



Libby Asbestos Superfund Oversight Committee Meeting
December 9, 2024
11:00 AM

Location of Meeting:

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

*Remote access was also available.

11:00 am Call to Order

The Libby Asbestos Superfund Oversight Committee conference call was called to order at 11:00 AM on December 9, 2024, with the Pledge of Allegiance.

This was the 30th 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.

11:02 am 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: | | |
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| Director of DEQ or designated representative | Sonja Nowakowski | 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 | Electronic participation |
| Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president | Senator Mike Cuffe | Present in Libby |

| Other Interested Attendees | Affiliation | |
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| Amanda Harcourt | ARP | Present in Libby |
| Katie Garcin-Forba | DEQ | Present in Helena |
| Melody Wunderlin | DEQ | Present in Helena |
| Kevin Stone | DEQ | Present in Helena |
| Jon Morgan | DEQ | Present in Helena |
| Tom Millett | State Representative District 2 -Elect | Present in Libby |
| Doug I Shaw | | Present in Libby |
| Matt Vincent | MT Mining | Present in Libby |
| Bryan Alkire | Lincoln County | Present in Libby |
| Ray Stout | Reporter | Present in Libby |

| 11:04 am | Discussion | Document Link |
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| Review and approve minutes of September 23, 2024 | <p>Chairman Gunderson: Let's review and approve minutes from the September 23rd meeting. I've got a correction; it says I was present in Helena, and I was present in Libby. Senator Cuffe: Well, we better correct that. Chairman Gunderson: Other than that, I don't see any glaring mistakes. Commissioner Teske: I move to approve the September 23rd, 2024, LASOC meeting minutes. Chairman Gunderson: Do we have a second? George Jamison: Second. Chairman Gunderson: Thank you, George. Chairman Gunderson: The reviewing and approving the minutes is completed.</p> | |

| 11:06 am | Discussion | |
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| Site Budget and Funding Report- Melody Wunderlin | <p>Chairman Gunderson: Let's move on to the site budget and funding report and Jon are you taking over for that? Jon Morgan: Yeah, that'll still be a Melody. Chairman Gunderson: Okay. Melody Wunderlin: The only thing that I would like to kind of bring to your attention is we've got a new grant with the EPA that's on page seven and so we did receive grant money to continue our O&M operations. Does anybody have any other questions? Chairman Gunderson: Any other questions from the panel? George Jamison: Yes, George here, Mr. Chairman. Chairman Gunderson: Go ahead, George. George Jamison: Melody, a couple of questions please. First of all, I assume it says through November 30. So, are tables 1 and 2, current through the end of the period indicated on this report, through the end of November? Melody Wunderlin: They should be, yeah, they were updated by fiscal. George Jamison: Okay, I have questions about those tables real quick. In Table 1, the second line item for the Sitewide Cooperative Agreement has the RIFS for OU3 in there, and also Table 2 is totally focused on OU3 as another agreement. Could you tell me, are you actively using funds from both of those grants, those agreements? Melody Wunderlin: Right now, for OU3, we're using the funds from Table 2. George Jamison: Okay, so is Table 1, is that whatever was being done there for OU3, is that done? Completed? Melody Wunderlin: I'm going to have to look into what those funds were used for. I believe those were all prior. George Jamison: Yeah. Maybe it was the RI instead of the FS. Melody Wunderlin: Yeah, I'll look into that and get back to you. Right now, what we're pulling out of is from that Table 2 for work towards the FS. George Jamison: Okay, and the last question I have on this is your work on the FS that's been ongoing for quite some time on OU3, does that cooperative agreement in Table 2 include consulting services to support your efforts? Melody Wunderlin: It does, yes. Sorry, we're using Weston as our consultant for that work. George Jamison: Okay, I assumed so. Thank you. Chairman Gunderson: Thank you, George. Are there any other questions? Senator? Senator Cuffe: Not me. Chairman Gunderson: Okay. Thank you, Melody.</p> | |

