



Libby Asbestos Superfund Oversight Committee Meeting

March 24, 2025

10:00 AM

Location of Meeting:

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

*Remote access was also available. *delayed start due to audio issue.

10:00 am Call to Order

The Libby Asbestos Superfund Oversight Committee conference call was called to order at 10:06 AM on March 24, 2025, with the Pledge of Allegiance, following an audio delay.

This was the 31stth 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.

10:06 am Roll Call

Chairman Teske conducted a roll call of attendees and confirmed that a quorum of oversight committee members was present. The following persons were present or attended remotely.

Oversight Committee Members:		
Director of DEQ or designated representative	Sonja Nowakowski	Present electronically
Lincoln County Commissioner designated by the Commission	Chairman 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 Tom Millett	Present in Helena
Citizen of Lincoln County nominated by the Lincoln County Commission and selected by the governor	George Jamison	Present in Libby
Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president	Senator Mike Cuffe	Present in Helena

Other Interested Attendees	Affiliation	
Amanda Harcourt	ARP	Present in Libby
Amy Steinmetz	DEQ	Present electronically
Katie Garcin-Forba	DEQ	Present in Helena
Melody Wunderlin	DEQ	Present electronically
Beth Archer	EPA	Present electronically
Dania Zinner	EPA	Present electronically
Betsy Hovda	Hard Rock Mines	Present electronically
Millie Olsen	Hard Rock Mines	Present in Helena
Brian Bartkowiak	NRDP	Present in Helena
Katherine Hausrath	NRDP	Present electronically

Sydney Stewart	NRDP	Present in Helena
Ray Stout	Reporter	Present electronically
Nick Raines	W.R. Grace	Present electronically
Corrina Brown	Lincoln County	Present in Libby

10:08 am	Discussion	Document Link
Review and approve minutes of December 9, 2024	<p>Chairman Teske: Move into our agenda items. First agenda item is review and approve minutes from December 9th, 2024, meeting everyone should have gotten those and had some time to look them over. We have one spelling error on this end that we'll take care of. I'd entertain a motion. George Jamison: I move to approve the minutes as presented. Chairman Teske: Okay, we have a motion and a second. Senator Cuffe: Second. Chairman Teske: All right, Senator Cuffe seconded. Any corrections or discussion. Hearing none, all those in favor signify by aye. All: Aye. Chairman Teske: Opposed. All right, thank you. We have a rather lengthy agenda today, a little longer than usual. We've got some interesting topics.</p>	

10:09 am	Discussion
Site Budget and Funding Report-Melody Wunderlin	<p>Chairman Teske: Before we get going, could we get the site budget and funding report from Melody please. Melody Wunderlin: This is provided. Does anybody have any questions on it. Chairman Teske: You have something, Sir. George Jamison: Yes. Mr. Chairman, this is George Jamison and on Table 3, it seems like a minor thing there, but under the Libby mediation cost, it shows expenditures for FY25 of \$260. Are the remediation costs and activities back alive again or should we expect more money to be spent on those. Melody Wunderlin: Which line item are you looking at. George Jamison: It's Table 3 the line that says Libby mediation costs and it shows an expenditure for FY25, and I thought we were all done with the mediation activity. Melody Wunderlin: Sorry, I'm in the wrong... Chairman Teske: Sure. Melody Wunderlin: I have a report and then that will help. Oh, that \$259.70. I am not exactly sure what that is, so I will look into that and get back to you. George Jamison: Thank you. Senator Cuffe: Did he say table 3. Melody Wunderlin: Yeah, in this. Chairman Teske: It was an expenditure for \$259.70. We'll find out what that was about. Anything else, Sir. George Jamison: No, thank you. Chairman Teske: Anyone else have questions. Hearing none, we'll move on. Melody Wunderlin: I just want to add real quick on this particular report the EPA did give us updated numbers for the special accounts so those are on the last page, so we do have about ten million dollars remaining in the O&M account and there is 30.9 million in the RA account. Chairman Teske: All right, any additional questions about that. All right hearing none, we will move on.</p>

10:12 am	Discussion
Support of Property Owners Report-Melody Wunderlin	<p>Chairman Teske: Support of property owners report. Melody Wunderlin: Does anyone have any questions on it. It slowed down a little bit because of winter but we do have some updates over the last three months. Chairman Teske: No questions here, any questions online. Senator Cuffe: The PEN's received, this is up to what, February. Melody Wunderlin: Mandy is that through the end of February for your PEN's. Amanda Harcourt: Ya, the beginning of March. Chairman Teske: Any additional questions or comments.</p>

10:13 am	Discussion
O&M Update – Melody Wunderlin and Mandy Harcourt -Activities at OU1, 2, 4, 5, 7, & 8	<p>Chairman Teske: All right. We are moving right along; we will move into the O&M update. Amanda Harcourt: Want me to go first Melody. Melody Wunderlin: Yep. Amanda Harcourt: Okay Yeah, today's update will cover activities completed ongoing since we last met in December. ARP responded to 31 hotline calls and 135 utility locates and conducted 23 site visits between December and March. Libby and Troy properties abatements complete or ongoing: 2020 Kilbrennan Road, this was a property that was outside the NPL and EPA gave us approval to move forward with an interior remediation that's been completed. It's going to have the exterior components looked at, which we have scheduled for this spring. We're continuing oversight on the Port for Noble Industries development. Libby and Troy property sampling completed: There was no sampling completed in the last three months due to weather. Libby and Troy active properties upcoming: 209 Montana Ave is a full demolition. GID 5764, Em-Kayan Village, exterior removal for park development. 386 Riverside Drive an exterior removal. Libby and Troy Active Properties with upcoming sampling is the 2020 Kilbrennan Road. That's all I have. Chairman Teske: ok.</p>

