



Libby Asbestos Superfund Oversight Committee Meeting

June 1, 2022

1:00-3:00 PM

Location of Meeting:

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

*Remote access was also available.

Call to Order

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

This was the 20th 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 Jerry Bennett	Present in Libby
Member of the House of Representatives whose district includes at least a portion of Lincoln County appointed by the speaker of the House	Representative Steve Gunderson	Present via Zoom
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
Carolina Balliew	DEQ	Present in Libby
Matt Dorrington	DEQ	Present in Helena
Joann Wiggins	DEQ	Present in Helena
Moira Davin	DEQ	Present in Helena
Jessica Wilkerson	DEQ	Present in Helena
Dania Zinner	EPA	Present in Libby
Bryan Alkire	County Landfill	Present via Zoom
Brent Teske	County Commissioner	Present in Libby
Josh Letcher	County Commissioner	Present in Libby
Amanda Harcourt	ARP Director	Present in Libby

Nick Raines	WR Grace	Present in Libby
Tony Penfold	WR Grace	Present in Libby
Ray Stout	Kootenai Valley Record	Present via Zoom

2. Agenda Item	Discussion
Review and approve minutes. • March 14, 2022	Robin Benson Notes: The audio and transcription of the June 1, 2022 meeting begin at Agenda Item Support of Property Owners Report-George Jamison. There were two corrections to the March 14, 2022 minutes. 1. On page one, Ron Mahoney was present in Libby (not by phone). 2. On page 6 (9 th name down the page), change George Jamison as speaking to Chairman Gunderson. Motion by Chairman Gunderson to approve minutes with two corrections. Second by Commissioner Bennett, motion carried.

3. Agenda Item	Discussion	Document Link
Site Budget and Funding Report-George Jamison	Robin Benson Notes: The audio and transcription began late into this conversation as follows: George Jamison: Probably for DEQ in particular since they updated the tables. Chairman Gunderson: Is there any changes, questions, updates, anything we need to do with the site budget and funding report? Hearing none, we will move on to Support of Property Owners Report. Again, I will hand it over to George.	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/June%202022%20Meeting/LASOC%20Budget%20Report_2022-06-01.pdf

4. Agenda Item	Discussion	Document Link
Support of Property Owners Report-George Jamison	George Jamison: The second report now is also standardized report as of our last meeting, and again, jointly ARP and DEQ have updated these tables and this report really helps us drills down lower to focus on the support, the O&M support that's being given the property owners. So again, I think the question here is are there any discussions or questions or suggested changes or anything to this? Chairman Gunderson: Doesn't sound like we have any takers, George. George Jamison: That's good. I would, Mr. Chairman, I'd like to point out and I think this report is already useful for us in a way because if you look at Table 2 and 3 under, would be the third column over, the fourth actually. Libby asbestos cleanup and operations account, fund account. As you can see, there are zeros in there both in terms of the number of incidents related to abatement activities. And also, no money that has been spent in those abatement activities. At a glance, it's not going up. Senator Cuffe: Can we get a report on this? George Jamison: That is coming up, later on the agenda. Chairman Gunderson: Any more discussion on the property owners report? Senator Cuffe: Mr. Chairman, do we need a motion to approve the report? Chairman Gunderson: I don't believe so. It's just an ongoing report. All it's filled out by DEQ on the status, so I wouldn't think that it would be anything that we could have input on anyway. Ok, so is there any more discussion the support property owners report? Hearing none, let's move to the O&M Updates, Jason and Many Harcourt. I guess we can start out on the activities at OU 1,2,4,5,7 and 8.	https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/June%202022%20Meeting/Draft%20LASOC%20O&M%20Support%20to%20Property%20Owners%20Report.pdf

