



Libby Asbestos Superfund Oversight Committee Meeting
December 13, 2021
11:00am – 1:00pm

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 at 11:00 am on December 13, 2021.

This was the 18th 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:

Chairman Gunderson: One thing we will add to the attendee roll call is proxy votes and George Jamison sent me his proxy and I am giving it to Commissioner Bennett, so it is on the record. The following email from George Jamison was sent to Steve Gunderson October 27, 2021 and cc to Jerry Bennett, Virginia Kocieda and Robin Benson:

Chairman Gunderson,

I will be unable to attend the December 13, 2021 LASOC meeting. In accordance with Section V.E. of the bylaws, I request that Commissioner Bennett be allowed to exercise my vote by proxy on any and all matters to come before the Committee.

Thank you,

George Jamison

Director Dorrington: Will that just be reflected in the notes. I anticipate a future scenario which I might need a designated proxy. Would you like me to send that to you and Virginia in an electronic form? How would that work best? Just so we have something formal.

Chairman Gunderson: Yea, that's what we were looking for Director, was to make it more formal. Probably a duplicate email, or you can simply email it to me, and I will forward it to Virginia or Mandy as needed.

Director Dorrington: Makes sense, thanks.

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	Absent
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>

Jessica Wilkerson	DEQ	Present by Phone
Carolina Balliew	DEQ	Present by Phone
JoAnn Wiggins	DEQ	Present by Phone
Moira Davin	DEQ	Present by Phone
Jason Rappe	DEQ	Present by Phone
Matt Dorrington	DEQ	Present by Phone
Virginia Kashdan	ARP	Present in Libby
Amanda Harcourt	ARP	Present in Libby
Brent Teske	Lincoln County Commissioner	Present in Libby
Robin Benson	Lincoln County Clerk & Recorder	Present in Libby
Ray Stout	Kootenai Valley Record	Present by Phone

2. Agenda Item	Discussion
Review and approve minutes. <ul style="list-style-type: none"> August 19, 2021 	<p>Director Dorrington: MOTION to accept the minutes as submitted.</p> <p>Commissioner Bennett: Second.</p> <p>Chairman Gunderson: Motion has been made by the Director and Commissioner Bennett second, so I say we have approved the minutes.</p>

3. Agenda Item	Discussion	Document Link
LASOC Bylaw Amendment Vote <ul style="list-style-type: none"> Commissioner Bennett 	<p>Commissioner Bennett: For the LASOC structure under “B”, just adding the words will have a Presiding Officer <u>and Vice Presiding Officer</u> in case the Presiding Officer is unavailable. And then, under “C” adding the language <u>the Vice Presiding Officer will chair the meeting and in any other capacity of the Presiding Chair.</u> That “D” will state <u>In the event of a temporary absence of the Presiding Officer and the Vice Presiding Officer, an officer will be appointed to chair the meeting.</u> And under “E”, just adding the words <u>or Vice Presiding Officer</u> after the word Presiding.</p> <p>Commissioner Bennett: MOTION to approve changes to the LASOC Bylaws.</p> <p>Senator Cuffe: Second. Motion carried unanimous.</p> <p>Chairman Gunderson: Is there any discussion on the proposed amendment?</p> <p>Director Dorrington: Mr. Chair, the only thing I would reference is our conversation at the last LASOC meeting. We did roll this around pretty well, and I think it’s a good idea.</p> <p>Chairman Gunderson: I agree, it’s something we should have done long ago to make sure we have smooth sailing if someone does not show up, namely the Chair. Makes it a little easier. Having accepted that, we can take a vote.</p> <p>Director Dorrington-Aye Commissioner Bennett-Aye Representative Gunderson-Aye George Jamison-Aye by Proxy (by Commissioner Bennett) Senator Cuffe-Aye Virginia Kashdan: All Aye’s.</p> <p>Chairman Gunderson: I would say that is a unanimous passing of that amendment, so if you (speaking to Virginia) want to enter that into our by-laws and then print the by-laws so everyone has fresh copies.</p> <p>Virginia Kashdan: Absolutely, I will make the changes and send everybody updated copies of the by-laws.</p>	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/LASOC%20Bylaw%20Amendment_1_draft.pdf

