<p>Discussion and Next Steps</p> <ul style="list-style-type: none"> Date and location of next meeting Summary of action items 	<p>Chairman Gunderson: I guess Mandi will work with Nick to get up there to do a site visit, and Melody's got her things to work on. Anything else that anybody can think of that we need to start writing down and keeping track of other than our annual poking at the bear. Director Dorrington: Got that one. Chairman Gunderson: OK. Sounds good. Well, if nobody has anything else, I think I'll bring this meeting to adjournment. Director Dorrington: Thank you, Mister Chair. Chairman Gunderson: We are adjourned. Thank you, folks.</p>	

Meeting Adjourned 10:22 AM