



Libby Asbestos Superfund Oversight Committee Meeting
September 29, 2022
1:00-2:00 PM

Location of Meeting:

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

*Remote access was also available.

Call to Order/Pledge of Allegiance

The Libby Asbestos Superfund Oversight Committee conference call was called to order at 1:00 pm on September 29, 2022.

This was the 21st 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	Excused
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 *Confirmed by Governor	Present in Libby
Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president	Senator Mike Cuffe	Present in Libby

<u>Other Interested Attendees</u>	<u>Affiliation</u>	
Jason Rappe	DEQ	Present in Libby
Matt Dorrington	DEQ	Present in Libby
Carolina Balliew	DEQ	Present in Libby
Kevin Shane	DEQ	Present in Libby
Amanda Harcourt	ARP	Present in Libby
Amy Steinmetz / Proxy for Director Dorrington	DEQ	Present in Helena
Jessica Wilkerson	DEQ	Present in Helena
Nick Raines	WR Grace	Present in Libby

2. Agenda Item	Discussion	Document Link
Review and approve minutes. <ul style="list-style-type: none"> June 1, 2022 	<p>Chairman Gunderson: Are there any changes or additions to the minutes?</p> <p>George Jamison: The only thing I see, is the minutes are dated June 1st and the agenda says June 14.</p> <p>Chairman Gunderson: The meeting was June 1st so the agenda is wrong. Are there any changes, additions, amendments? I don't have anything. Somebody want to move to approve the minutes?</p> <p>George Jamison: Motion to approve minutes as submitted.</p> <p>Senator Cuffe: Second by Senator Cuffe. Motion carried.</p> <p>Chairman Gunderson: Moving on, we have Site Budget and Funding Report by George.</p>	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/LASOC%20June%20Minutes%202022.pdf

3. Agenda Item	Discussion	Document Link
Site Budget and Funding Report <ul style="list-style-type: none"> George Jamison 	<p>George Jamison: Want to be sure you get out of your packet, the report that says through June 30th. With the Chair's permission, I have both of these standard reports, to bring forth here. I'd like to discuss the second one first.</p> <p>Chairman Gunderson: Go ahead.</p> <p>George Jamison: The second one is the one is Libby Asbestos Superfund Oversight Committee O&M Support of Property Owners Report. Normally what we do, is I present them, we have standardized text, this will mainly benefit Brent. We got standardized text and when we update these for each meeting, we repopulate the numbers in the tables. A question I have is on this report Table 2 and 3, the amount spent there for abatement, which was the first time we spent any money out of the Libby Asbestos Cleanup and Operations Fund. I think basically that money shown there under 0823 fund, the settlement fund should probably be shown under the fund 02130. I mentioned that to Jason just before the meeting. Is that really Vincent Bill money, that fund as opposed to this other 5-million-dollar fund. That's a question I had. Normally, I would just say if anybody has any other questions about this report, go ahead and bring them up.</p> <p>Senator Cuffe: Mr. Chair, he's right. That should have come out of that other fund.</p> <p>Chairman Gunderson: Correct, I agree, that 02130 could be where it was taken from. Amy, can we double check that that's where the fund came from or where the money came from?</p> <p>Amy Steinmetz: Sure, can you repeat the org unit or the number and I will check on that.</p> <p>Chairman Gunderson: Ok, the Libby Asbestos Settlement Fund 08230 is where we are showing the abatement funds for last, that first cleanup, which is \$39,700, and it should have come out of 02130, which is the Libby Asbestos Cleanup and Operations Account.</p> <p>Amy Steinmetz: Ok</p> <p>Chairman Gunderson: We just want to double check and make sure that is where that came from.</p> <p>Amy Steinmetz: Ok, that sounds good, and it sounds like Matt and Carolina may have some information there and may be able to help sort that out.</p> <p>Chairman Gunderson: Are they online now?</p> <p>Amy Steinmetz: They are in the room. We can follow up with you afterwards, but I think they might be able to help now.</p> <p>Brent Teske: Who files the claim for that action? Don't you have to code it when you file it?</p> <p>Carolina Balliew: It may just be an error in the report, not actually an accounting error.</p> <p>Chairman Gunderson: Just where it was actually printed. Ok.</p> <p>Jason Rappe: I'll double check.</p> <p>Chairman Gunderson: Ok, so we have that one covered.</p> <p>George Jamison: I don't think we normally approve this report, although we could. I guess if there are no more questions, thank you. So, then the other one is the more lengthy report. It's the Site Funding Budgets Report through June 30th, and I didn't circle this one up but I would say that maybe, depending on the answer that you have on the question about the one we just discussed, it's going to affect this one, or at least verify.</p> <p>Jason Rappe: We'll verify it.</p> <p>George Jamison: So, I guess, normally we would say, if there are any questions,</p>	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/LASOC%20Budget%20Report_June%202022_CBDEQFiscalUpdates.pdf https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/LASOC%20OM%20Support%20to%20Property%20Owners%20Report_September%202022.pdf