4. Agenda Item	Discussion
<p>LASOC Vice Presiding Officer Vote</p> <ul style="list-style-type: none"> • Chairman Gunderson 	<p>Chairman Gunderson: We now need to elect a Vice Presiding Officer and I will open the floor for nominations.</p> <p>Senator Cuffe: MOTION to nominate Commissioner Bennett.</p> <p>Chairman Gunderson: I would second that.</p> <p>Director Dorrington: I would like to throw my hat in the ring there.</p> <p>Chairman Gunderson: OK, Director Dorrington is in the running.</p> <p>Senator Cuffe: I'll second that.</p> <p>Chairman Gunderson: Ok, second by Senator Cuffe. So how do we want to do this, we are split.</p> <p>Director Dorrington: I think we should take discussion for a moment if that would be fitting.</p> <p>Chairman Gunderson: I think that is a great idea. The floor is open for discussion.</p> <p>Director Dorrington: Mr. Chair, if you don't mind.</p> <p>Chairman Gunderson: Go ahead Director.</p> <p>Director Dorrington: I think it's fitting that the agency director is the Vice Chair, given the importance of the committee and the structure. The nature of the committee, I think, is fit to how much work and influence the agency has for the important work there in Libby. I think as we discuss the chairmanship role a little while ago and a turn and, I think it is important that someone from Libby lead and I think its important from a standpoint of both the visibility of the committee and the roll of the two parties. I think its important that the agency director be deputy or vice.</p> <p>Chairman Gunderson: Is there any more discussion?</p> <p>Commissioner Bennett: Historically, wasn't the Director the chairman for a period of time as well?</p> <p>Director Dorrington: Yep</p> <p>Commissioner Bennett: I think that would work either way, with a committee member being chairman, that the Director as vice chair would be agreeable to me.</p> <p>Senator Cuffe: Commissioner Bennett has indicated he would be satisfied if I withdrew my nomination, I am willing to do that.</p> <p>Chairman Gunderson: I understand where the Director is coming from, but I feel that if we do have, let's say the Director as has in the past has the chair, it does split us up and trying to bring the vice chair from Lincoln County. I think the representation for Lincoln County is very, very important, if not paramount. So, I would allow the removal of Commissioner Bennett's name, but I do it with regret. I feel Lincoln County does need a voice and if we feel Jerry's the best candidate, I think we should stick with our guts. Having said that I will give you the floor.</p> <p>Senator Cuffe: We are not changing the bylaws and we are not saying this is (sound garbled) for the future. You do have the chair. If there are other feelings, I'm willing to leave it, the nomination. If the chairman is gone, then I think we elect a new chair. The vice presides until we elect a new chair.</p> <p>Director Dorrington: Let me state the obvious. If you look around your room, Lincoln County is well represented on the committee for sure and currently well represented in leadership. The chair is a Lincoln County rep.</p> <p>Chairman Gunderson: I appreciate that Director. I guess I would leave it up to Commissioner Bennett.</p> <p>Commissioner Bennett: Chairman Gunderson was saying to leave it up to me whether I wanted Senator Cuffe to pull his motion. I think this would require some further conversation as well. I don't have an issue with the Director being the vice chair, but I think this is probably something we should hammer out so in the future, this does not continue to be a discussion point.</p> <p>Chairman Gunderson: Would it be best to table the idea, this meeting, bring it up as a work item that we can discuss, and make a decision next meeting?</p> <p>Director Dorrington: The strange part for me is that we discussed this in our last meeting at length. We agreed and voted that the vice chair makes sense. If you guys need to strategize on how to have two leaders in there, then you can but it certainly does come across as strategic, and I don't really understand that part of it. The committee is well represented by Lincoln County reps, obviously, and I believe with the vital role that the agency plays here, that vice chair isn't too much to ask.</p> <p>Chairman Gunderson: Ok, I guess we are down to taking a vote. Do we want to make a decision during this meeting, or do we want to wait?</p> <p>Director Dorrington: I think the formal part of process is you would have to formally accept the withdrawal nomination from Senator Cuffe, accept that withdrawal. Then you would have to discuss the motion to accept a vice chair and whether you would table that or not, and then vote on that. In terms of decision making, I think that is what's before us.</p> <p>Chairman Gunderson: I believe we have already made the decision to amend bylaws to accept, so hopefully we don't have to rehash that. I agree, we probably need to...Senator Cuffe, is your motion still on the table to withdraw?</p> <p>Senator Cuffe: Yes, I am willing to withdraw, and I want to review the meeting on that specific point.</p> <p>Chairman Gunderson: So, we are going to table the idea of voting on it for right now. So, I will accept the motion to withdraw Commissioner Bennett's name from running as vice chair and I will table the vote until next meeting. Is that ok with you Director?</p>

4. Agenda Item	Discussion
	<p>Director Dorrington: Yes, having noted my prior comment, yes. It seems strange, but yes.</p> <p>Chairman Gunderson: Ok, lets table the discussion or the vote until next meeting.</p>

5. Agenda Item	Discussion	Document Link
<p>Site Budget and Funding Report</p> <ul style="list-style-type: none"> • Use of Report Text as a Template for Future Routine Reporting – Vote Commissioner Bennett • Budget Report (from Site Budget and Funding Report) 	<p>Commissioner Bennett: I guess you know we went through this last meeting, and I think it's a good layout and I think it needs to be the template for future reporting. It's easily understandable, a lot of great information. So, I would MOTION to approve the site budget and funding report as a template for future reporting.</p> <p>Chairman Gunderson: I will open discussion on that. I would like to make comment. I think that template is very clear, concise and gives us a much more detailed report, we know what to expect just changing numbers, but I definitely do like it.</p> <p>Director Dorrington: If I approve and I know we have talked about this quite a bit, I think as long as this is our last and final approach on the financial reporting, we are completely open to format and the amount of information requested that totally works. I know its vital we can make tweaks to it; we have long talked about this, and I think this should be our last and final until something substantive needs to change. And where I am coming from with this is it's a resource shift in order to satisfy a new format, new amount of information. I just want to make that a long-term goal for these guys so they can plan.</p> <p>Chairman Gunderson: Director, I totally agree with you. We have hammered on the anvil enough to where we need to produce something, and I think this is a very good product we have come up with. I totally agree with you, it's not set in concrete, we can tweak it, but I don't think we want to make any major changes. We have gone through enough renditions to fine tune it to a very good product. Any more discussion? I second the motion.</p> <p>Director Dorrington-Aye Commissioner Bennett-Aye Representative Gunderson-Aye George Jamison-Aye by Proxy (by Commissioner Bennett) Senator Cuffe-Aye Virginia Kashdan: All Aye's.</p> <p>Chairman Gunderson: Motion passed unanimous, so that will be our standard moving forward for reports. So, now we will go to Budget Report from Site Budget and Funding Report.</p> <p>Virginia Kashdan: That topic is just if you have any questions about the report, DEQ said they would be available to answer any questions, so if there are any specific questions about this report.</p> <p>Chairman Gunderson: I do not have any questions, does anybody else?</p> <p>Commissioner Bennett: Just for the record, I would make a MOTION to accept the financial report that DEQ has given us so that it's in the record.</p> <p>Director Dorrington: Second</p> <p>Chairman Gunderson: Ok, lets take a vote.</p> <p>Director Dorrington-Aye Commissioner Bennett-Aye Representative Gunderson-Aye George Jamison-Aye by Proxy (by Commissioner Bennett) Senator Cuffe-Aye Chairman Gunderson: We have a unanimous vote. Is there any more discussion on that topic?</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/LASOC%20New%20Budget%20Report_October%202021.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/Libby%20Budget%20Overview_October%202021pg1.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/Libby%20Budget%20Overview_October%202021pg2.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/Libby%20Budget%20Overview_October%202021pg3.pdf</p>