| 11:09 am | Discussion | |
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| Support of Property Owners Report- Melody Wunderlin | <p>Chairman Gunderson: Let's move on to Support of Property Owners Report. Melody? Melody Wunderlin: Does anybody have any questions? I don't have any big updates on that. We've just updated the numbers over the last couple months. George Jamison: Mr. Chairman, can I make a comment? Chairman Gunderson: Go ahead, George. George Jamison: If you noticed in the minutes from the last meeting, we discussed at that time that we were going to amend this report to reflect the large number of U-Dig responses that ARP makes, and we've done that in this table very simply by a simple addition of a comment in Table 1 on the first line where it now says PENs include U-Dig locate requests and as you will notice, the O&M total jumped from numbers in the hundreds on the last report to up over 5 ,000. As we discussed last meeting, I think this much more accurately reflects certainly what ARP does and these U-Digs are in the regulation for the PENs are considered to be responsive to that. That's the only change other than updating the numbers and I think it improves the report, thank you. Chairman Gunderson: Thank you George and I agree with you it's a pretty impressive amount. ARP's been doing a lot of work that wasn't being identified. I think we have, with the PENs, the property evaluation notifications documented that they do a remarkable job and there's a lot of work entailed there. Okay, any other questions from the panel? Seeing none, let's go to the O&M update.</p> | |

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| 11:11 am | Discussion |
| <p>O&M Update – Melody Wunderlin and Mandy Harcourt -Activities at OU1, 2, 4, 5, 7, & 8</p> | <p>Chairman Gunderson: Melody, do you want to start. Melody Wunderlin: I don't have any updates, if Mandy wants to take it from here. Chairman Gunderson: Amanda. Amanda Harcourt: Today's ARP update will cover activities completed and ongoing since we last meet in September. ARP responded to 44 hotline calls, 335 utility locates and conducted roughly 37 site visits between September and December. Libby and Troy properties abatements completed or ongoing: 540 Quartz Road exterior removal. 34361 US Highway 2 interior removal. 514 Mineral Avenue interior removal. 803 Michigan Avenue exterior removal. Stockpile removal for Noble. 488 Terrace View exterior removal. 105 Upper Flower Creek wall demolition and 2020 Kilbrennan Road right now it's getting an interior, but you'll see this come up later for the sampling. This is a property that is right on the border of the NPL. It's right on the outside. The property transitioned to a new owner, and he went in to start to get the property and uncovered vermiculite insulation in the attic walls. He called us. We worked with the EPA because usually funding isn't allowed for these properties that are outside the NPL boundary, but they worked with us and allowed us to move forward with helping them out and getting that cost covered. So right now, currently, we have a complex that I understand the interior portion. We can't do any exterior sampling right now because the ground is frozen, so they're lined up for spring to go out there and start sampling the property. Libby and Troy properties sampling completed. We didn't have any sampling in the last few months. Libby and Troy active property upcoming abatements; 209 Montana Ave, this is a demolition of the house. GID 5764 is an exterior removal up at EM-Kayan Village and 386 Riverside Drive in Troy for yard areas. Libby and Troy active property with upcoming sampling is that 2020 Kilbrennan Road we just reviewed. And also, just an FYI to you guys, you've had 17 NOEC/NOPEC properties come through you and have gotten approval. I want to thank you and also just recognize that that's huge. Yeah, we're going to keep moving through them and thank you. That's all I have. Chairman Gunderson: Thank you, Amanda, and I guess that's what we've worked towards since the inception of LASOC is to get that number as high as we can. I guess our wish is at some point it's going to go down, but let's keep pushing it up. We're always looking for new NOEC and NOPEC and I just wanted to point out something that you said and EPA being flexible is music to my ears. I mean, it's something that we've fought and fought and fought for, so it's really good to hear that there is some flexibility, and we don't have a hard line, and we can't actually go across that hard line. How many addresses have we pulled from the database, like we established? Amanda Harcourt: As far as the refusal property list? Chairman Gunderson: Yeah. Amanda Harcourt: So, there's been 17 withdrawals that have gone through the entire process, from sampling to abatement. We send the withdrawal notice to DEQ. They then send it off to EPA, and then EPA sends it to the Clerk and Records office to be filed with the property. Chairman Gunderson: Okay. Amanda Harcourt: So, in total completion, we have around 17 that have been completed. We have more that are coming up that are gonna start that process again once they're ready to move forward. We're gonna make that happen. I'll have to actually look at the total number and see where we're sitting right now. I would assume it would probably still be around 200. Chairman Gunderson: Okay. Senator? Senator Cuffe: Are those primarily home structures? Amanda Harcourt: Yeah. Mostly residential. Chairman Gunderson: Okay. Any other comments or questions from the panel? Seeing none, let's move on.</p> |