	<p>particularly about the tables, the only thing new in this report, this is the chance to ask a question.</p> <p>Brent Teske: Just for clarification, I mean, the first part of this report looks pretty boilerplate, the same all the time, the only thing that changes is this.</p> <p>George Jamison: Correct. And for both of these reports that is correct.</p> <p>Chairman Gunderson: For a lot of the things we do pretty much stays the same except the numbers.</p> <p>Brent Teske: Yeah, I get it.</p> <p>Senator Cuffe: The red numbers?</p> <p>George Jamison: We'll let DEQ answer that, since they populate the numbers.</p> <p>Senator Cuffe: I think its page 5, its just kind of a chart. And I am wondering if going down under the current balance column, there is an 1835.96 in red.</p> <p>Amanda Harcourt: I believe those are the ones that were updated.</p> <p>Brent Teske: Looks like a negative balance.</p> <p>Carolina Balliew: So, what you are looking at is this if from an old co-operative agreement that DEQ has with EPA. And you are seeing OU 3, 5 and 6, and then you are talking about the red in parenthesis 1835.96.</p> <p>Senator Cuffe: Yes</p> <p>Carolina Balliew: This is a co-operative agreement that has just since expired and so that's over sent or what we had for OU5, so we have opened another co-operative agreement (not heard clearly-too far away from the mic)</p> <p>Senator Cuffe: Ok, same thing on the next page, 26.48 on the Libby Settlement.</p> <p>George Jamison: That is the old report, need to look at the one dated June 30.</p> <p>Senator Cuffe: Here's the other one, it's got 33.75.</p> <p>Matt Dorrington: We could confirm, it could be just a credit. It's in the expenditures column in red.</p> <p>Senator Cuffe: Ok, thank you.</p> <p>Chairman Gunderson: I don't have any questions, George.</p> <p>George Jamison: Subject to double checking, making sure the numbers are still ok, I think we are done with that.</p> <p>Chairman Gunderson: I think we're done. O&M Update, Jason and Mandy, you're up.</p>	
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4. Agenda Item	Discussion	Document Link
<p>O&M Update Jason Rappe Mandy Harcourt</p> <ul style="list-style-type: none"> Activities at OU1, 2, 4, 5, 7, & 8 	<p>Amanda Harcourt: ARP responded to 64 hotline calls between June and September. The majority of calls were residential/commercial properties located in Libby. ARP responded to 324 utility locate tickets, majority of these were located in Libby. ARP conducted 56 site visits during this quarter. During the site visits, staff gave onsite education primers to construction crews to visually confirm presence of vermiculite. Libby Active Properties, Michigan Ave. property owner has received approved scope of work from ARP and is looking for abatement contractors, let's say, solicit contractors, and will be turning that into us. East 5th Street VCI was released on the east side of the house, contaminating a large area on the side yard, and a portion of the understructure. ARP conducted inspection, and identified VCI in two interior walls, one exterior wall. ARP drafted a scope of work was approved by DEQ and the property owner. ER started abatement activities September 12, work activities were completed September 16. ARP collected air conformation samples. EMSL got back to us yesterday and passed clearance, so ER went down there and worked on containment. 289 Avenue B, VCI was identified in the attic of the home. ARP conducted invasive inspection throughout the entire house. VCI was not observed in any of the interior or exterior walls. A scope of work has been drafted and approved by DEQ for the abatement of the attic space. The property owner has started solicitation for an abatement contractors. 154 Paulins Way, Libby. This is a NOEC property. ARP was contacted by the property owner requesting information on how to get the NOEC</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/EQC_2022%20LASOC_Annual%20Report.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/DEQ_LINCOLNCOUNTY_LASOCMOA_MOD3.jw.docx.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/LASOC_HU</p>