	<p>Commissioner Bennett: The only other thing is, I asked Virginia to do me a cheat sheet. When you are not, especially as a commissioner, when you are looking at different topics, you kind of forget where the numbers go as far as the funds go. I realize it's only 3 or 4 funds, but it would be nice to have a cheat sheet to remind me.</p>	
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6. Agenda Item	Discussion	Document Link
<p>Approval of Proposed Subcommittee</p> <ul style="list-style-type: none"> • Support of Property Owners Document • Analyses of Sitewide Activities 	<p>Chairman Gunderson: Moving on to approval of proposed subcommittees. The purpose and scope are to develop a document that provides standardized reporting of the O&M Support provided to property owners. Has everybody read that document?</p> <p>Director Dorrington: I've read it. I think just a procedural item. So, Commissioner Bennett brought the item regarding the vice chairmanship, and we discussed it in one meeting, and then voted in the following and subsequent meeting. I think that is a good process. While it was shared with the agenda, I think it would be beneficial if we discussed it in one meeting and then voted in the next, that's a suggestion Mr. Chair.</p> <p>Chairman Gunderson: I might point out though, that this has been an ongoing discussion over a number of meetings; we have been trying to fine tune something. I agree we need to continue the same process. How does everybody else feel? Do we vote on it now or at a later meeting?</p> <p>Director Dorrington: Could you repeat that, just the last sentence.</p> <p>Chairman Gunderson: Just asking if this is a pressing matter, do we vote on it now or in the next meeting?</p> <p>Commissioner Bennett: I was just going to ask if there was further discussion as we look at this, was there any comments that would require us. I understand what the Director is bringing up there. There may be things we need to address in this in discussion.</p> <p>Chairman Gunderson: Is there any discussion we need to have now on the proposal?</p> <p>Director Dorrington: From my agency Mr. Chair I would probably defer to the program just to comment on the validity usefulness as subcommittee, I am for O&M, I think that could be helpful, so I will let Matt, Carolina, Jason if you want to add with the Chair's permission redirect just the opportunity to say something about that one.</p> <p>Chairman Gunderson: Go ahead DEQ.</p> <p>Jason Rappe: I'll start with the O&M Support to Property Owners. In general, it looks good. I don't necessarily think there needs to be a committee on it. I think we can just agree on some sort of...or if Lincoln County can pull together some sort of outline where all of these bullets were hit would save a lot of time. I don't necessarily think we need to go over it and have a subcommittee to hammer out an outline for it; just to speed up the process, I think.</p> <p>Chairman Gunderson: Any other comments from DEQ?</p> <p>Matt Dorrington: On the Sitewide Activities Proposal, I think the bulleted items where its proposed where the committee would address the topics themselves, progress and outcomes on ongoing investigation and cleanup pages. I think we tried to do that in this meeting. Its already an agenda item, I believe. The other ones are a bit, I think, need some better definition. Competing priorities on O&M funds, I'm not sure how we would arrive at it. A discussion to reveal those priorities, I guess. I think in general, but without going into much detail, I think, just getting some better definition on what exactly we want this committee to do. So, maybe expounding on the bullets that were proposed would be helpful. It might help further discussion.</p> <p>Director Dorrington: Mr. Chair, if I may.</p> <p>Chairman Gunderson: Yes Director.</p> <p>Director Dorrington: I think what we are looking for is just to make certain that the target of the subcommittee is fit and well defined and that we just charter course to success. If you would take or entertain discussion for additional detail maybe on that. Totally up to you. I think overall the subcommittees' an acceptable format for O&M with regard to Matt's comments, just to make sure we are aimed in the right and same direction from the get-go.</p> <p>Chairman Gunderson: Is there any other input from DEQ?</p> <p>Commissioner Bennett: Just for my own clarification, the same subcommittee is going to be handle the Standardized Report for Property Owners and the Sitewide Activities.</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/Proposed%20LASOC%20Subcomm-%20Supt%20of%20Prop%20Owners.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/December%202021/Proposed%20LASOC%20Subcomm-%20Analyses%20of%20Sitewide%20Activities.pdf</p>