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| 11:16 am | Discussion |
| <p>DEQ/EPA Site Update – Melody Wunderlin -Activities at OU3 & OU6</p> | <p>Chairman Gunderson: DEQ EPA site update and Melody? Melody Wunderlin: As far as OU6, we did receive our annual, receive the annual inspection from BNSF and they didn't identify any concerns with the remedy in OU6. As far as OU3, we're still working through and providing support to EPA for the for the dispute that's kind of been opened by Grace. And we're hoping to see some finalization and movement on the FS at the beginning of the new year. Chairman Gunderson: Okay. Thank you, Melody and I guess just as a side note. We had our EQC grand tour, I guess for lack of better words, in September and we were able to get up to OU3 and actually get the director up there as well. I just want to commend EPA on what they've done up there. I was up there in the time frame prior to the mill and mine being shut down and the reclamation that's been accomplished up there is phenomenal. It'll be interesting to see what else they do to complete it. Melody, do you know how many acres it was that they had to finish before they were totally completed with reclamation up there? Melody Wunderlin: As far as the Hard Rock</p> |

reclamation, I believe there's about 125 acres that remain under that. **Chairman Gunderson:** Okay, that's the number I remembered. I just wanted to clarify that. So, they're almost to the point of being completed and that's remarkable to see that accomplished. Okay. Well, let's move on to public comment. Anything within the purview of LASOC? **George Jamison:** Mr. Chairman, this is George. I have a comment. **Chairman Gunderson:** Go ahead, George. **George Jamison:** Could please, relative to OU3, since that's the subject here. As a lot of you know, in last several months, we've been through the five-year review comment period with EPA, and I had the opportunity. As well as Mandy and her staff, to sit down with them for several long sessions, and I actually thought those were very productive. There was a very open exchange of ideas and information and opinions, but I give them hats off for that. I would also remind all of you, and I think I've shared my comments with several of you already, my written comments, but I did want to remind you that if you have comments that you want to make to be part of the five-year review cycle here, that you should do that by the end of the year and you should send those to Beth Archer. So anyway, besides that advertisement, I wanted to tell you that I do have, as I look back on those comments, I do have several concerns about upcoming milestones and things we're going to encounter clearly at the site, especially over the next year, and especially in OU3. In particular, what I want to bring up now is the FS draft that Melody mentioned that's still not quite out, but we should see it soon, and the review of that draft. As you know, those documents are gonna be loaded with information and it's gonna be necessary to critically examine and consider. That also includes considerations of different media besides just air, such as surface water and sediments and so forth. Now, some of you may recall that, you know, over the years we've expressed interest in being part of that process to review things as they developed, but we were excluded from that because of the deliberative process. So, we're starting from square one when we see this document. My request is that DEQ consult with EPA to identify funding that could be provided for independent technical services to the county to facilitate our review. Now we do have a precedent for that on the groundwater site, and I could talk about that if anybody was interested later. But anyway, that's the essence of my request. I would like to get some feedback on this early in the year and not wait for our next meeting. If anybody wants to contact me later and further discuss my interest and the reason for this, I'd be happy to do that. I would also ask that whatever feedback we get; I'm hoping that Commissioner Teske would work with me that helped me kind of scratch our heads about this and decide what we might want to do. Thank you. **Chairman Gunderson:** Thank you, George. Any other comments? Katie? **Katie Garcin-Forba:** Yeah, I just wanted to kind of speak to that comment, George. And I think that there's a few avenues that we can work with EPA to explore and get some information back to you guys, whether it's through a task or a TAC grant. and so, we can take that ask and certainly coordinate with EPA and get you and the county some additional information to be able to bring on some technical assistance and support as that process moves forward. So, we will put that on our list of things to do and get some responses and information back to you. **George Jamison:** Thank you very much. **Chairman Gunderson:** Thank you, Katie. George, also would it help to pen a comment from LASOC directly? **George Jamison:** Regarding what. **Chairman Gunderson:** The five-year, five-year review comment. **George Jamison:** Um, well, I suppose you could, uh, I, I think, uh, I think the commissioner certainly have met either individually or collectively for the five year review and ARP has, um, uh, at this point, I don't know, uh, this late in year of the process if you have time to actually put together sort of a consensus thing from LASOC or not but you can certainly do it independently you know as members as members of this committee too. **Chairman Gunderson:** Yeah, and I agree George Jamison I think what we need to do is maybe I'll sit down and just put a letter together that you know gives consensus to what's been going on and what's been accomplished. **George Jamison:** Yeah, and I think, as I said earlier, I did provide, I think, to you and a few of you, just for information, my comments, which were presented just as an individual, not on behalf of LASOC. If you want to reference those or look at those, you've got that as a resource. **Chairman Gunderson:** George, could you forward that out again maybe just as a kind of a tickler for everybody? **George Jamison:** Yes. **Chairman Gunderson:** Okay, thank you. Any other comment on the DEQ EPA site update? Okay, seeing none, we'll move on to public comment.