	<p>Melody Wunderlin: I just have a quick update. We are working on updating our response manager, which is our software where we keep all of our documentation that was found to be up-to-date, and ARP has been struggling with it for about a year and so we're hoping to roll that out in this next quarter and get that up and running. Chairman Teske: Okay. Any questions or comments about the O&M update. All right, hearing none, we'll move on. We're knocking this thing right out. Senator Cuffe: Melody, where are we at on this. Melody Wunderlin: Uh, on the agenda. Senator Cuffe: Yeah. Melody Wunderlin: We're going on to the... Senator Cuffe: Okay, but in the reports. Melody Wunderlin: I think we're done with the reports. Chairman Teske: I don't think we had a copy of her report in our packet, she does up her own. Senator Cuffe: Yeah. Mr. Chairman. Chairman Teske: Yes, sir. Senator Cuffe: This is probably a little bit off the agenda but on this report that I have in the operation and maintenance things it talks about four funding sources are or may be available...uh, some place, I thought I saw a question on whether the funding was available. Did I see that, or have I just gone through it enough that I imagined it. This is the third to the last page. Chairman Teske: I've got a bit of echo out of that room. I didn't quite hear what you said there, Mr. Cuffe. You're looking at something in-house. Senator Cuffe: Yeah, I was just asking Melody, I thought I saw a note as I flip through here, that some funds might not be available. I just wanted to make sure I understood that for what it was. Melody Wunderlin: Right now, all of our funds are available as historical. Senator Cuffe: Ok, good, I would think they should be. Okay, I'm good Mr. Chairman thank you. Chairman Teske: Ya, you got your question answered. All right. Thank you. Sir. I think it would help to probably number these pages. It seems to me like we had a discussion about that one time before. So, everybody knows exactly what page everybody's looking at for the different schedules and charts. All right.</p>
--	--

10:18 am	Discussion
DEQ/EPA Site Update – Melody Wunderlin -Activities at OU3 & OU6	<p>Chairman Teske: Anything else on the DEQ/EPA Site update. Melody Wunderlin: I don't have any updates to share. We do have a presentation on OU3. If no one has anything they want to include on EPA/DEQ site updates, we can just move into that presentation.</p>

10:19 am	Discussion
Superfund and Hard Rock Activities at Libby Vermiculite Mine – Melody Wunderlin & Millie Olsen	<p>Chairman Teske: All right; you want to do that in this section. Melody Wunderlin: Sure. Chairman Teske: Okay so, you have a presentation that you're going to put on the screen, perfect. Does everybody have that slide on their screen, superfund and hard rock activities. Betsy Hovda: I see it on my Screen. Chairman Teske: Yeah, and we have it here. Millie Olsen: You may just get to see it on my screen rather than the presentation. Chairman Teske: Does everybody have the presentation now. Melody Wunderlin: We have a presentation on some of the state involved activities up at the vermiculite mine. I have Millie Olsen with me today. She is from DEQ Hard Rock Mining. They also have some involvement. So, I'm gonna start with, and that did not proceed. So let me start with a definition of reclamation and remediation. So, we are doing, with that mindset, we're currently working on reclamation, which is DEQ hard rock, and they're enforcing that through application of the Metal Mine Reclamation Act and then also remediation, which EPA is enforcing through the Comprehensive Environmental Response Compensation and Liability Act, which we normally talk about as CERCLA or Superfund. So, reclamation under the MMRN is a restoration to use. So reclamation is going to be kind of returning all of that mine-disturbed land to a comparable utility and stability, and so they're doing that through surface stability and remediation out there. So disturbed land, just as a note, disturbed land is defined as the area that's been disturbed since the beginning of the permitting process, so in this case, the mine was not permitted until 1971. Sometimes I say 2. So, then we have remediation through CERCLA. So up at the vermiculite mine we're looking at a single hazardous contaminant which is that vermiculite or Libby Amphibole Asbestos or LAA. And so, all of our future remedial actions are going to be designed to contain the asbestos at the mine site and that's going to help prevent any future release. So in this case we're not going to be removing anything from that, we're just going to try to keep it all at the mine site and that will keep people safe. So the CERCLA goal is to clean up sites with hazardous substances and reduce risks either present and future for human health and the environment. And with that I'm going to pass this off to Millie from Hard Rock and she can talk more about their process. Millie Olsen: So good morning, I'm Millie Olsen and I'm the DEQ Hard Rock Mining Section Supervisor and I'll be discussing a little bit about the Hard Rock Mining operating permit for the Libby vermiculite mine site. So first off, a little bit about Metal Mines Reclamation Act. MMRA was enacted in 1971. This act not only regulates metal mines as the name suggests but regulates the</p>