	<p>Is that correct or are they two separate?</p> <p>Virginia Kashdan: The activities are separate, and it can be the same committee, that's an option, but doesn't have to be.</p> <p>Chairman Gunderson: Go ahead Director.</p> <p>Director Dorrington: The way I read that, I really appreciate Commissioner Bennett's question because the way I read that, there would be two different subcommittees. I think that could be the same, but I would think our discussion on the second subcommittee would be different than on the first. So, my comments that I have shared so far fit just to the O&M subcommittee at this point, just to be transparent and clear.</p> <p>Senator Cuffe: What I am questioning is, I understand there are two different functions, but would the same subcommittee members be able to cover both issues or do we need to have two completely separate subcommittees.</p> <p>Commissioner Bennett: If that's the case, then I think we would need two different motions to establish a subcommittee for property owners and then one for sitewide activities. I'm just trying to clarify that.</p> <p>Director Dorrington: I would agree with that. Since there are two different submittals, you would have a motion for one and a motion for the next and then forecasting one path forward. If you wanted them to be the same committee which I would argue with, but that would be a subsequent action later. And right now, just to clarify, our comments have been on the O&M subcommittee.</p> <p>Chairman Gunderson: I definitely believe they are two separate, totally unrelated subcommittees because of what they address. And I believe if the subcommittee needs some functions, that it should be a very narrow scope. There is a total difference between O&M Support to Property Owners and the Analysis of Sitewide Activities. I think there would be much better control over, if there are questions, then there are two separate issues, does that make sense?</p> <p>Director Dorrington: Yes, that make sense. Two separate functions, two separate motions makes sense to me.</p> <p>Commissioner Bennett: I would make a MOTION that we propose a subcommittee for Standardized Reporting of O&M Support to Property Owners.</p> <p>Chairman Gunderson: I would second that. So, the motions been made we'll take a vote.</p> <p>Director Dorrington: Just on process, a motion and a second and then you have discussion. I just want to make certain I don't lose...</p> <p>Chairman Gunderson: We are discussing on the O&M Support of Property Owners.</p> <p>Director Dorrington: I just wanted to clarify and ensure that we are capturing the agency wish which is, we are ok with the O&M subcommittee, but we want to make certain that we fit all of the bullets and definition the clarity in that submittal that might not be the final form and that we are open to dialog, tightening that up again so that we are efficient and effective with a target for that subcommittee.</p> <p>Chairman Gunderson: I recognize that Director, but I also do want to make comment that the process that has brought us to this point to motion to make that subcommittee has been five years. So, I am just saying it's past time to do it so, I think we either vote on it now because it is something that we have been driving towards from day one, since we actually developed legislatively (sound garbled). I think we have covered it pretty close. So, if you want to look at it. So, in the interim, I think it's one of the first action items we need to work on and get it done.</p> <p>Director Dorrington: Just to clarify, I am ok with a subcommittee. I just want to make certain that a one page of bullets with a substantive target and goal is just refined and well captured so the agency and the committee and other parties that are subject to that subcommittees work, that they were just really clear on what we want out of it. I'm not opposing the vote or the subcommittee.</p> <p>Chairman Gunderson: Do you have a problem Director, if we do pass this, that we still have the ability to fine tune? We fully understand. We can write something, we can come up with a great idea, but we are always going to find something to refine and make it better. I have no problem of passing this and if we need to tweak it, so be it, we tweak it. I think there is urgency in getting something done that we have set out to do a long way back in process that we haven't accomplished. That is something that is very important that we get done and get it on paper and start working on it.</p> <p>Director Dorrington: Sure. It may help Mr. Chair if the submitter of this proposal just</p>	
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presents the proposal. What I am trying to do is limit our assumptions around the proposal and just get to the point and if there is something in there that substantive, I think we need to edit. Again, one page with a handful of bullets might not put us on the right target.

Chairman Gunderson: I will let Virginia go through it and find out if there are any question areas that we have.

Virginia Kashdan: I am going to go over mainly the purpose and scope of the first subcommittee that we are talking about for the report of O&M support to property owners. To me, the purpose and scope outlines what the intent of this subcommittee is supposed to do. So, we are to develop a document that provides a standardized reporting of the O&M support provided to property owners specifically. The budget, the site budget and funding report that we just approved on this meeting does not include funding and expenditure details that address some of the following topics. Number and nature of incidents where financial support for property owners O&M were requested. So, for example, property owners that are getting reimbursements in OU4 and 7, the current site budget does not go over how many property owners got reimbursements within that quarter. How much was given to each property owner and from which fund that money is coming from. So, that's the first bullet point there. That is my understanding of that first bullet point. The second, number of incidents where support was provided. For example, there is no number given of how many property owners were given support through the O&M program within OU4 and 7, Libby and Troy. So, we would like there, sometime summaries of specific properties, here and there, but within each quarter, there is not a consistent listing of each property that's attended to, and what was attend to for that property owner, and again, the financials for that specific property. The third bullet point. Nature of declined requests. When there are property requests that cannot be funded through the requirements of the current O&M funding or the federal funding, and that request needs to go LASOC to consider for reimbursement. And if it is declined, we don't know if there are any properties within each quarter that have been listed. We did one listing early on, I believe last year, but since then we haven't had any updates on those properties. The fourth bullet point, cost of expenditures to reimburse property owners where cost of services provided on their behalf such as payment of laboratory fees. So, for example, any funding coming directly from the property owner themselves and not from any of the O&M funds, that's not recorded in any of the LASOC meetings for ARP or DEQ reporting. Then the last bullet point, the funding source and budgets are such of expenses. So, any reimbursements going to property owners, the committee right now doesn't know which bucket of money those monies are coming from. And those are not recorded at these quarterly meetings. So, to me, this purpose and scope section for this specific subcommittee talks about having a joint group between DEQ and Lincoln County to make sure that we are all in agreement of making these kind of information listed for the committees of LASOC so they can properly do oversight over what is being done with the funds to go to reimbursements for property owners, and also to understand if any property owners are paying on their own. I don't know if that clarifies any questions.

Director Dorrington: I'll just open it up for my team to comment on those and make sure we are on the same page.

Jason Rappe: Thanks Virginia. To me, it sounds like the outline of this report, its almost already developed in these bullets. ARP has all of the incidence, calls, the abatement actions. All that's really needed on the DEQ side is to provide costing information, whether that is abatement costs or lab costs and any requests that were denied. It sounds like you are looking for the explanation there. So, what I was saying earlier is that it sounds like this report is almost already made. If we could just get an outline from the County, what do you think that would look like and DEQ could approve that. I think it would make this process a little easier, rather than going to a subcommittee and working this out. It sounds like the information that is needed from DEQ is not expansive. I think that is what I was trying to get at earlier.

Virginia Kashdan: If I may, thank you for the clarification, Jason. I think that maybe we can call these quickly vanishing subcommittees where we can come together to talk about and make sure that what Lincoln County is proposing is something that DEQ agrees upon. In my opinion, more minds that come together to form something, it makes it more thorough. So, perhaps a subcommittee may just live for one quarter, or

it may live for a year. However, I think it is important to establish the committee so that we know there is designated people working on certain things and then together, if this is going to be a report that just continues to be a one pager for these meetings, then it will be that. But in the beginning, I think we need a formal subcommittee to make sure everything is covered, in my opinion. However, that's the committee's decision.

Chairman Gunderson: I think what we have discussed in the past is this slow-moving vehicle, which is LASOC only meets once every quarter. We don't have a lot of latitude for decision making capability, where a subcommittee can basically address critical, up-to-date, timely decision making, or at least investigative portions of it and bring it back to the committee. Because that is the one thing that I think we have missed is that we don't have the luxury of working on this once a quarter. We need to be fluid where we can react to something coming up whenever we are not meeting, and not be constrained by, well, we have to wait until the next order to address this. Does that make sense Director?