5. Agenda Item	Discussion	Document Link
<p>O&M Update-Jason Rappe and Amanda Harcourt.</p> <ul style="list-style-type: none"> • Activities OU1,2,4,5,7 & 8 • Renewal of EPA/DEQ Cooperative Agreement • Renewal of DEQ/Lincoln County ARP Agreement 	<p>Amanda Harcourt: ARP responded to 81 hotline calls between March and May. The majority of the calls were the property owners request for information. ARP responded to 343 utility locates. Again, the large majority of them were from Libby. ARP conducted 56 site visits during the quarter. We did site primers and just visual confirmation of properties. For active properties in Libby, we have 757 E. 5th Street. The property owner is currently under a prospective buyer, I'm sorry, is currently under contract to purchase the property. VCI was released from the East side of the house, contaminate in a large area of the yard and portions of the under structure. ARP has contacted the new property owner and will be drafting a scope of work once the property closes. 713 Michigan Ave. property owner has received approved scope of work from ARP for an abatement. We are just waiting on her to solicit a contractor for the abatement. 41262 US Hwy 2, this is a NOPEC property that is on the agenda that we will be discussing shortly. The property owner encountered vermiculite insulation falling out of the ceiling of an older outbuilding on the property. The property owner plans on demolishing the structure. ARP has drafted a scope of work for the building to be demolished and we will be running oversight on that project when it moves forward. With ARP's assistance, the property owner did decide to self-perform the soil sampling out there. ARP did oversight when they collected their own samples. The soil samples came back non-detect. 287 Terrace View in Libby, ARP identified gross levels of visible vermiculite in the area of the property where some tree stumps had been removed. This is a carryover property from last fall. We did another site visit just a few weeks ago and the property owner has decided to do some pretty significant construction right around that area so we are going to be running oversight and checking, and as he moves forward with the construction, before we do the scope of work for the abatement of the area, just because we don't want to have to go there twice. So, if he disturbs or encounters more, we can get it in one scope of work. 803 Minnesota Ave., the property owner encountered vermiculite while installing a new outlet. We did a site visit and confirmed the presence of VCI within the wall cavity and outlet being installed. There was also released VCI in the basement where he was feeding electrical through the wall. We are drafting a scope of work for a clean and seal of the crawl space and in the area where the outlet is being installed. Asa Wood School, right now we have a quick response on stand-by for some exterior work that is going on out there, are doing some clearing. There is potentially, they might encounter some mine tailings that were buried out there at some point. We have a scope of work already on stand-by if that happens. As far as the rest of Asa Wood, it is moving forward. They are working on the Brownsville grant, I believe, right now, the planning stage for that. That's pretty much all the information we know about it right now. For Troy active properties, 369 Riverside Drive, ARP emailed the final abatement scope of work for this property on 11/9/2021. ARP has not been able to contact the property owner, moving forward kind of just dropped off the radar so we are going to be closing on this property. And then, GID 11192, this is actually the neighboring property of Riverside. Property was designated a non-use area during the time of the investigation. Property has since been developed and the sampling scope of work will be finalized next week. Been busy.</p> <p>Jason Rappe: On the DEQ side, we are finalizing the O&M plan, per direction while recommendation from the county commissioners today. We will provide a public comment period for that document, so we will probably look to be sending that out some time next couple of weeks. We are currently working on the consolidated ICIAP Institutional Control Plan. That will probably start receiving drafts August, September timeframe. And then we will send it over to the county commissioners, Libby, Troy and ARP. Everyone will have opportunity to comment on that, from the official side, and then once that's finalized, we will provide a public comment period for that too. EPA/DEQ cooperative agreement has been done and approved. That agreement in place of EPA and DEQ and then we just finalized the MOA between DEQ and ARP that's all signed, we are ready to go, we are good for another year. Probably about November, we will be reaching back out again. We will get new estimates for everything to start trying to run that through for a two-year agreement starting next year. That's all I have.</p> <p>Chairman Gunderson: Ok, Jason and Mandy, thank you. Is there any discussion on the O&M update? Hearing none, lets move on to DEQ/EPA Site Update from Jason.</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/June%201%202022%20Meeting/42162%20US%20HWY%202.pdf</p> <p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/June%201%202022%20Meeting/Refusal%20LASOC%20Request.pdf</p>

