



Libby Asbestos Superfund Oversight Committee Meeting
March 4, 2024
1:00 PM

Location of Meeting:

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

*Remote access was also available.

Call to Order

The Libby Asbestos Superfund Oversight Committee conference call was called to order at 1:00 PM on March 4, 2024 with the Pledge of Allegiance.

This was the 27th meeting in accordance with the Montana Code Annotated 75-10-1601. Public notice of this meeting was provided via newspaper ads, press release, social media, and the DEQ website.

1. Roll Call

Chairman Gunderson conducted a roll call of attendees and confirmed that a quorum of Advisory Team members was present. The following persons were present or attended by phone:

Oversight Committee Members:		
Director of DEQ or designated representative	Christopher Dorrington	Present in Helena
Lincoln County Commissioner designated by the Commission	Commissioner Brent Teske	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	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

Other Interested Attendees	Affiliation	
Mandy Harcourt	ARP	Present in Libby
Chris Noble	Citizen	Present in Libby
Tina Oliphant	Citizen	Present in Libby
Jessica Wilkerson	DEQ	Present in Helena
Kevin Stone	DEQ	Present in Helena
Melody Wunderlin	DEQ	Present in Helena
Corrina Brown	Lincoln County	Present in Libby
Ray Stout	Reporter	Present in Libby
Katie Garcin-Forba	WMR Bureau Chief	Present in Helena
Nick Raines	WR Grace	Present Online

2. Agenda Item	Discussion	Document Link
Review and approve minutes of December 19, 2023	<p>Chairman Gunderson: Let's review and approve minutes from December 19th. Senator Cuffe: Mr. Chairman I move to approve the minutes.</p> <p>Chairman Gunderson: Does anybody have any changes. George Jamison: Second. Chairman Gunderson: OK a motion and a second so let's go ahead and approve the minutes of December 19, 2023.</p>	

3. Agenda Item	Discussion
Site Budget and Funding Report- Melody Wunderlin	<p>Chairman Gunderson: Let's move on to site budget and funding report, Melody Wunderlin. Melody Wunderlin: Hi all, do you guys have any questions on the site budget and funding report. George Jamison: I do have a question: Chairman Gunderson: Go ahead George. George Jamison: It doesn't relate specifically to any of the numbers per say Melody but I know last time the department was gonna make an effort to get updated numbers from EPA to populate some of the items in here and wonder if you can give us an update on that. Melody Wunderlin: I did get a response from Danya so I do have those notes. I can email them out with exact numbers if you want but we have about 8.8 million in the O&M fund and it is 27.5 million in the contingent one, that's perspective use for O&M and those numbers did go up because we were closing out contracts. George Jamison: What about the numbers in here for some their grants and agreements, are those up to date too? Melody Wunderlin: Those should be all up to date. I can verify with fiscal and make sure those are up to date. Do you have specific numbers that you are concerned about? George Jamison: No, mainly I think they'd be in table 1 and 2. Melody Wunderlin: I can verify with fiscal. I believe those are updated, that would be numbers that we have access to. George Jamison: OK, I was more interested in the numbers that you just recited to us and thank you for doing that. I am glad to hear we got a response. Those numbers look healthy. Melody Wunderlin: yep. Chairman Gunderson: Ya, I would appreciate it if you would send those out Melody. Mandy do you want her to send them directly to you? Mandy Harcourt: She can send them to me and I can send them out. Chairman Gunderson: Why don't you send them to Mandy and she can send them out to us as needed here. Melody Wunderlin: OK I will get those sent out to Mandy this afternoon. Chairman Gunderson: OK Senator Cuffe: Mr. Chairman, Chairman Gunderson: Senator. Senator Cuffe: Do you think there would be any point to having any kind of a breakout of the orphan share. Chairman Gunderson: Do we have a total on the orphan share? Senator Cuffe: It's on the second page in. It just says distribution. It's summarized. Chairman Gunderson: It probably wouldn't be a bad idea. Senator Cuffe: In particular I was wondering about the 25% maximum for administrative purposes. Mr. Chairman, I wonder how much we've actually used. Chairman Gunderson: Melody did you catch that from the Senator. Melody Wunderlin: I did, so we'd like to see a breakdown of the orphan fund. Chairman Gunderson: Correct. Melody Wunderlin: OK. Chairman Gunderson: OK, thank you Melody. Moving on.</p>

4. Agenda Item	Discussion
Changes to text of Support of Property Owners Report- George Jamison	<p>Chairman Gunderson: Changes to text of support of property owners, George. George Jamison: Ok thank you. You have two different agenda items. The one you want to look at now actually says through September 1, 2023 and also the first heading in the report shows background struck out and reentered in bold, so are you look at the right one? The red lined one. Chairman Gunderson: Yep. George Jamison: It's been the practice of this committee that for this report and the one Melody just reported on that we have standardized text so as we look at these as each meeting we don't have to wonder about weather something has changed in the text. We can concentrate more on the updated information that's entailed. At the last couple of meetings there were some questions about clarification that we needed to make on this. Some pretty small changes. Mandy, Melody and I worked on this together and we made some formatting changes. That's what you see under the first couple of headings. We added some new comments under the comments section on table 1. We relabeled for clarity a couple of headings in the tables and that also includes table 2 and 3. So these were pretty much what we talked about last meeting. This agenda item is to ask for your approval of these changes to the standardized text of this report.</p>