Director Dorrington: Yep. I think since we are in discussion, I think we can live with that. I like Virginia's presentation and her notion that this could be a vanishing subcommittee as soon as we get things on lock. In terms of moving on things within a quarter, most of the sites in O&M, if we had to conduct business just as part of conversation, we have to conduct business in order to move something on a more rapid timeline, we can certainly call an interim meeting, or work through something. I hope that is the committee's direction, as it is mine.

Chairman Gunderson: And noted Director. If we look historically back on all of our meetings, trying to get that accomplished, that extra meeting or meeting of the minds in between never really gets fulfilled. So, that's the reasoning and I think the importance of getting this subcommittee or both of these subcommittees actually moving now.

Chairman Dorrington: Yeah, I agree with that. Just know that the past way of doing business isn't the current, and if we needed to call something, I'd make myself available for sure.

Chairman Gunderson: I appreciate that Director, but I think the proper way for us to do this is a subcommittee, so we keep it on a professional more basis. And if we do need to get that extra meeting in once or twice, we do have that capability. I think the cleanest method is to bring these subcommittees out and get them the ability to get working as proposed.

Director Dorrington: I think just to close for our agency, we are good with this subcommittee. We have a little bit of fine tuning. Again, my goal is just to make sure we are on target, that we reach the collective goal without inefficiency. So, I'm good with this subcommittee. We can do it. We meet and make certain all the bullets are the right spot and report back at the next quarterly, if not in an email to the group in the interim. I'm good.

Chairman Gunderson: Maybe I can make a suggestion. What if we did a quick after action report each time the subcommittee reports back to us just to make sure we are covering all of the dots and crossing all the T's.

Chairman Dorrington: Agreed

Chairman Gunderson: Are there any more comments from DEQ?

Commissioner Bennett: I would have one comment. I think the reasoning is, you know, having been around government for many years to establish these processes, is that we all come and go, and it is far better to have these things in place so that whoever is in place at the time understands the working process. Its done, its outlined. Whether Virginia is here or not, whether a commissioner is here or not, or a director, we've got these in place.

Chairman Gunderson: I agree. Any other discussion from committee or from DEQ?

Director Dorrington: Just to make sure I am being as clear as I can, I apologize for seeming to labor on this, but yes to the subcommittee. I think that the charter and the bullets might tweak including membership roles and responsibilities. I think its important that we, again, make certain that the subcommittee is fit to the task then we all agree on and then we move quickly and then in good government form, abolish subcommittee if it's served its duty.

Chairman Gunderson: And adding in the after-action report each time to gather that accountability and transparency.

	<p>Director Dorrington: Good.</p> <p>Commissioner Bennett: I'd call for the question.</p> <p>Chairman Gunderson: Let's take a vote.</p> <p>Director Dorrington: I would amendments that we discussed, just noting that might not be the final form of the final document of that subcommittee. So, I would with discussion.</p> <p>Commissioner Bennett-Aye</p> <p>Representative Gunderson-Aye, including the after-action report and keep refining the subcommittee.</p> <p>George Jamison-Aye by Proxy (by Commissioner Bennett)</p> <p>Senator Cuffe-Aye</p> <p>Chairman Gunderson: Ok, so it has passed unanimously. Would it be appropriate to pick our subcommittee members now?</p> <p>Commissioner Bennett: I think there would have to be a discussion with DEQ to find out who their representative would be. Would that be appropriate Director to give you some time to see how your makeup here.</p> <p>Director Dorrington: Thanks. We can easily quickly come to an appointment on my part.</p> <p>Chairman Gunderson: I guess I would bring up one point Director, the way that the bullet points read is DEQ personnel as assigned by the Director. So, you would have the ability to assign those folks, change any at any time, whatever, it would be your call.</p> <p>Director Dorrington: Yup, gotcha.</p> <p>Chairman Gunderson: Do we want to pick our side now, and the Director can appropriately assign people as needed to the subcommittee?</p> <p>Commissioner Bennett: We still have one other discussion on the subcommittee for the sitewide activities. What's our time frame?</p> <p>Chairman Gunderson: We are pretty close to on schedule.</p> <p>Director Dorrington: Mr. Chair, Jason Rappe will be the agency rep for this subcommittee.</p> <p>Chairman Gunderson: Ok, noted.</p> <p>Commissioner Bennett: I think it is pretty well defined, it says citizen member and County Commissioner and Director of ARP. So, our citizen member is George, and I am the County Commissioner, so it's pretty well defined.</p> <p>Chairman Gunderson: I don't think we need to go any farther, with having the Director appointing Jason, that pretty much winds it out. Ok, is there any discussion just accepting everything as is? Jason as the DEQ assignee. I'd say that's a done deal. Ok, moving on to the proposed LASOC subcommittee analysis sitewide activity. Do we need to discuss that Director, any questions?</p> <p>Director Dorrington: Mr. Chair, we covered that last one in discussion after the motion and second. I think it probably fit for discussion before we move. Same question as the last, if Virginia would present this, that would be helpful for getting us on the same page.</p> <p>Virginia Kashdan: So, again, I'm going to be focusing within the purpose and scope section of the document that is available for this meeting. And this is for the Analysis of Sitewide Activities subcommittee. So, that the purpose of this subcommittee is to develop a document that provides analysis of overall sitewide activities, including budgets and expenditures. The analysis of budgets and expenditures would draw heavily from two documents. The site budget and funding reports that's presented at each LASOC meeting, along with the standardized report of O&M support to property owners, which would be developed from the other subcommittee that we were just talking about. Neither of these documents include analysis of overall sitewide budgets and expenditures. To me, the last subcommittee and a lot of what we focus on is on OU4 and 7, however, there are other operating units that are in O&M right now within Libby Asbestos Superfund Site. So, attention should be given to overall site activity's aside from just attention to fiscal matters. Drafting of this kind of document would likely address some of the following topics. So, this is just a suggestion and hoping at the subcommittee level, we can discuss if more is needed on what would be focused on in the document. Progress and outcomes of ongoing investigation and cleanup phases sitewide. Competing priorities from O&M funds, assessment of administrative cost burden, adequacy of property owners support, uncertainties related to value of federal funds, an assessment of ability to support property owner needs. This would be a</p>	
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much bigger scope of what is going on, on all the different operating units, also looking specifically financially at what's funding specific activities on other OU's, rather 4 and 7. That is my understanding of this subcommittee. Can I answer any other questions?