removed from the property. The property has had a previous inspection resulting a trace LA existing on greater than 25% of the property. ARP is currently drafting a scope of work to get the percentage knocked down below the 25%. I'm going to talk more about this after this next property which is 100 Manor Drive. This is a NOPEC property. The property owner stopped by ARP and requested a sampling scope of work be drafted for the property. A screening investigation was completed at the property in 2011. ARP is currently drafting a detailed inspection sampling scope of work. The property owner has chosen to self-perform sampling with ARP oversight. I will be bringing this up as a possible reimbursement. Asa Wood School in Libby, a site visit was completed at the property on September 20th. On site was DEQ, the property owner, Compass Health, Ron Goodman, Noble Project Manager, Browns Field contractor, ARP and NewFields. It was a really good meeting. We discussed a bunch of different things. Right now ARP is working on putting together a draft of some more inspection that we want to do at that building. There's been a lot over the course of years, but now we know the developers are planning on demoing the building down to pretty much the studs. We are reviewing all the previous samples that were done, kind of filling in any holes and making sure that it's really thorough before they get into much demolition. And Troy Active Properties, 386 Riverside Drive, this is a planned soil abatement. A scope of work has been signed by the property owners. The property owner will start solicitation for an abatement contractor.

George Jamison: Could you repeat that. Mr. Chair, could we get her to move up here.

Amanda Harcourt: It's 386 Riverside Drive and this is a planned soil removal. Property owner has an approved scope of work. She is soliciting contractors right now. Once the bids are back, she will be contacting us to move forward with scheduling the abatement.

George Jamison: That's in Troy?

Amanda Harcourt: Yes

Jason Rappe: So, additional items that DEQ is working on, we are finishing up the annual inspection report for OU's 1, 2, 4, 5, 7, and 8. We'll hopefully get that over to ARP within the next couple weeks, and they will have a period that they can comment on it and then we will provide it to all the pertinent property owners as well as the county and EPA. We are also finishing up the sitewide ICIAP. So, as you know, we've been working on consolidating documents to make it a little easier for the public to digest all of the different documents that are available across the site. There's five different ICIAPS, so we are consolidating at a similar to the O&M Plan. It's currently under review by ARP. Once ARP gets comments back, the State will provide it to the city and county commissioners for comments before we take it to a public comment period. The sitewide O&M Plan is done. What we wanted to do was put both the O&M Plan and the ICIAP out for public comment period, either together, or in similar timelines, only because the documents sort of refence each other, so we didn't want to have this long lag period between the documents. So, that you know, the public might not be able to refer back to the other one as they provide comment. We are hoping to get all of that done by the end of the year of early next year.

George Jamison: I got a question. You mentioned Asa Wood which is a complicated project. In a nutshell, can you, I've always been confused about what happens when it's a school. And there seemed to be a lot of confusion when we were working on these plans, and so forth. And the things I am hearing about the way people are working together on this and doing what we need to do is great. Thanks, thanks for doing that. But I would like to know what are the implications as far as cost to our programs or funds. Where does the money come from on that? I think about that sometimes and just wonder if this was missed or should be in some special category. Does this go back to US EPA's remediation fund? How are we doing where that cost burden comes from. That's kind of my question and what kind of cost do we expect would be funded?

Jason Rappe: So, there's a lot going on. The plan use for it is going to be, at least from our understanding right now, as a senior assisted living center. So, it's no longer going to be a school. The risks are going to be more based on like, residential property than a school. That was the big driver between the cleanup level being different on schools, then it was on a personal property. What's happening with the school right now is they are doing a bunch of abatement for regulated asbestos and lead based paint, and they are doing that under a brownfields grant. That can't tackle any of the Libby asbestos related contaminates. Just the way that the brownfields grant works and the fact that it's on a superfund site, they can't tackle that. So, they are going to wind up, basically