	<p>Chairman Gunderson: I would say we have pretty much captured it. It looks like we've got numbers populating the O2130 account now and looks like we are populating the grant fee Libby Asbestos O&M activities too and it's a lot easier to read, I think. Senator Cuffe: I have one picky little thing. Chairman Gunderson: Senator. Senator Cuffe: Spelling. The first item under type of requests. PEN's received by ARPA. I before e except after c. The front page, first one in the graph. Chairman Gunderson: Melody and Mandy, did you get that? Melody Wunderlin: yep. Senator Cuffe: A little copy editing. Chairman Gunderson: I think we need a motion to accept the changes with Senator Cuffe's amendment on that. Commissioner Teske: So moved. George Jamison: second. Chairman Gunderson: OK all in favor say eye. All: eye Chairman Gunderson: OK, moving on.</p>
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5. Agenda Item	Discussion
Support of Property Owners Report- Melody Wunderlin	<p>Chairman Gunderson: Support of property owners report updated. Melody you are back on. Melody Wunderlin: I did update some of these numbers. They went up slightly. There were a couple that if found when I was going through auditing. Does anybody have any questions on this report? Chairman Gunderson: This is report date from September 23 through December 24, correct? Melody Wunderlin: That should be December 23 not December 24, but yes. Chairman Gunderson: I guess we can add that to our amendment. George Jamison: It's a separate report. Chairman Gunderson: That's just a typo, we can take care of easily without a motion. Melody Wunderlin: Melody that one that's gonna be dated December 23, that is gonna be our new format and you are gonna update that even more? Melody Wunderlin: We will fix that typo in the first line and then the date but yes, this is the correct format. George Jamison: If I might? Chairman Gunderson: Go ahead George. George Jamison: The way we structured this is and I probably should explain that, is the changes that were in the first one we looked at were incorporated into the second one anticipating you would probably accept it. The text in this report is the new language. Chairman Gunderson: OK, so we are up to date. George Jamison: yes Chairman Gunderson: ok, that is fine. It looks good. OK, so lets make a motion to accept that. George Jamison: So moved. Commissioner Brent Teske: I'll second it. Chairman Gunderson: all in favor, say eye. Chorus: eye. Chairman Gunderson: We're unanimous, so let's move on.</p>

6. Agenda Item	Discussion
O&M Update – Melody Wunderlin and Mandy Harcourt -Activities at OU1, 2, 4, 5, 7, & 8	<p>Chairman Gunderson: O&M Update, Melody Wunderlin and Mandy Harcourt -activities at OU1, 2, 4, 5, 7, & 8. Mandy Harcourt: Do you want me to start Melody? Melody Wunderlin: Yeah, if you wanna, go ahead, Mandy. Mandy Harcourt: Today's ARP update will cover activities completed and ongoing since our last meeting in December. ARP responded to 55 hotline calls, 75 locate tickets and we conducted 53 site visits between December and March. Libby and Troy properties, abatements, completed or ongoing 276 Dolphin Way was completed, phase one central maintenance buildings has been completed phase two of the central maintenance building is ongoing. Libby and Troy property sampling completed. We haven't completed any sampling in the last three months due to weather. Libby and Troy active properties with ongoing abatements 713 Michigan Ave. interior subfloor removal, 386 Riverside Dr. exterior removal and 540 Quartz exterior removal. Libby and Troy active properties with upcoming sampling 365 Bobtail Way and 96 Reedway Dr. Those have been completed and will roll out once the weather breaks. I do have a couple NOEX that will be coming your way, that's also weather dependent. Once we can get a contractor out there, put together bids and all the information you guys will need to make a determination, I will be sending those out. Also depending on the weather. Chairman Gunderson: Super. OK, Melody? Melody Wunderlin: I don't have much to add, we're working on updating some of our sampling plans and O&M plans in finalizing our inspection from last year and that's all I have to add on that. Chairman Gunderson: Ok, thank you, Melody. Um, let's move on.</p>

7. Agenda Item	Discussion
DEQ/EPA Site Update – Melody Wunderlin -Activities at OU3 & OU6	<p>Chairman Gunderson: DEQ/EPA Site Update, Melody. Melody Wunderlin: I don't have any updates for OU6 and for OU3, we are looking forward to having a feasibility study done at some point this year, I do think it is going to be delayed, I think the last meeting it was due in May, and I do think that we're looking at some potential delays on that at this time. Chairman Gunderson: Ok, thank you, Melody. Anybody else have anything from the DEQ EPA site update? Seeing none, we'll move on.</p>