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| Public Comment (Public comment needs to be word for word) | Chairman Gunderson: Any public comment or anything that within the purview of LASOC. Okay, seeing none. |
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| 11:25 am | Discussion |
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| Discussion and Next Steps <ul style="list-style-type: none"> • Date and location of next meeting • Summary of action items | <p>Chairman Gunderson: Move on to discussions and next steps. Date of our next meeting will be determined by our usual doodle poll that Amanda put out. I would suggest the date and location of the next meeting be in Helena at the DEQ building due to legislative members being in session. That will keep you from doing a lot of driving. Senator Cuffe: That would be something new. Chairman Gunderson: There we go. With that I'd like to welcome our newly elected representative, Tom Millett. He'll be taking my place representing the new House District 2 on January, January 6 to be exact, and I wish you well. Being that I'm termed out, you know, I'm leaving the district in, I think, really good capable hands. I hope you enjoy working on this committee, if we can get you appointed here as quickly as possible, as much as I have over the last eight years. Your enthusiasm is contagious. It's like I say, excellent job. Maybe a couple things here. Senator Cuffe, your participation has been greatly appreciated and your sage advice incalculable. Libby and the surrounding areas have benefited greatly from your contributions to the team and just want to thank you. Your support in building this committee is just, I mean, there's no way to measure it, so thank you. George is our public member, I'd like to thank you for your tireless participation as well, in LASOC. The community is a much safer environment due to your dedication; you are an irreplaceable component of this team. I hope you stick with us. Commissioner Teske, you've been a powerful voice of the County, and the commissioners did well in selecting you to represent them and our constituents in this community. Lastly, the massive powerhouse behind the scenes makes this committee what it, Amanda Harcourt, without you and the ARP crew, LASOC would not have achieved the many, many great things that we've accomplished, so thank you. I believe that LASOC, with the help of ARP, has made a huge impact in ensuring the remedy that was left to us by the EPA has been safeguarded and the unintentional or accidental asbestos contamination has been virtually neutralized. What few problems have occurred have been dealt with swiftly and efficiently. So again, thank you to your crew. Director Nowakowski and members of the DEQ, we're finally on the same sheet of music and accomplishing many good things as a team. It took a few years to get here, eight to be exact, but I think we're finally heading in the right direction. I hope this collaboration continues as it has, and I hope I would be remiss in leaving out the EPA hearing that they're actually able to step across the hard line and work with us and be flexible is really a great thing. I hope that the EPA uses LASOC as a model for other communities, local, state, and federal governments working collaboratively together. With that, I'd like to open nominations for Chair of LASOC by nominating Commissioner Brent Teske, and do I have a second? Senator Cuffe: Second. Chairman Gunderson: Senator Cuffe seconds. Are there any other nominations? Okay, nominations are closed. All in favor of Commissioner Teske, vote aye. Aye. George Jamison: Aye. Chairman Gunderson: That sounds like a unanimous vote. Welcome Chair Teske. Chair Teske: Thank you. Representative Gunderson: I'm gonna hand the gavel over to you. It's been an honor and a privilege to chair LASOC. Would you like to adjourn the meeting? Chair Teske: I would, but first I'd like to say thank you for your leadership and support, participation in this. It's important to the public, it's important to the constituents of Lincoln County. You represent yourself in an exemplary fashion to represent LASOC and the asbestos concerns that we have here in Lincoln County. Thank you, sir. Representative Gunderson: Thank you, Sir. Senator Cuffe: I will also thank you. Thanks for the kind words. Thanks for the leadership and the efforts you've put into this committee, and they were during the hard times. Representative Gunderson: Very hard times. Chair Teske: Welcome aboard (directed to Tom Millett). Representative Gunderson: Thank you, George. Chair Teske: All right, call the meeting.</p> |

Meeting Adjourned 11:30 AM