[FFORD RECOMMENDATION 07202022.pdf](https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/DEQ_Hufford_Decision_LASOC_08042022.pdf)

file://entbackint.isd.doa.state.mt.us/atsb_ahs_cascade_deq_data/Land/FedSuperFund/Documents/Libby/September%2022/DEQ_Hufford_Decision_LASOC_08042022.pdf

https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/MX3550V20220603_151744.pdf

https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/Libby%20Asbestos%20Response%20Letter%20to%20Lincoln%20County_Aug2022.pdf

gutting this entire building to studs and turning it into the Senior Living Center. That's why we are going to go in and remediate. As to what the final costs are on that, just plaster alone, the line item is something like 33 or 35,000, and we know that there is still VCI in some CMU walls and potentially additional plaster that needs to be removed that has vermiculite in it. ARP is going to go out and do a couple more invasive inspections and some interior walls to ensure that there's no vermiculite there. We are trying to look at this project on a practical sense. So, if a lot of these exterior walls have VCI, especially for exterior walls, you know the cost to abate an exterior wall is pretty high, just because it's a load bearing wall. In order to do that, you have to truss up the structure, you need to basically deface the entire wall, it's expensive. So, we are going to be taking that into consideration as we are looking at different bids, as we are looking at different ways to tackle remaining vermiculite, and we will assess from there. I can't really give you an estimate on what the final cost is going to be. We need to take a look to see if, you know, there might be a portion of the building where it's cheaper just to demolish. If that's the route that makes the most sense to go, we will probably go there.

George Jamison: It would have been nice if you had an estimate, but I really didn't expect it. I can see you are nowhere near that point yet, but I guess, my part of my question Jason, is do you have any sense for the funding for that will come from. Do you see that being funding that would flow through your co-operative agreement with EPA down to DEQ, and into what I consider our joint efforts program here, or do you think this would be kind of a special case, where that funding source may be not where the money comes from, instead might be some of the unused remediation funds, or maybe it doesn't matter, I don't know.

Jason Rappe: It shouldn't come from any of the state funds. From what I understand what's happening on this project, it should all be eligible for federal funding.

George Jamison: Ok, thank you.

Chairman Gunderson: That answered my question. It's a federal issue, rather than a state issue at this point.

Jason Rappe: For funding, yes.

Chairman Gunderson: Are there any questions?

Jason Rappe: It is a very complicated project.

Senator Cuffe: Maybe I do have one Steve. We had some discussion, not these particular things, but kind of similar. The one project that we were talking about, and then all of a sudden, the work got done before we were to a point of, faster than we felt comfortable with. And we agreed to go ahead and cover that. But we were going to establish some formats. Am I getting out of line on that? We discussed so that it doesn't happen again.

Chairman Gunderson: We talked about being able to discuss in the background, basically a subcommittee. What do you think Jason. Are we at that point where we need to establish a subcommittee to just keep an eye out or a thumb on what's going on?

Jason Rappe: Asa Wood?

Chairman Gunderson: Yeah

Senator Cuffe: Well, Asa Wood and/or.

Chairman Gunderson: If we have anything upcoming.

Senator Cuffe: I know that Chris Dorrington had some concern that way also. So, instead of coming up, we were kind of working towards a conclusion and then somebody got the work done and it cost a little more than what we were thinking. So, we don't come down to that kind of situation.

Jason Rappe: Right. So, I don't think we need on for Asa Wood, but if you guys are interested, we can set up a subcommittee for that.

Senator Cuffe: Sounds to me like that is where it should go.

Chairman Gunderson: I think the more we allow things to happen and you know transgress or whatever you want to call it, progress, on Asa Wood, I think we probably would be more of a hindrance at this point. I mean, that's my personal take.

Senator Cuffe: Just keep us updated.

Jason Rappe: Yeah, we could do that. I think you would be more interested in having subcommittee for the NOEC and NOPEC properties. I can keep you updated on those.

Chairman Gunderson: Did that cover DEQ/EPA's site visits as well, or do we need to go there?

Jason Rappe: I can give a quick update. OU6, which is the railway corridor by BNSF. BNSF just finished up their annual site inspection. They are supposed to be sending