mechanized exploration and development of all ore, rock, ore mineral substances with a few notable exceptions. So those exceptions are bentonite, clay, coal, oil, natural gas, peat, sand and gravel, soil, materials, and uranium. The development of those substances is regulated by different acts and overseen by other sections within DEQ's Mining Bureau or in the case of oil and gas Department of Natural Resources and Conservation or DNRC. You can see on the screen a photo of the mine and mill that was taken on November 3rd, 1971, and you are correct it was 1972 that the permit was issued. It little while after the Metal Mine Reclamation Act was put in place to issue that permit. Just a short history of mining at the site, so gold miners initially discovered vermiculite in the area in 1881, and then in the 1920s the Zonolite Company formed and began mining the vermiculite, and then in 1963 W.R. Grace bought the Zonolite mining operations. And then as you can see, Hard Rock Operating Permit Number 10 was issued to WR Grace on January 31st, 1972. So, here's another photo from 1971. This shows the mill on the top of the hillside there and then the Coarse tailings dump which is down the hillside. The 1971 permit authorized W.R. Grace to mine within a permit boundary totaling 1200 acres and initially they could disturb up to 320 acres within that permit area. One thing about Hard Rock operating permits, so all operating permits are required to host reclamation bond with the state for the amount that it would cost the state to reclaim the site should the permittee walk away from or fail that obligation for reclamation. So, the initial bond for the site was \$100 per acre and then in 1974 the Metal Mine Reclamation Act limited bond for any pre-1974 disturbance to \$500 per acre. So the current reclamation bond for the site is \$500 per acre. That 1971 permit authorized W.R. Grace to mine vermiculite, build an impoundment structure, also known as a tailings dam, operate the existing mill on site, and dispose of waste from the milling process called tailings. Coarse tailings were deposited on a hillside as was illustrated in this last photo. There we go. In the last photo that I showed and then the fine tailings were sent to the tailings dam through slurry lines as a suspension in the process water. The Metal Mine Reclamation Act also allows permittees to apply for modifications or amendments to approved permits. Five permit amendments were approved for the Libby Vermiculite Mine between 1977 and 1992. Notably, the 1986 amendment increased the permitted disturbance area significantly to about 1,004 acres. And then as permittees complete the reclamation required under the approved reclamation plan, they are allowed to apply for bond release. So, three bond releases were completed for the permit area in 1988, 1994, and 1997. I'll note that in 1994 the bond release also released the tailings dam and relinquished its oversight to DNRC's high hazard dam program, which we'll discuss a little later in the presentation. After the three bond releases, 125 acres remain in the permit area. As you can see here, noted in the blue. So, there's three non-contiguous sections that still remain on the operating permit. So, as I discussed on the last slide, the majority of that initial 1,200 acre permit area has been removed from the hard rock operating permit. The 1972 reclamation plan focused on reclamation through slope, stabilization, and erosion control, so those are the requirements that the hard rock section looks for and will look for on the site to determine that the reclamation plan has been met. At that last bond release inspection, DEQ determined that the three remaining needed additional reclamation work before they would meet the requirements of the reclamation plan and be eligible for bond release. So current permit status, the operating permit is active and in reclamation status, meaning there is no longer active mining on the site. Earthwork and erosion control work have been performed in the remaining permit areas as recently as 2023 and any DEQ has not completed full bond release, which would also close the operating permit. Any additional bond release would need to be initiated by Kootenai Development as the permittee. Now I'll turn it back over to Melody. **Melody Wunderlin:** All right. So, we'll kind of pick up with the remediation side of things. We're going the wrong way. There we go. So, the vermiculite mine ceased operations in 1990 and in 1999, additional concerns about asbestos contamination were raised and the EPA responded, and they did some initial investigation and as a result of these investigations the Libby Asbestos Superfund site was placed on the NPL. Which is the National Priorities List in 2002. Just as a side note this is EPA granted every state a silver bullet site which kind of put it to the top of the list of high priorities and so also in 2002 Governor Judy Martz did have this designated as Montana's silver bullet site. And we are focused on a single contaminant that Libby amphibole asbestos. This is pretty uncommon that super funds have a single contaminant. There's a nice long list of contaminants we're looking at. We have a few stakeholders up there that we can mention. W.R. Grace, also Kootenai Development, they are the potentially responsible party, so they are taking responsibility for that and they're working with the agencies to get it remediated. EPA is the lead agency, so they're the primary decision-maker up for the site. DEQ Superfund, we're a consultive agency and so we are able to give input, you know, on technical conversations and for the community. And then we also have the U.S. Forest Service, they are also consultative, but they also own

several thousand acres of OU3. Kind of get into a map here. You guys are a little bit more familiar with OU4 and OU7 where you're doing most of your work. But we've kind of got this little green blob over there. The dashed areas are KDC, or W.R. GRACE owned areas of the mine. And then that light green area around is all Forest Service property. So, there they've got lots of interest in this. So, where we're at with all of these will kind of go from the right to the left. We have OUs 1, 2, 5, 6, and 8 are all deleted off of the NPL. They're considered the remediation is completed. We are still doing operations and maintenance on those OUs and then we have OUs 4 and 7, which are the City of Libby, City of Troy. And those are still listed on the NPL, and we are doing operations and maintenance on those. We could have OU3 back here in the characterization area. And we are currently working on a feasibility study. It's a little bit difficult to see there. So W.R. Grace is preparing a feasibility study for the site. And FS, we call them FS, so the FS is conducted to develop, screen, and evaluate any potential remedial actions that we can take and then we'll go through and assess the practicality of these proposed alternatives and afterwards decide, you know, what is the best path forward for the mine site. We are anticipating an updated schedule for when we might be able to expect that in the coming weeks. So, the remedial actions that we're looking at, sort of those protectiveness factors. The first one is human exposure. Our biggest concern for the general public would be trespassers and specifically rockhounds who would be up there looking for something exposed by mining activities and then also commercial loggers and firefighters would be our other factors of concern. And then we also want to look at sort of that migration, keeping that asbestos contamination at the mine site. And so, we would do that through stability or any sort of migration off of the mine site. So, looking forward, we're here in the process, we're on that feasibility study. Once we have a feasibility study, we'll move on to discussion and choosing a proposed plan on what we think the best remediation would be. And then that would move into a record of decision, which is a legal document between the EPA and the PRP in a written decision of what we're going to do next. And then we would move into design. We would design the remedy and then perform the remedial action. And the goal is to end up in that operations and maintenance phase and just kind of keep an eye on how that's going. So, I will move into, I do want to mention that we do have another state agency who has involvement up at the mine site. So DNRC has a high hazard dam permit on the Kootenai Development Impoundment Dam. You'll hear it sometimes called the KDID or the K-DID. They all kind of get thrown around. And so this is, Millie kind of mentioned those fine tailings where impounded behind this and we do believe there's probably about 4 million cubic yards of mine materials that are held behind this mine or this dam and it is a 135-foot earthen dam built from mine materials. So there is a high hazard dam permit and DNRC oversees that. Brent Zundel is the dam safety program manager. I don't believe he was able to join today. But then we also have Doug Brugger, who is the water operations bureau chief over there. They did renew their permit in 2024. It is on a five-year cycle. And so DNRC kind of oversees their work out there. KDC and W.R. Grace are required to update emergency intervention plans. They are going to be completing an abatement appraisal study by the end of this year, and they are currently working towards constructing a lower spillway by the end of 2030, as well as their regular inspections, operation and maintenance reports. And things like that go to DNRC. So very briefly, kind of different roles between DNRC and Superfund, DNRC is the permitting agency. They're very concerned with stability, making sure that the dam is operating correctly and any emergency plan that goes with that. On the Superfund side of things, we're looking more at the migration of the contaminated LAA over the dam or through the dam and looking at material movement or erosion off of that. So that was a whole lot of information we throw at you all at once.