Director Dorrington: So, from my standpoint, you, we've developed a document that provides analysis is the goal. Purpose and scope, sorry.

Virginia Kashdan: Yes

Director Dorrington: What are we trying to solve by creating a document that the subcommittee approves? I mean, my question is about what isn't already being done and I know you touched on the other OU's, but what are you trying to solve by creating a document that does that?

Virginia Kashdan: In my opinion, my understanding it's to list out what kind of activities are going on at other OU's within the Libby superfund site, and which buckets of money are funding those activities, how much is actually being spent per quarter. Those kinds of details are not being given at the LASOC meetings. The budget report that we currently have talks about expenditures very generally and does not point out specifically what kind of activities are being funded at the other operating units. That's my understanding.

Chairman Gunderson: And maybe one point of clarification is the word "sitewide", that way we are looking at a full picture. And I agree with what Virginia gave this. We need the whole picture, all the OU's so we know where everything's at.

Director Dorrington: So, in the amended budget, I'm trying to relate multiple activities that we are looking at. In the amended budget document that we just approved, that does not cover what this subcommittee would look at?

Virginia Kashdan: In my understanding, that budget report would support what this subcommittee would be using in terms of how much money was spent within that quarter. The current budget report right now does not outline what activities are being funded. It is only outlining what monies have been spent. The current budget report also talks a little bit of a background about what that fund is, where it came from and what is supposed to be spent from that money. However, it doesn't outline what kind of activities are being paid for during that quarter or during whatever time period those activities are done. This subcommittee would outline what kind of things are being funded sitewide from those different buckets of money that the current budget report already describes. That's what my understanding is.

Director Dorrington: So, my question is, go back to my prior point, do we in the amended budget document that we just approved, and the budget process that we just asked the department to develop, and we agreed to, does that cover it, is my question.

Virginia Kashdan: No, it only covers how much is being spent, that's it.

Director Dorrington: So, it's an expense report, not a budget document, budget being forecast.

Virginia Kashdan: To me, this is a budget report because it goes into the background of the funding, what each bucket of money, where it came from what it's supposed to be expended on, so it only focuses on the expenditures, but it doesn't look into the actual activities which is what my understanding is, itemized activities.

Director Dorrington: So, there's two different things that I think we are talking about. One is an expense report, which you feel is covered in the amended budget document.

Virginia Kashdan: Yes.

Director Dorrington: Then the next is a forecasted budget document that would talk about what will be expended in the forward-looking timeline?

Virginia Kashdan: Every quarter the numbers change for certain funds within this report.

Director Dorrington: Yeah, that makes sense because we have gone a quarter and there's been activity.

Virginia Kashdan: Exactly. So, in my understanding, part of this report from the second subcommittee would list out what was done. There's money spent, so itemizing what was done during that quarter where the money was spent. That's what this secondary subcommittee would focus on, along with the other bullet points that were listed.

Director Dorrington: What I am struggling with is just that we just approved a new reporting format which seems to cover exactly what we're asking for. And if not, I don't, we should just amend what we agreed to in the expenditure report. It kind of goes back to my prior discussion item in the expenditure reporting. We have long discussed what should be reported. Our citizen rep is so good at asking additional

probing questions. We are fine at reporting out, I just feel like we discussed a bunch of things that should be included and would be covered under this subcommittee charter. But if I'm wrong, then just say what is missing from the amended, not current, amended approved budget report. And again, just focusing, here's my definition. Expense tracking is one thing, budgeting is a forward-looking activity. That's the way budget works. So, you have accounting, which is mostly transactional and tracking, then budget, which is a forward look. So, I just wanted to make sure that in the last part of what you said Virginia, you said, you want an itemized list of what was spent and that would be an accounting activity, not a budgeting activity.

Commissioner Bennett: Well, as I read these bullet points Director, one of them is competing priorities for O&M funds. I think we would like to understand if there's 12 million in this pot, 5 million in this, 600,000 or 6 million, you know, that on a regular basis we are seeing where those funds are coming from and whether there be expended by EPA or the DEQ or from ARP. I really don't think this expense report clarifies that, you know, as I'm trying to wrap my head around all these different pots of money. To conclude, whether the adequacy was there for the property owner, where there might be failures, and then the ability, how do we support them in the future. So, I think it just drills down a little bit more with the subcommittee. Rather doing the work underneath, then LASOC being the general information for the public and for the county.

Senator Cuffe: Essentially, I think the membership is very simple, and I guess my recommendation is to move forward with the two separate, then as we begin operating, we can pull them together, however that works, adjust the one to the other. I suggest we go ahead and work it the way it's proposed. There may be a little bit of duplication or repetition, I think that works to satisfy some questions that we have wrestled with for the time that I've been involved.

Chairman Gunderson: I think I would address the Directors hesitance by stating more than what we are working with right now is like (sound garbled) numeric standard vs. narrative. We are looking more for narrative I think in certain things that we want to look at, more specifically rather than the broad view that we are getting in just that numeric report every quarter. Not saying that every quarter we are going to come up with a question-and-answer type of request. It's just that when we come up against something that we have questions on, this is the easiest method for us to develop those questions and to work behind the scenes so to speak without taking LASOC time, the full committee time to work on those answers. Does that clarify maybe a little better?