	<p>that off to DEQ and EPA here, this week, at some point. And then we will put that into the repository library with ARP. OU6 is officially, partially deleted. I believe that was posted in the Federal Register, but I have to double check, don't quote me on that, but it's officially partially deleted. OU3, there is not much of an update from last LASOC meeting. Still in feasibility study and we are still chugging along. Once we have a little more information to share, we will probably have another public meeting similar to how we did earlier this year.</p> <p>Chairman Gunderson: Ok. Nick, you are in the room. Do you have any comments or any info.</p> <p>Nick Raines: No, I think Jason summed it up well. I guess the only think I can add is that OER is plugging away on a feasibility study across OU3, separate from our ongoing work under dam safety. So the spillway reconstruction project, an assessment of the Kootenai Development, once we get some substantial progress with BNSF, keep our fingers crossed that we are looking at early next year. (This statement from Nick is not 100% accurate; garbled, too far away from mic).</p> <p>Chairman Gunderson: Great, sounds good. NOPEC/NOEC Properties, Mandy.</p>	
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5. Agenda Item	Discussion	Document Link
NOPEC/NOEC Properties Amanda Harcourt	<p>Amanda Harcourt: The first is 154 Pauline's Way. I don't have too much information to pass on to you guys at this point. I pretty much just wanted to put it on your radar. We are developing a scope of work right now. This was the one I brought up in my updates, to knock this property down below the 25%. Once we get that back to the property owner and he gets some solicitations then, I would like to be able to send it out through e-mail. If you guys approve the review that way.</p> <p>Chairman Gunderson: Ok.</p> <p>Amanda Harcourt: 100 Manor Drive, I put a little packet here to kind of show what exactly happened with this property. On the first page, starts with her comfort letter that she received in 2012. They went out there and did a screening investigation, didn't find anything, any removal triggers, sent her a comfort letter. A few years later criteria changed and during a folder review, they saw that specific use areas and common use areas, there was trace greater than 25% to 33.1 which then triggered her to be recontacted by the project to be solicited for a detailed inspection, at which point, she pushed back and said no, you guys have already been out, already have a letter, wasn't really explained to her why they were contacting her. She was confused and she said no.</p> <p>Chairman Gunderson: So this is considered a NOEC.</p> <p>Amanda Harcourt: Yeah. NOEC is a Notice of Environmental Condition not possible since there has already been a screening investigation, there has already been contamination found. She just needs to move forward with a detailed investigation of the property to narrow down those areas and find out if she hits any kind of removal triggers. She came into the office, you know, just wanting to know how to get the NOEC removed. We walked her through the process and she has kind of a better understanding of everything that happened and why. We put together a draft scope of work for her. She decided that she wants to self-perform with ARP's oversight. The last page, here is the bid from EMSL for the samples to be analyzed at \$270. Altogether, she is going to need six samples at \$270, that's going to total \$1,620 plus whatever the shipping is going to be to get the samples to EMSL. Jason reminded me that we need to put together our recommendation to send over to DEQ if LASOC agrees to do the reimbursement. So, I'm just looking for you guys' approval to get that started.</p> <p>Chairman Gunderson: I think the sooner the better because that one has started.</p> <p>George Jamison: So, you are asking for approval at this point on the sampling portion.</p> <p>Amanda Harcourt: Yes</p> <p>Chairman Gunderson: I did notice one thing on the initial letter dated January 20, 2012, the second paragraph, second line, three quarters of the way through, it says "However, as analytical methods are improved and the EPA reaches final cleanup</p>	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/100%20Manor%20Drive_NOPEC.pdf