Senator Cuffe: Is it fair to interrupt now. **Melody Wunderlin:** Oh, we're right out of questions. **Senator Cuffe:** Mr. Chairman. What are you finding so far in the migration through the dam or that overall project. **Melody Wunderlin:** We are still waiting on that feasibility study and that will help us understand that a little bit. We do see some migration off of through waterways primarily but for the most part the work under the reclamation plan did do a lot of stabilization of the pit tailings piles and mine waste that has reduced that migration. **Chairman Teske:** Get your question answered, Sir. **Senator Cuffe:** Thank you. **Chairman Teske:** Okay so I would like to make a request could you email us a copy of that presentation so that we can send it out to the committee for review and also have a copy for our minutes. **Millie Olsen:** Absolutely. **Chairman Teske:** All right. Thank you. Any other committee questions for the presentation. **George Jamison:** Mr. Chairman yes this is George Jameson. I noticed in a couple of your slides and maybe it was a generalization, but you seem to make a point that the only contaminant of concern or for consideration is asbestos. So are you suggesting that no other contaminants will be considered in either the reclamation or the superfund process. **Melody Wunderlin:** No, there are no other contaminants that we are looking at performing remediation for. **George Jamison:** Thank you. **Chairman Teske:** no follow-up.

	<p>Sir. Any other committee members have questions about the presentation. All right; I'd like to thank you for that. That was pretty informative and let's take some time to look over the slides when we receive them. Senator Cuffe: Can I make a quick comment, Mr. Chairman. Chairman Teske: Yes. Sir. Senator Cuffe: Off topic. In 1961, I think she said that's when W.R. Grace took over the operation. The biggest migration that affected my life was our hotshot pitcher, quarterback, point guard. His dad was given a pretty good job down at W.R. Grace so he could go to Libby High School. We never forgot that. We missed him a lot. Libby enjoyed him a lot. Jack Mitchell. Chairman Teske: Good. Stack the team a little bit. Anyone else. All right.</p>
--	--

10:40 am	Discussion
Update on NRDP's Restoration Plan of Libby Asbestos – Sydney Stewart	<p>Chairman Teske: We'll move into the next agenda item, an update on NRDP's restoration plan. Miss Stewart are you online. I don't see her. Melody Wunderlin: She is in the room. Chairman Teske: Okay. All right. Perfect. Brian Bartkowiak: And unfortunately, you have to listen to a few minutes of me first. Chairman Teske: Okay, we will listen to you, Brian. Brian Bartkowiak: Thank you for having us today and thank you for joining us in the room. I am Brian Barkoyak. I'm the environmental program manager, Natural Damage Program. I'm just going to give you a little overview of our program and some of the basics of natural resource damage. Then Sydney is going to talk about OU3 background, early restoration projects, and the future of early restoration. Of course we'll allow plenty of time for questions. Our program was established in the 1990s to pursue claims against Atlantic Ridgefield Company for historic mining in the Upper Clark Fork Basin. We are a fairly small program. We have 12 full-time employees, seven scientists, two attorneys, three admins, and we do work on behalf of the governor who's the trustee for natural resources in Montana. We work under a few different provisions. Melody already talked about Federal Superfund or CERCLA. We also work under State Superfund or CECRA and the Oil Pollution Act. Today is going to be a test of ours. We talked about reclamation, we talked about remediation, now we're going to talk about restoration. So our mission is to recover damages for injuries to natural resources caused by the release of a hazardous substance and use those damages to restore, replace, rehabilitate, or acquire the equivalent. Now you're going to hear that phrase multiple times throughout this presentation today. As we said, we are a fairly small program in a very large state. We have a settlement in Glendive for a 2015 oil spill, and on the other side of the state we are working with early restoration in Libby. So we really rely on groups like this to get the word out about what our program does, help us come up with ideas for restoration projects and just kind of be the voice of what the community is thinking out there. We can't, again, small program, very large state, we can't be everywhere at once. Okay, so remediation, as Melody talked about, is protection of public health and wealth there through implementation of the cleanup. And that's what you just heard that EPA and DEQ are working on in OU3. Restoration, again, is to restore, replace, or acquire the equivalent of injured natural resources that would injure to the release of a hazardous substance. So what are natural resources. They're basically anything held in public trust. Fish, land, water, biota, air, groundwater, drinking water are examples. We can also claim damages for a service. So for example, fish would be the resource, the active angling for that fish will be the service. Same thing in terms of hunting. Elk would be the resource, the act of hunting for that elk would be the service. Same apply and then injury is just a measurable effect to that resource. So you have a lot of fish, there's a release of the substance, you don't have any fish, that's a measurable effect. Damage is just a fancy way of saying sum of money claimed or awarded for the compensation of that resource. And again the trustees can recover damages for injuries to natural resources from the release of a hazardous substance, these damages must be used to restore, replace, rehabilitate, or acquire the equivalent of the injured resources. Some people like thinking about this graphically, so if you look at this graph on the y-axis or vertical axis, let's just say that resource is fish. The x-axis is time. So you're at a baseline fish population, there's a release of a hazardous substance, that resource is degraded. If there's no action by DEQ or EPA, that resource could stay degraded for a long time. Most likely, and in the event of Libby there is a response action that is a risk-based cleanup that brings that resource back toward baseline conditions. It usually doesn't get it all the way back to that pre-release conditions. That area in the middle, that's where we operate. So between where it was and where it comes to from cleanup and also the amount of time it takes to restore that. That's where the injury, that's where the injury is defined, and we can receive compensation. And with that, I want to turn it over to Sydney. And we will have plenty of questions and a quiz on our words at the end. Sydney Stewart: Yeah, so I'm NRDP's project manager for our work up in Libby. And I'm going to dive more into the specifics of what we're doing in Libby asbestos. We're going to talk about the 2023 settlement between the state and W.R. Grace, which was for operability Unit 3.</p>