Director Dorrington: I think so. If the goal of the subcommittee is to create an improved expense tracking document, I don't think we should create a subcommittee to do that after we just approved in this meeting a new expense tracking document. But my point is there is only certain eligible activities, I mean, there's an agreement, and there's pots of funds, and they can only be expended on certain things. So, I think what I would do is just redirect my staff and managers of the program to expound for a brief moment, eligible funding for eligible activities, and then maybe address the amended expense report and if there's holes in the intent of what Virginia presented on, improved expense tracking, what's missing in the expense report, that would help. If my team could address that Mr. Chair.

Chairman Gunderson: By all means. DEQ, do you have any comments on that?

Carolina Balliew: Yes, thank you. As part of the package that was put together for this meeting, something that was requested for this updated budget report for additional expenditure reports, and so there are three additional attachments that DEQ prepared for the budget report. There are line items in here for expenditures. So, is this not meeting the needs of what you are requesting? And if not, what additional information could be used to revise this expenditure report that we are already providing for these questions that you are having?

Matt Dorrington: And just to build on that, the detailed summary report has line-item details. We could provide additional narrative by transaction beyond I suppose the categories, the cost categories that are already organized within. I would just offer off of what Carolina said, if it's lacking certain detail, we could include additional detail if that satisfies the need.

Director Dorrington: If I can finish the agency, the point around this, to Carolina's point, we have a bunch of expense tracking and we provided that as a portion of this

	<p>meeting. As I look through it, it's pretty detailed and we just approved a new expense tracking report. If the goal of the subcommittee is to create a document on expense tracking, I just don't think a subcommittee is necessary to do that and then maybe we just need to tweak, as we have already stated, for some of the other committee activities, tweak the output so that it fits to whatever need is present. And that's using the existing, current amended format which we are open to doing.</p> <p>Chairman Gunderson: Director, I'm hearing what you are saying and what DEQ staff are saying. And seeing that we are using that new format, why don't we look over the next quarter and include what comes up on this report and see if it meets all of our questions. If it doesn't, let's revisit that new subcommittee, the alternate subcommittee. Would that be more of a sense to put things in perspective?</p> <p>Director Dorrington: Yep, there's a reason why you're the Chair. That's wisdom right there. Use the new revised expenditure report and see if it satisfies the need stated here, and then in a quarter readdress and see what makes sense.</p> <p>Chairman Gunderson: Maybe what we will do is, let's put this on as a continuing action item to question and if we need it, we basically got the outline of the subcommittee in place, we've agreed upon it. And I guess I would like to ask a question if there would be an ability to take a poll offline. If this does come up as an interim problem or question that we could initiate the subcommittee that way and vote on it. And again, this would be after the next quarterly meeting.</p> <p>Director Dorrington: My wish would be probably not to take formal LASOC action unless we are in a discussion mode like this. When you mean offline, I'd rather not do that via email exchange because it's hard to have a dialog. If we were to call an interim meeting and discuss whether the expense tracking report and the objective of creating a revised document is necessary, we do it in a meeting in which everyone can be seen and heard, and we could discuss the merits of such.</p> <p>Chairman Gunderson: We could do a real quick online meeting and discuss. That gives us the whole purview of everybody giving input, and we can still notice it, the whole route.</p> <p>Director Dorrington: Yep, and the other thing I'd commit to Mr. Chair and members, is if the narrative in the new, current, amended version isn't substantive enough, we can add words and sentences that are more clear and contextual as well. I mean, there ample opportunity for us to be adaptive to meet the overall objective of expense tracking. I think assigning a subcommittee is not the best way to do that.</p> <p>Chairman Gunderson: I would agree that the narrative part of that should be somewhat flexible. I don't think we need to be set in stone, but if we can use the word tweak as we go. But as long as we have a standard format and we can tweak that narrative portion, I think that might meet the needs, between now and next meeting.</p> <p>Director Dorrington: Yep</p> <p>Chairman Gunderson: I guess I'm looking for a motion to table this item.</p> <p>Commissioner Bennett: I would like to withdraw my motion on the subcommittee for the sitewide activities.</p> <p>Chairman Gunderson: Then I would make a request that it be a future action item report at each meeting that we address that work accordingly. We will move on to the O&M Update, Jason and Virginia.</p>	
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7. Agenda Item	Discussion
<p>O&M Update Jason Rappe and Virginia Kashdan</p> <ul style="list-style-type: none"> Activities at OU1, 2, 4, 5, 7, & 8 	<p>Jason Rappe: I'll start with a broad overview of what going on in O&M then turn it over to Virginia for specific site actions taking place in Libby and Troy and update on calls. Right now, we are working on an updated O&M Plan. We received comments back from the county about a month ago. We are working on finalizing those comments and updating some appendices. We will provide a draft final back to the county for any final comments where we will provide our response to comments if there are any before that's finalized sometime early next year. This coming January we are going to start on the same process, but for the sitewide ICIAP. So, we will go through all of the ICIAPs for all of the OU's and combine and consolidate those using that same process. We will put together a draft, we'll send it over to ARP and the County, and then we will do a draft final and then finalize. In addition to that, we are also working on the digital overhaul of the GIS. I'm trying to rectify some old EPA data that doesn't necessarily align with Cadastral, so it makes for the amount of property splits or subdivisions easier to track because that's currently a headache for everyone. Those are the big things on the general O&M. And the last thing, OU5 Environmental</p>