	<p>approach, your property may require additional visits. So, a lot of what we are doing is educational. Especially just reading the letters that they sent to you could come back.</p> <p>George Jamison: Mandy, let me see if the question before us, are you asking for the committee to make a recommendation or approve to draft a recommendation for the samplings. Is that what you are asking for? Like we did on the other.</p> <p>Amanda Harcourt: Yes</p> <p>George Jamison: You are not asking for you to do it, because you have already done it. I would move that the committee draft a recommendation, similar to what we did for the Hufford property with the beautiful letterhead that we have now and that would recommend that we fund the sampling at 100 Manor Drive. The amount was estimated to be about...</p> <p>Amanda Harcourt: \$1,620 plus shipping.</p> <p>Senator Cuffe: I second that motion.</p> <p>Chairman Gunderson: So I guess we need to take a vote, so all in favor of Many draft the recommendation say Aye.</p> <p>LASOC: Aye</p> <p>Chairman Gunderson: Sounds unanimous to me. Amy, is there a proxy vote?</p> <p>Amy Steinmetz: I said aye, thank you. (Proxy for Director Dorrington)</p> <p>Chairman Gunderson: Director Dorrington is an Aye, so it is unanimous.</p> <p>George Jamison: Let me be clear on the procedure here because it was a little fuddled on our first attempt because we have never been through it before. So, we are going to draft this letter, this recommendation letter. And how do we approve that draft before it goes to DEQ or I assume LASOC wants to see this draft before it goes to DEQ?</p> <p>Chairman Gunderson: I think we can do an e-mail out to everybody, like we did the last one, just to get an Aye from everybody and ship it out from there. Once Mandy gets that e-mail out to us and if everybody agrees to it, then she's on the road. Anything else Mandy?</p> <p>George Jamison: I have a question also about the Bernardy property, 154 Pauline's Way. We've talked about this a bit anyway, but currently that you are in the process of developing a scope of work. We meet quarterly. Are you expecting we'll need action for this prior to the next meeting?</p> <p>Amanda Harcourt: Yes. It should probably be drafted and ready to hit solicitations by the end of next week, depending on the turnaround time of the property owner, but he seems like he's on board to get moving fast, so once the solicitations, I'd say maybe two weeks before I have the information needed to send to you guys for review. So, I would like to do it by e-mail if that's possible.</p> <p>George Jamison: So, to be clear on what we may see here, we are not, I mean it's your domain with DEQ to do the scope of work and you can go ahead to solicit the bids with that. Is that right?</p> <p>Amanda Harcourt: I am not going to solicit the bids, the property owner will.</p> <p>George Jamison: And then once you get that scope and once you've got the bids, then that's what you would ask LASOC to consider.</p> <p>Amanda Harcourt: Yes.</p> <p>George Jamison: So, you are not asking us to approve your scope.</p> <p>Amanda Harcourt: No.</p> <p>Chairman Gunderson: So, it should be two e-mails. One for the draft, and one for the scope.</p> <p>Amanda Harcourt: I will send them both together. So the scope of work will be approved and signed by the property owner, and the solicitations will come along with the scope of work.</p> <p>Chairman Gunderson: Ok. So moving on to update on OU3 litigation, Jessica Wilkerson.</p>	
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6. Agenda Item	Discussion
Update on OU3 Litigation Jessica Wilkerson	<p>Jessica Wilkerson: I hope you can hear me ok, we are getting a big thunderstorm here. I just have a really quick update. As you remember from the last one that we're under court ordered mediation confidentiality. And so can't tell you much, but what I can tell you is that we are moving forward. We are working closely with the governor's office and the NRDP Program to try to get to a settlement without having to spend more money on litigation. We have a timeline goal of achieving settlement by December 1st. And so, we are putting a lot of energy into trying to meet that goal right now and we, a big part of what we are discussing is making sure that we are reimbursing the</p>

	<p>account for the litigation costs that we have used so far. Do you have any questions for me? Chairman Gunderson: Any questions? Nope, I think we got that. Jessica Wilkerson: Ok, thank you. Chairman Gunderson: Ok, Revision of Site Funding and Budget Report, George.</p>
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7. Agenda Item	Discussion	Document Link
<p>Revision of Site Funding and Budget Report George Jamison</p>	<p>George Jamison: Commissioner, I told you all this was standard language, and it was. But, in these two reports that we've talked about earlier, I think you all know, and you've seen, and Mandy sent out the response we got from US EPA regarding the commissioners inquiry about the status of the operating and maintenance funds and so forth. We got back a letter on that, that addressed the estimated level of those federal funds. So that basically created the need to change the text in this standard report, and the report you saw earlier had the old text. So, the one that you see, that is dated through April 30th also has some red line changes, and on the 4th page under... And all these apply to federal funds because that's the response we got. And basically, this simply updates the information in this document to be consistent, more detailed, and current information that we got from US EPA. So there is a change on page 4 and 5, shown as red line changes, and then if you go to the last page of text in the report, under Federal EPA O&M funds, there are also changes there that were prompted by the response we got from EPA. So my recommendation is that this now become our standardized text for this future report.</p> <p>Chairman Gunderson: You want to make that as a motion?</p> <p>George Jamison: Yes, I'll make the motion that we use this revised text as our standardized text for future site funding and budget reports.</p> <p>Chairman Gunderson: Ok, all those wanting to standardize the text vote by saying aye.</p> <p>LASOC: Aye</p> <p>Chairman Gunderson: Amy, so you have Director Dorrington's proxy?</p> <p>Amy Steinmetz: Can I ask just a quick question first? I just want to make sure that I am looking at the right thing. The report, the red lines strike out on the last page, that is what you are talking about correct?</p> <p>Chairman Gunderson: Looks like page five. These are not numbered, so maybe that's something that we need to change too.</p> <p>George Jamison: Pages 4, 5, and 7.</p> <p>Chairman Gunderson: Amy, that's the report that we are looking at says report date from July 1, 2019 through April 30th 2022.</p> <p>Amy Steinmetz: Ok, thank you for confirming that. I am looking at the same thing, and I don't have any concerns with the text, so I would vote Aye. (Proxy vote for Director Dorrington)</p> <p>Chairman Gunderson: Ok, so it's unanimous.</p> <p>Robin Benson: Excuse me, who gave the second?</p> <p>Senator Cuffe: I did.</p> <p>Robin Benson: Ok, thank you.</p> <p>Chairman Gunderson: Do you have anything, any other revisions George?</p> <p>George Jamison: No</p> <p>Chairman Gunderson: Ok, moving along, public comment.</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/September%202022/DRAFT%20Revised%20LASOC%20Budget%20Report_September%202022.pdf</p>