Luckily Melody did an excellent chart of that. That's the former mine site and anywhere contamination has come to be located. So the former vermiculite mine itself, the forested areas around the mine, and then the Kootenai River downstream. So in 2023 the state settled the remainder of its claim in Grace's bankruptcy and that was for operable Unit 3. That settlement covered a bunch of things. We're only talking about the natural resource damage portion of the settlement. So, that was for injuries to natural resources caused by release of hazardous substances. Because this was part of a bankruptcy, we couldn't do a full assessment of injuries like we might have at another site. Instead what we did is look at the existing data collected under the Superfund process and look at potential injuries to resources based on that data. So it's kind of a big list because we weren't able to really refine it, but when we looked at it these are resources and services that we saw potential injuries to and I guess just to build on what Brian was saying there are cases where you might see an injury to a resource but not necessarily a risk level that would be addressed in cleanup and so we did see injuries caused by asbestos contamination but we also saw some potential injuries from non-asbestos contaminants so that should be covered in this NRD settlement. The resources affected being things like surface water, pore water, plants, and then the services, habitat, and recreational use of those resources. So the amount of the damages that the state received is a total of eighteen and a half million dollars and that's coming to the state over the course of ten years. The state's received about seven million dollars so far and will receive one and a half million plus interest on the remaining balance every April through 2032. We have to write a restoration plan anytime we want to use natural resource damages. So we developed an interim restoration plan for Libby and the interim part for Libby is for a couple reasons. The money's coming to the state over 10 years so we didn't want to allocate all of it right from the beginning before we even have it and don't know what the case is going in 10 years. We also don't know what the final remedy for OU3 looks like yet. So if you think back to the graph Brian showed, the remedy does restore the resources to some degree, so we want to know what the final state of those resources are going to be before we fully allocate all of the money. So the interim restoration plan is trying to kind of strike a balance between spending some of the money now, because we know there are injured resources, and we can start to restore them but also reserving some of the money for the restoration plan once we know what that remedy looks like. A summary of the money really quick. Again the states received about 7.1 million so far. 2.1 million of that was used to repay past costs that were incurred during the settlement negotiations. 2 million was allocated to early restoration in the interim restoration plan and that's mostly what I'm going to talk about in the next couple slides. But just to touch on the remaining 3 million dollars was reserved, and that's for that final restoration plan or for allocation in the future to other early restoration projects. That three million dollars is also where NRD's expenses come from, mostly to our staff time, so things like me and Brian being here to present, also writing the interim restoration plan and doing the public outreach associated with that. And if you're curious on how much that is, the first installment in the settlement that we received was in October of 2023, so through February of 2025 we spent about \$46 ,000 on program expenses. So I'm going to talk mostly about early restoration for the rest of the slides, and I just want to focus a little bit more on what these damages can be used for. Again, the statement you're going to sick of hearing or maybe already are, restore, replace, rehabilitate, or acquire the equivalent of the injured resources and the services that they provide. And so I think it helps to think about what was the state of those resources before the mine existed and what would their state be if the mine had never existed. And so you have contamination from the mine that's affecting the wildlife, the habitat, you know, you can have a vegetated space there instead of the mine and how would that impact the wildlife moving through the recreational opportunities and things like that. So we'll get into some of the projects that we've actually funded already. Early restoration projects are projects that we can do before we have that final restoration plan. So again these projects have to restore, replace, rehabilitate, require the equivalent of injured resources but also stated in the settlement agreement the projects have to be located within Lincoln County and then they also can't interfere with the remedy and that kind of goes two ways. One we don't want to put in a project that's going to make DEQ and EPA's jobs harder. We also don't want to put in a project that's going to get ripped out later when remediation comes through. So when we're looking at early restoration projects, we're talking with DEQ and EPA to make sure that there's no conflict there. For early restoration projects, we're also looking for things that are time critical. And all I really mean by that is that it makes sense to fund them now rather than waiting for developing that final restoration plan. And then they have to be able to be completed with the funding available. So back in fall of 2023, we did a scoping period where we asked the public for restoration projects. That included a trip up to Libby where presented to the public and asked for some ideas. We got some proposals from the public and then we made sure they