	<p>Covenant, we received comments back from the County Friday and we will work on rectifying those as well and getting you a new draft here in the next coming weeks. That's all I have for a broad overview. I'll turn it over to Virginia for on the groundwork.</p> <p>Virginia Kashdan: Thanks Jason. Today's ARP Update will cover activities completed and ongoing since we last met in August. Since then, ARP responded to 125 hotline calls between August and December. The majority of those calls were property information requests for residential and commercial properties within Libby. The top request was for EPA comfort letters and DEQ status letters. Along with that, ARP responded to 309 utility locate tickets. Again, the majority of those locates were in Libby. As a reminder, ARP conducts research on each property and locates on each property where the locates are called from, and then we contact the contractor and/or homeowner, the person doing the digging and share details about our programs and EPA investigation information relevant to where they are planning to dig. In this quarter, ARP conducted 127 site visits. During these site visits, ARP staff give on site education primers to construction crews, visually confirm presence of vermiculite confirm locations of digging and engage and oversight duties during abatement and sampling projects. And I have a short summary of ongoing projects that are occurring in Libby and Troy. At 117 Mineral Avenue in Libby, final air clearance has been collected and samples past clearance, so currently we are waiting for the contractor to submit invoices to the property owner for reimbursement. At 713 Michigan Avenue, the property owner has received an approved scope of work from ARP for an interior abatement. ARP is waiting to receive a bid package from the property owner. At 287 Terrace View Road, a sampling scope of work is being drafted. An additional site visit is needed to delineate some of the sample locations for the sampling scope of work. Then an empty, vacant lot in Libby, we have developed a scope of work and it's been approved by DEQ. ARP is waiting on the property owner's approval to move forward with oversight on sampling. In Troy, we have 3 properties we are working on. At 369 Riverside Drive, ARP emailed the final abatement scope of work to the property owners for signature in November and we are still waiting to receive approval from the property owners. Within an empty lot in Troy, ARP received a consent for access for this property due to an encroachment issue for the abatement that will take place at the previous property I just talked about, 369 Riverside Drive. The property was designated a non-use area during the time of EPA investigation. The property has since been developed and the property owner is interested in getting the property sampled. ARP will start drafting a sampling scope of work for that property. The finally at 153 Big Horn Way, a soil removal was completed during the summer, invoices from the contractor have been sent to DEQ and we are working with the property owner to complete reimbursement paperwork. For those who don't know at DEQ, this is my last time coordinating the LASOC meeting. I'm leaving ARP this coming Monday and Amanda Harcourt (Mandy) will be taking over as Director of ARP starting December 20th and she will continue to co-ordinate these meetings with LASOC, that's all I have.</p> <p>Chairman Gunderson: Thank you Jason and Virginia. Is there any more on O&M Update?</p> <p>Director Dorrington: Virginia, you will be missed. We appreciate everything that you have done for the committee and for the work in Libby and we wish you the very best.</p> <p>Virginia Kashdan: Thank you very much Director Dorrington and I have full faith Mandy will come in a blazing and needing help maybe for the first LASOC meeting, but trust me, she's a very, very great person to work with and is way smarter than me too, so watch out.</p> <p>Director Dorrington: Thanks for the warning.</p> <p>Chairman Gunderson: Seems the Director stole my thunder, I was going to wait until public comment, but yeah, Virginia, you will be missed and best wishes to your new adventure. At least you are not leaving Montana. And Mandy, welcome. We look forward to you filling some big shoes, but she has given you a big high five.</p>
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8. Agenda Item	Discussion
DEQ/EPA Site Update Jason Rappe <ul style="list-style-type: none"> • Activities at OU3 & OU6 	<p>Jason Rappe: OU3, EPA and WR Grace are still working on the feasibility study. We are looking at probably 2023 timeframe as of right now for that document. Right now, we are identifying alternatives in OU3. So, a ways out for the next public document there. In OU6, EPA and BNSF have signed the O&M documents. The site is now in O&M as of September first, I believe. And EPA is working on a partial deletion of OU6.</p> <p>Chairman Gunderson: Great, thank you Jason. Any more on the DEQ/EPA Site Update?</p>

9. Agenda Item	Discussion
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Public Comment	<p>Chairman Gunderson: Are there any public comments? There were no public comments.</p>
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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>Action Items:</p> <p>Chairman Gunderson: I think we decided we've got a really good action item for the next meeting on the proposed LASOC Subcommittee for Analysis of Sitewide Activities and the After-Action Report. We will continue working on that and see how everything works out and see if we need to move that forward. Are there any other next steps that we need to include?</p> <p>Virginia Kashdan: I will send a final version of the bylaws with the amendments that were voted on today. I will send them by email today.</p> <p>Chairman Gunderson: Anything else you need to put on that list Director or staff?</p> <p>Director Dorrington: I don't think so. I think just the overall intent is to work in this interim on anything that you need more info on. I would say probably for efficiency's sake then, the request, if there's something that you see or want, then send it to us and can batch that and get it back to you in groups, just so we don't create never ending back and forth.</p> <p>Chairman Gunderson: We'll just leave an open Mic. That way if something comes up, we can add it in.</p> <p>Date of next meeting:</p> <p>Chairman Gunderson: Great, thank you. Next thing, date and location of the next meeting. Director, do you have any requests?</p> <p>Director Dorrington: Give me a ballpark of when we would meet and I'll take a quick scan. March is that what we were thinking. Wednesdays for Commissioner meetings and it looks like EQC is the 22nd and 23rd, so not those days. Monday and Thursday, the 7th and 10th look pretty good and the 14th and 17th.</p> <p>Chairman Gunderson: So, we can do a doodle poll for that area.</p> <p>Chairman Gunderson: Is there anything else for the betterment of the order?</p> <p>Director Dorrington: On the Mr. Chair, lets belabor that horse just a little bit longer. If since we don't know, what we don't know if there's something that you guys want, we would just anticipate that members of the committee would submit a request to the agency with some info and then we'll respond if that works in terms of process.</p> <p>Chairman Gunderson: So, by all means, probably the best way. Just CC everybody I guess at the same time, so everybody's aware of what is going on and keep you apprised.</p> <p>Director Dorrington: Great</p> <p>Chairman Gunderson: Anything else for the good of the order?</p> <p>Senator Cuffe: I say we call it a day.</p> <p>Chairman Gunderson: Very well, the Senator has spoken, we'll call it a day. This meeting is adjourned.</p>	