8. Agenda Item	Discussion
Letter of Support for the deletion of OU% from the NPL- Steve Gunderson	<p>Chairman Gunderson: Next item was a letter of support for the deletion of OU5 from the NPL and the only reason I brought that up was just to find out if any of the panel thought it would be a good idea, to continue to make LASOC relevant and keep our faces out there, to let them know that we do also support the deletion of OU5 from the NPL. Is there any discussion on that? Senator Mike Cuffe: I think that's a good idea, Mister Chairman. I know there are a certain amount of questions that come up, just when they see the ads and it would be a good thing. Commissioner Brent Teske: Ya there has been more activity, more testing, more things going on there in the last year than there has been probably since the first round. So, there's a lot of activity to support the delisting as opposed to a timed expiration or something. Chairman Gunderson: George, any comment? George Jamison: I think I support it. I would say I'm, frankly, I'm just always generally suspicious of the delisting. I think at OU5 we've been working with ARP and the people involved in OU5 they've been keeping us well up to date as well as the other OU's and DEQ and I have a lot of faith in that process going forward. I support this but I do want to say as a matter of record, for me personally, when it comes to the idea of delisting OU's 4 and 7 for Troy and Libby, I think that needs a lot of discussion. That has come up in the past and been proposed. Brent, maybe you remember, was it two years ago at a meeting? Commissioner Brent Teske: It did when they were looking at OU1 down there at the park and stuff. George Jamison: Right, and at that time we voiced concern about that. I would like for this to be a placeholder with this Committee and with the DEQ, and also with EPA, that before we seek concurrence from, particularly from the department. I'd like to be sure that we get timely chance for input to that. It may be just me. Chairman Gunderson: No, I totally agree with you. I think the time for OU5, though, is now, and I think we need to pass it on. Director Dorrington, did you have any thoughts or comments on that? Director Dorrington: I defer to Katie or Melody on this topic. Katie Garcin-Forba: Yeah, Melody, if you want to provide a little bit of context, and I can also, whatever your preference is. Melody Wunderlin: I know a lot of those conversations actually started prior to me starting, so Katie, you might actually have a little bit more insight on the delisting process for OU5. Katie Garcin-Forba: Yeah. We can certainly provide a little bit more detail to you guys and some written form on delisting. But I do think one of the things that it provides is an opportunity for redevelopment in the county up there. You know, if there is still something that is found that's of concern tied to the asbestos site, there is a response that can happen. And so there's still opportunity to support the site if concerns are raised and work together to address those. But it will allow for some redevelopment opportunities and, you know, keeping in mind that the groundwater site falls into that footprint, part of that footprint for OU5. You know, we'll continue to work with the county closely and any developers to make sure that that work that's being developed and done out there is done successfully in protective of the remedy that was done and with institutional controls that have been put in place. Chairman Gunderson: Ok. Kevin Stone: This is Kevin at DEQ. I would add that you know as future delisting proposals are developed by EPA. You know, DEQ is interested in local public and local government input on those decisions and we can continue to be a conduit with this board, for example, and potentially have EPA come in and talk through and walk through some of those proposals as they might relate to Libby and Troy, you know in those operable units. Chairman Gunderson: Ok, thank you, Katie, I'll probably get with you tomorrow, maybe, and put some ideas together. Chris, did you have any comment or input? Director Dorrington: No, just said I support the delisting process in order to support what's going on at the local level. I know there's some hesitation I think we should talk through. George, if you have particular hesitation, I think it's wise at the appropriate time to raise those concerns but I do support the delisting process. Chairman Gunderson: Ok thank you director. Melody Wunderlin: If I can add just one thing, this doesn't change like the O&M plan and we will still have funds available for work at OU5. The institutional controls are gonna stay the same and all of that. Chairman Gunderson: Ok, that sounds good. I think we need to support that</p>

	idea and I also agree with the director, we kind of have to do it with the with kid gloves. As Commissioner Teske put it people do need to see things that are going on and I think if we make that more of a public statement, I think it'll answer a lot more questions. So we'll continue to work on that in the background, then, and that's due March 15th, I believe. If I can work with Katie and maybe Melody, through Amanda, then we can come up with something by the 15 th . Does that sound equitable to everybody? Director Dorrington: Yes. Katie Garcin-Forba: Yes, that sounds like a great plan. Chairman Gunderson: Moving on then.
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9. Agenda Item	Discussion
Public Comment (Public comment needs to be word for word)	Chairman Gunderson: Public comment, is there any public comment by anybody on topics in the purview of LASOC? Hearing none.

10. Agenda Item	Discussion
Discussion and Next Steps <ul style="list-style-type: none"> Date and location of next meeting Summary of action items 	Chairman Gunderson: Discussions, and next steps, date and location of next meeting. When do you think we're looking at that, Mandy? Mandy Harcourt: June or July? When did you wanna meet? Chairman Gunderson: June or July would work for me. Later in June or earlier in July. Do you want to do a doodle poll on that? Mandy Harcourt: Ya, we can handle it as usual, as it gets closer I will touch base with you and you can shoot me some dates and I will submit it as that seems to work. Chairman Gunderson: Yeah, because I'll be out of the country until the first week in June. From the 7 th on I should be ok. Then a summary of our action items, Mandy, Katie, Melody, and myself will work on the letter to get that out by the 15th. Other than that, is there anything else anybody has on any items? Nobody. OK, Director? Nothing, OK, well, I'm going to adjourn the meeting.

Meeting Adjourned 1:26 PM