were eligible for those eligibility criteria I just talked about and all of them were and then we evaluated them according to our evaluation criteria which I'm not going to get into but I'm happy to talk about if you want to know how we evaluate projects. Yeah. **Senator Cuffe:** Okay if I might Mr. Chairman. Yeah, it's Mike. Would you just tell a little bit more about the gathering of information up there. **Sydney Stewart:** Yeah, it's a process. **Senator Cuffe:** Who did you talk to. Was it group meetings or individual. **Sydney Stewart:** Yeah. We did a public meeting up there. We've kind of learned since then that we should have done a little more. We advertised in the newspapers. We have a mailing list that we sent invitations out to. But really, we didn't get a ton of attendance and so we're now moving more towards presenting at other groups and not trying to hold our own meeting or maybe both for future but so things like this presentation we've presented to the City Council and the County Commission since then. Yeah, for this scoping project we had a public meeting that had a couple people attend and then we worked with the regional FWP staff to get some restoration ideas as well. **Brian Bartkowiak:** I assume you did ads in the paper and all the legally required stuff that we need to do. But yes, thank you that is that is part of the reason why we're here today and it's getting the word out for the next round of funding that will be talking about. **Senator Cuffe:** Yeah, I think, Mr. Chairman, 25 years ago, when you had a meeting in regard to this matter overall, it was just getting started, really, maybe 35 years, no, 25, and the meeting was just flooded. Everybody had a real concern, which I think my feeling is that's also a statement to the overall success of the various parts of it that have been addressed including the part we've done. Would you agree with that Mr. Chairman. **Chairman Teske:** I would. We're seeing that in quite a few of the different public meetings whether it's a NRDP, EPA, DEQ, you know, the numbers are considerably dropping off but that's not to say that it doesn't take much to get it back on everybody's radar or purview. I want to keep that from happening. So, is there any other committee questions for NRDP. **Sydney Stewart:** I have a couple more slides, too. **Chairman Teske:** Okay, go ahead. **Sydney Stewart:** Yeah, so we got some project ideas, and then we evaluated those, put them into a draft interim restoration plan that went out for public comment, and then it was finalized and signed by the governor in November of 2024. So in the plan about two million dollars was allocated to seven different early restoration projects. This map, the OU3 is shown in pink again and then the green is early restoration projects. I'm just going to run them really quickly. We have three aquatic habitat projects. We are funding FWP to develop additional raceways at the Libby field station for development of a Redband trout broodstock. Redband trout being native to the Kootenai River Basin and the broodstock will be used for both conservation and recreational stocking. We are also funding FWP to put a fish screen on a ditch on Parminder Creek and evaluate the efficiency of that ditch to look for potential water savings opportunities. And then we are looking at potential restoration of Libby Creek. There's a straightened portion right where it dumps into the Kootenai River that we're looking at whether we can do restoration there. This was proposed by a member of the public and NRDP thought it was a good project, so we are the ones implementing it. **Senator Cuffe:** But what would that kind of mean. The restoration of the mouth Libby Creek is that what you said. **Sydney Stewart:** Yeah, and that's what we're looking at. I mean Libby Creek's part of both Libby Asbestos and Libby groundwater and so right now it's a pretty general look like can we go digging around in Libby Creek without mobilizing contaminants. So we just have a consultant looking at the data that's been collected so far and doing a data gaps analysis, but the goal would be just general habitat improvement along that straight portion of Libby Creek. We also have four recreational projects, so we're funding Lincoln County to develop the Kootenai River Recreation Management Plan, and that's from Libby Dam down to the Idaho border. We're also funding Lincoln County through the Libby Park District to develop the Norgard Trailhead which would be putting in a parking lot and building a connector trail to adjacent DNRC lands. And then we're funding the City of Libby to do a hydrology study of the Flower Creek waste gravel pile and then hopefully remove that pile and create a parking lot to improve the access to the trails right there. And then this one doesn't show up on a map very well, but we are funding Lincoln County the Park District again, partial interim funding for a park manager who will look at developing recreational opportunities in the Libby area. Okay so the interim restoration plan also has us evaluating the need for additional early restoration every three years. So that'll look like another scoping period where we go up to Libby again, hopefully with a little more successful outreach, and ask people for restoration project ideas. We'll evaluate the ideas that we get and then put those into an addendum for the interim restoration plan. That addendum will go out for public comment and then be signed by the governor and finalized. We anticipate spending about half of the available funds at the time on early restoration and reserving the other half so for the next round that could be five to six million dollars for early restoration projects, but I want to be clear that that decision is up to the governor it'll depend on what kind of projects are proposed. I'm not making any promises but

	<p>that's kind of the plan and that is all I have. I have some links here for different resources for NRDC stuff at Libby asbestos. And then my contact info and Brian's. If you guys have restoration projects or people that we should get in touch with, please reach out to us anytime. I encourage people to reach out to us rather than just waiting for that next scoping period and throwing in a proposal. We can help people work through project ideas, make sure they're eligible and you get a good proposal. So we can take questions.</p> <p>Chairman Teske: So do committee members have questions. I'd make a request, could you please email us your slide show as well just like the previous one so that we can have access to the information and for our minutes. Sydney Stewart: Yeah. Chairman Teske: No additional questions gentlemen. All right. Thank you. Good presentation. Senator Cuffe: Appreciate it. Brian Bartkowiak: thank you.</p>
--	---

11:00 am	Discussion
OU3 Technical Support Update – Katie Garcin-Forba	<p>Chairman Teske: All right, our next agenda item is technical support update. This is an item that was brought forward at our last meeting. A request from Mr. Jamieson that DEQ consult with EPA to identify funding that could be provided for independent technical services to the county to facilitate our review. Since then, I believe Mr. Jamison has reached out to Katie Garcin-Forba. On that request do we have an update. Katie Garcin-Forba: Yes, thank you Mr. Chair, I will get these handouts that I just gave to Senator and Representative over here regarding the TASC grant and the TAG information. EPA sent this information over to us, so I appreciate them working with us to kind of compile what our options are and you know when I talked with you last week, we had discussed there's a few options to explore. I think that the TAG grant may not be the preferred approach. One, there's a little bit of a setup that takes place to get that in place for the community. But I think the TASC, the Technical Assistance Services for Communities grant could be a really viable option to work with EPA. I think either Beth or Dania would be the primary starting point of contact for getting this moving forward and it would provide the opportunity to have some technical assistance including reviews and explanations of site technical documents comments on technical documents. This program is an EPA contractor that helps support the community and get some of the technical information broken down and a little bit more digestible and be able to work directly with you know a group like this to help facilitate document review for operable unit 3 as that moves forward. We get the feasibility study, the draft feasibility study. So you know we had looked into some of the other options whether or not LASOC funding or some of the other four pots of money could be utilized. I think we would encourage looking at something like the TASC grant prior to using some of the other funding sources because if we can put that into site work and ongoing O&M in Libby, I think there's a benefit to be able to leverage some of these other grants that exist out there and then look at some of our other funding sources if this isn't a feasible or viable option. That being said though, I think I speak for our agencies collectively that we fully support community involvement, and we would, you know, the pursuit of technical assistance, we see a ton of value in that. So we're willing to and ready to work with you all to figure out if this TASC grant, this program doesn't make or the service doesn't make sense, what other options are available from our program that we can support from the agency level. So that's kind of where we're at. I'll send over the TASC information that EPA shared over to us, and as well as just the TAG program fact sheet I think that provides some really good information just kind of overview of some of those that are programs that are currently existing but like I said from the agency perspective we want to figure out how to support stakeholder groups and groups like LASOC to be able to provide comments and feedback on documents as we move forward. Chairman Teske: Thank you. Any members have questions. Senator Cuffe: Yes, Mr. Chairman. Chairman Teske: Yes, Sir. Senator Cuffe: Is this your first introduction to the TAG group. Chairman Teske: Pardon me. Senator Cuffe: Okay, here's basically what my concern is that there's an interest in the TAG program dipping into the LASOC money and I guess I'd like to learn a little bit more about that, but I will expect off the top, but a certain reluctance. We worked hard to get the money for what it's being used for, and I don't know what kinds of things we're talking about and potentially diverting the use from and at this point, I'm somewhat skeptical, but I hopeful also because I've seen a lot of good things. Katie Garcin-Forba: Yeah, Mr. Chair, I can speak to that a little bit. Chairman Teske: Sure. Katie Garcin-Forba: So Senator Cuff, so the technical assistance grant is actually a separate program that would not come out of the LASOC funding at all. It is community groups, it's a non-profit, you have to be a registered non-profit. There are community groups or groups like this that can put in and receive funding up to \$50,000 grants. I think it's every year or two and so it would not come out of any of the LASOC or the Libby O&M fund. Neither would the technical assistance services for the TASC grant. Those would be separate and those are through the EPA. I think the third option that we kind of see is if LASOC dollars would need to be allocated for review but I think speaking to your point that you know that</p>