10. Agenda Item	Discussion
<p>Public Comment</p>	<p>Chairman Gunderson: Do we have anybody in the room or online that has public comment? Being none, I might interject one thing under public comment and I guess it could either be public comment or discussion and next steps. Mandy and I looked at the database and I asked her to run a NOPEC and NOEC list, and we came up with what about 250, and it's something that I'd like everybody to consider between now and the next meeting. And I talked with Director Dorrington and just kind of gave him a basic idea of what we are talking about. With the Hufford residence coming up as needing funding to do the testing and remediation. I think we've got Schultz is going to be another one. What we need to do is look at the current 250. How do we address those? They are going to need addressed in some form or fashion. What if we took a small smattering, let's say ten, and Director Dorrington and I narrowed that down</p>

to five, just randomly pick out five NOPEC, NOEC sites and go back and do what we've learned to do into finding out if these properties really need clean up or not and just start whittling down that 250 to that magic number of zero. Like I said, Director Dorrington was pretty agreeable with it. But I just want everybody to think about it, you know, is that a good way to approach it. I think it's pretty scientific. Just randomly picking out five to look at, and then maybe at some point, we'll pick it up to ten as we cleanup. Whatever the list is, we pick another 10. So, if everybody can kind of keep that in mind for the next meeting, I think I'll bring it up and we'll put it on as an agenda item. Make sure we are putting all our eggs into one basket here. Ok, discussion and next steps.

11. Agenda Item	Discussion	Action Items
<p>Discussion and Next Steps</p> <p>a. Date of next meeting</p> <p>b. Summary of action items.</p>	<p>Chairman Gunderson: How about a date and location for next meeting. Mandy, so you want to do a doodle poll?</p> <p>Amanda Harcourt: Sure</p> <p>Chairman Gunderson: So, what timeframe are we looking at? January we will be in Helena. So, December would be the logical time. What if we shoot for something between the 5th and 9th of December, see if that works. And if it doesn't work, we'll be flexible like we normally are.</p> <p>Amanda Harcourt: Where are we having the meeting?</p> <p>Senator Cuffe: That's a bad week for me.</p> <p>Chairman Gunderson: We probably need to have one in Helena, but I'm wondering if that might not be too early.</p> <p>Senator Cuffe: The 12th or the 19th would be much better for me. I suppose you want to avoid the 25th.</p> <p>Chairman Gunderson: How about between the 12th and the 16th.</p> <p>Senator Cuffe: I'm pretty open then.</p> <p>Chairman Gunderson: I'm showing, I'm open too. Let's just shoot for that, between the 12th and the 16th, and see what we come up with.</p> <p>George Jamison: Can I make a comment? This has nothing to do with future meetings. We've gotten also, some good reports here about the program from ARP and DEQ, and I just think back over the last several years, and some of them dips and bumps in the road we've hit with DEQ and EPA, and I'm very pleased to see the way this program is going. Hats off to Mandy and ARP, Jason and DEQ crew. I mean, one example is the Asa Wood School. There was a political point once that would have said we are not going to have anything to do with that. So thank you.</p> <p>Chairman Gunderson: I mirror that. Jason, you have been a heartbeat to us, and same with Mandy. We really appreciate everything you do. And we never did welcome Brent really, officially.</p> <p>Commissioner Teske: It's been interesting. I've sat in on some committee meetings and as the Mayor of Libby have had some insight into what's been going on and the history of it. So, I'm looking forward to being a participating member.</p> <p>Chairman Gunderson: We enjoy having you and look forward to many other fun things we can do. Is there anything for the betterment of the committee or State of Montana? If not LASOC is adjourned.</p> <p>Next Steps: Subcommittee work</p> <p>Action Items:</p>	