	<p>was that was fought for site work you know I think our recommendation would be to look at those the TASC grant or the TAG before and I know that there was a TAG previously up in Libby for this community and I think that when other operable units got listed and those you know weren't as forward-facing as OU3, that went away and so I agree I think if we can find another mechanism that would be I think our preference as well. Senator Cuffe: Okay, Thank you, Mr. Chair. Chairman Teske: Did that answer your question sir. So Mr. Jamison has got some clarification as well. George Jamison: Mainly, Katie I wanted to thank you and the others you've been working with on this topic, and we've had some, as you said, we've had some valuable and good conversations, and I appreciate that and look forward to that continuing. And my only question is what's next or do you need anything from us or what do you see as the next steps. Katie Garcin-Forba: Yeah that's a good question and I see Dania has her hand raised and she might also be able to provide some support. You know both these programs are under EPA and so if that's something that is looked at pursuit of we would certainly want to work closely with Dania and their team, but Dania I don't know if you want to add anything before we kind of speak on next steps or if you have ideas for next steps. Dania Zinner: Sure, yeah can everyone hear Me. Chairman Teske: Yep. George Jamison: Yes. Dania Zinner: Okay great thank you everyone thanks Katie, that was great explanation. So I also wanted to add that the TAG group we previously have, which we don't have anymore, just wanted to add they did have a lot of trouble with the reporting requirements. As you know, some of our grants have a lot of reporting requirements, which I've heard that's not really a problem with the TASC since it's an EPA contractor. So I wanted to throw that out there as well when you're looking at different options. And then I want to pass it to Beth, actually, for the next step, because the next step would be contacting Beth. Beth Archer: Yeah, that's great. Thanks, Dania. And that led exactly into what I wanted to say. So, Katie, I'm not sure if you have this slide. We might not have sent it over already, but we do have a good comparison slide that shows the benefits and kind of pros and cons of TAG versus TASC. So I'll send that to you, Katie, or to the group so that everyone can look at that. But the next steps for either the TAG or the TASC are to reach out to me so that we can move forward with some of those next steps. What would be helpful for me if and when y'all do reach out is some of those deliverables that you'd like to get from the technical assistance. Like I think I heard document review. If there are other like fact sheet development, things like those deliverables would be helpful when y'all reach out to me to start getting that moving. Katie Garcin-Forba: And I would offer up if George and the rest of the committee, if you guys want some support on just what's to come and what might be helpful as far as document review or what kind of forecasting and what that need might be. We're certainly happy to sit down, we'll put full melody into that from the technical perspective and we can help kind of scope out, here's what's on the horizon so that you guys have an idea of what the ask is and how we move forward. So I think that's certainly something we're able to help facilitate. George Jamison: Okay, thank you. Chairman Teske: Okay, any other additional comments from committee members. Okay, so I'd like to just make one request with the permission of the committee, I'd like to leave this as a standing agenda item so that we can follow up on this at least quarterly if not between meetings so that we don't lose track. Everyone, okay with that. George Jamison: yes.</p>
--	--

11:09 am	Discussion
Information Portal – George Jamison	<p>Chairman Teske: Next agenda item is the information portal presented by Mr. Jamison. George Jamison: Thank you, Mr. Chairman. This is really sort of an edge topic up that follows up on what we just heard about for technical support, and I have some remarks here that I'm gonna read that I'd like to provide to our clerk over here for the minutes to make life easier. First of all a little bit of background and this is a bit of a summary of what you will see in the minutes from the last meeting. Access to Libby Asbestos Superfund Site documents, including their supportive reference materials, is essential information to the public and entities that are charged with responsibilities for future and ongoing Site activities, including LASOC. The primary bulk of the information is EPA files and records, but other locations and sources include elements of Montana government (e.g., DEQ and NRDP), and Lincoln County (ARP and Health Board). The repository at the local library here has some key documents, but not an organized extensive framework to locate and obtain other documents. The EPA website also has links to some key documents, but searching for more detailed information is difficult and not productive. Several current and upcoming activities support the need in the near term to be able to research, locate and access documents and information. These include: First, significant concerns raised in EPA's Five Year Review, such as questioning ongoing protectiveness of the remedy relative to both human and ecological receptors. Second, the long-expected release of the draft Feasibility Study for the Mine Site and third, the upcoming studies of the Elk River and Kootenai watershed conducted by the International Joint Commission which seeks to consider</p>

all potential impacts, which includes the Libby LA Site and the OU3 in particular. So, recommendation: It is recommended that a centralized portal of information for the Site be established to house EPA, MT and County documents. It is suggested that the web based portal be based in DEQ and be "linked" to LASOC. This approach reflects their (being Montana's government) perpetual responsibilities and liaison with EPA and the County (specifically the ARP). It should also be noted that DEQ is the home to the Site database for property information, and the recommended portal could be created and maintained on the same platform for efficiency. Effort would be needed to categorize documents to enable searching and organization. For clarity, this recommendation does not include the response manager database with all of the individual property owners. Finally, it seems that LASOC is an appropriate venue to make this recommendation. Given the LASOC and DEQ connect administratively, and it is suggested that DEQ take the lead on this topic. Thank you. **George Jamison:** Somebody's got their mic on. **Chairman Teske:** Ya, it's the Helena meeting, for some reason we are getting a lot of background from you folks and it's kind of covering up some. The presentation made by Mr. Jamison will be entered into the minutes as well. So there are copies here for further review if you wanna see what the specific is but the jist of the request is to have a central portal instead of folks having to access a number of different points and locations for information. We all know that hunting down some of this stuff can be very difficult and time consuming if you've got to bounce between multiple federal, state and local agencies. Is this something that seems to be possible or practical. I don't know, Dania or Beth. **Director Nowakowski:** This is Director Nowakowski, and I can weigh in a little bit and then turn it over for others. You know, we can take a look at this request and maybe some of the challenges associated with it. I'll work with Division Administrator Steinmetz, and perhaps we can provide a report out at your next meeting about how we can advance this concept and what is technologically feasible to do and what may not be. I know there's volumes and volumes of information here, and so perhaps we might talk internally a little bit about prioritizing, and work with you a little bit on some of the documents that you would like to make sure are included in this site. Understand and appreciate the request for collaboration. Also just want to make sure we prioritize and put this into our other workload. I want to advance this effort, but at the same time, I don't want to set us behind on other steps, like moving forward, you know with LASOC requests and Superfund cleanup and a lot of the other big issues around Libby. So using our existing resources, take a look and perhaps report back to you at your next meeting on some feasibility. But I'd turn it over to Division Administrator Steinmetz and EPA and others to weigh in as well. Thank you. **Chairman Teske:** Thank you. **Dania Zinner:** I can go. This is Dania Zinner. **Beth Archer:** Sorry, Dania, I can go. I wasn't sure if DEQ wanted to go. Go ahead, Yeah. Amy, did you want to start, Dr. Steinmetz. **Amy Steinmetz:** No, I don't have anything additional. Thank you. **Beth Archer:** Ok, sorry. Thank you. So from the EPA perspective, I think that this is something that we can support. I think what it will look like for us is that we do already have the links to the documents up on our website. So if this new website is created, it will link to those existing documents. I think that's the format that I'm hearing because the request George, I believe, was for it to be a DEQ website or something like that is what I heard. So I think we can support that. I echo a little bit of what the director said. If there are specific documents that are not accessible that we need to make accessible, the website should already have all of those up and available, but if there are things that are missing, please let me know as soon as possible so that we can work on that. But I think that seems feasible. I didn't hear an ask for like a specific, an additional EPA site, since we already have the Libby asbestos ones. I don't think we need another clunky EPA site, but if there is another ask around how we share information, we have. Been updating some of those site profile pages. So that is an option just kind of separate from this project, but on the EPA end, if we want to make it a newer web page, that is something that we have available. That we can support. **Chairman Teske:** Thank you. Any additional follow up. **George Jamison:** This is George again. Thank you. My thought, my suggestion about DEQ is since they're vested with the long-term responsibility for the site, you know, in perpetuity. That that's where things should end up, it seems to me like and, you know, as you've said, Beth, if you could just redirect some of these links and things over there. It's not like we're making paper copies of these things and renting a semi, you know. So, you know, that's my thought and I think maybe it would be helpful. I know some of you are going to be in town soon. I think it'd be helpful if we could sit down and just talk about the nature of some these documents because a lot of these documents, I think as we as we for example consider things related to OU3 and you know the information that supports feasibility studies and things that have been done many years past, they're pretty obscure. And I found before that it's one thing to find to find the RRI or the FS or the risk assessment or the O&M plan and things like that but when you get back into the footnotes and the references in these documents, I mean those are those are not easy to

	<p>find and unfortunately, that's the kind of thing I'm thinking that we need to be able to find a path to because I've never honestly been able to navigate that very well through the search engine that is common with your site. So anyway, that's it. Thank you. Chairman Teske: You got a follow-up Dania. Dania Zinner: Actually I wanted to just reiterate what everyone said. EPA is definitely willing to do even more if we need to for OU3, but yeah, I think everything should be with DEQ for the rest of the site and I like Beth's ideas, and we can definitely sit down and chat about more ideas when we are there in April. EPA, DEQ and others will be there April 21st through 23rd for the LARP exercise, wildfire emergency planning exercise on April 22nd. So yeah, look forward to continuing this conversation. Thanks all. Chairman Teske: Any additional committee comments. All right, like the previous agenda item, if there's no opposition, I'd like to keep this on the agenda so that we continue to follow up with it.</p>
--	--

11:20 am	Discussion
Public Comment (Public comment needs to be word for word)	Chairman Teske: We'll move into public comment. I don't believe we have anyone in the public in the room. Is there any public online that would like to make a public comment. Okay. Hearing none, we will move on.

11:21 am	Discussion
<p>Discussion and Next Steps</p> <ul style="list-style-type: none"> • Date and location of next meeting • Summary of action items 	<p>Chairman Teske: Discussion and next steps. Date and location of next meeting. You know, I think this would be an easier meeting to plan if we had a fixed date. Uh, you know looking at whatever particular date, mid-quarter, 3rd Monday, 2nd Monday, whatever, I mean something that would work for everyone. It kind of gets a little complicated to try and squeeze it in towards the end of the quarter if we can't get everybody to agree on a doodle poll. So how does the committee feel about assigning a fixed date and what would they want that to look like so that we're consistent and we know, and the public know exactly when and where we're meeting. Any committee comment. George Jamison: Mr. Chairman, I'll make the comment I'm the only one without a job, so I guess whatever the rest of you decide. Chairman Teske: Well, I know it's difficult during the session for that, but I mean, we could make accommodations if something did come up, but if we had a fixed date and time. Let's say mid-quarter, so that we're not trying to conduct business in a hurry up timely fashion, so I guess we'll just have that discussion and figure out what's gonna work for everybody so that we can pick a date and a time that will be consistently scheduled. Chairman Teske: Sure, we can figure it out. All right and summary of action items are there action items that we need to review for follow up. The only other things is you know I just want to make sure everybody receives an email copy of the slideshow, so we all have that information. Especially the contact information at the end and then we keep these two agenda items in the forefront. So anyone have anything else. George Jamison: I think those two are the follow up items. Chairman Teske: Okay, all right, with that being said, we'll adjourn the meeting, so I thank everybody for coming out today and participating and being a part of it. Senator Cuffe: Good to see you guys.</p>

Meeting Adjourned 11:22 AM