6. Agenda Item	Discussion	Action Items
<p>DEQ/EPA Site Update- Jason Rappe</p> <ul style="list-style-type: none"> Activities at OU3 & OU6 	<p>Jason Rappe: We have the pleasure of having Dania Zinner here from EPA. So, I'm going to this off on to her if she doesn't mind.</p> <p>Dania Zinner: I'm Dania Zinner, I'm the EPA Project Manager for the Libby Asbestos Site. I apologize, it's been a while, we haven't been able to travel due to covid, and now we are able to travel normally. So, the biggest update is EPA, DEQ, Grace and the Forest Service, we are all going to have a public meeting, for OU3 status update this evening 5:00pm, at the Ponderosa Room. You are all invited. We are going to get more into the details on OU3 there, but the short of it is EPA is going to explain the feasibility study process. We are developing and screening out remedial alternatives and cleanup options for OU3. WR Grace is the lead on this site so they are drafting all the documents, so we are reviewing them right now. WR Grace will give a construction update on the dam work, all that great stuff and then the forest service will be providing OU3 specific fire preparedness update. So that's really great. It's been a couple of years since we've been able to be up here to do that OU3 status update today for the public. And then OU6, other good news is OU6, we did not receive any public comments to EPA. I did hear that some folks were concerned about BNSF to just walk away, that is not the case. BNSF has agreed with EPA, but they are on the hook for operations and maintenance for OU6 into perpetuity. So, they are going to do annual inspection reports, and they need to maintain everything. And also, they should be working with you all. They find anything on OU6, on the rail corridor. So, that OU will be partially deleted or delisted in September. So, that's another cool thing you can add. That will be four OU's, OU 1,2,6, and 8 will be actually deleted this year. That's a pretty cool milestone, this is a great meeting and I'm glad to be here, but also glad I don't have to be here. You all have it under control, really great. Any questions?</p> <p>Jerry Bennett: I think you answered them all this morning.</p> <p>Dania Zinner: Hopefully all the questions have been answered.</p> <p>Chairman Gunderson: It looks like we can move on to the next agenda item, which is the NOPEC Property 46162 US Hwy 2, Jason, you're on deck.</p>	

7. Agenda Item	Discussion
<p>NOPEC Property, 46162 US Hwy 2 (Huffords)- Jason Rappe</p>	<p>Jason Rappe: This property owner is a previous refusal property owner. They are interested in selling the home and as they were gearing up to do that, they found out they needed a status letter to put the house on the market when they realized that they have a NOPEC on file and that they needed to rectify that in order to get the clean bill of health from the program. Like Mandy said earlier, they went out and they did soil investigations and inspections on the property. The soil investigations came back negative but they did find asbestos in one of the structures on site. It's a large, shed, shop building. So with that, this shed is kind of in a poor state and they need to either abate or remove that structure. When they found that out, they went out and we are working on getting solicitations and during that process they mentioned if we could present this property to LASOC in order for some sort of funding consideration. The property owner mailed me a letter that you see here stating the issue that they ran into with selling the property and their reasoning behind not getting anything done while EPA was here. And what that boils down to is you know, during conversations with neighbors and friends who had removals on their property, they thought that any sort of work being done on their property would require them being placed into a motel for a couple of days, regardless of where that contamination was located. And they were not interested in being moved to a hotel, once, twice, three times over the course of whatever removal EPA was doing at the time. So, because of that, they refused EPA access on site. As far as I'm aware, they refused them a couple different times. In 2017 they received the last call letter. They didn't respond to that which is EPA's final attempt to say we are still here, please consider doing some sort of removal of your property or let us come inspect it. They didn't respond and a NOPEC was issued.</p> <p>George Jamison: Could you tell folks, remind folks what NOPEC stands for.</p> <p>Jason Rappe: NOPEC is a Notice of Potential Environmental Conditions. It is an EPA letter that is placed on the property. Basically, letting people know that there is, the status of their properties is unknown. So, there could be contamination, or might not be contamination. We just don't know. So, the property owners are requesting that we present their situation to LASOC for some sort of funding consideration. There are a couple different estimates from two different companies. What they wound up doing is for environmental restoration, one estimate is an abatement estimate only, the other one is a full demo of the property. Then there is an estimate from HFES, theirs is a demolition, assuming that there was no asbestos, and a demolition with asbestos. Those are the run downs of what estimates they received.</p>

Jerry Bennett: So, those estimates, you mentioned the scope of work on these other projects. Were the estimates from a scope of work?

Amanda Harcourt: No, those estimates are based off of site visits.

Jerry Bennett: So, those estimates may not be correct. I mean without a scope of work.

Jason Rappe: Right, I mean there is no scope of work for the abatement, but the assumption that a whole lot would change for a demo. There probably wouldn't be much change. Those would be, I would say, pretty close.

Chairman Gunderson: Jason, I have a question. In looking at these bids, there is quite a bit of difference there. Are these just generic bids? Did somebody show up and actually do an on-site bid?

Amanda Harcourt: Yes, they both completed site visits. I think ER went up there a couple times just to look at the property. They weren't going off any kind of scope of work because they just went to put a rough bid together to give to the property owner at his request.

Chairman Gunderson: I'm thinking it would be a good idea to come up with a scope of work and have both companies look at it again using that scope of work. It seems like the bids from ER, you said, have no demolition. Am I catching that right?

Jason Rappe: One is the complete demolition with asbestos and the other one is just an abatement.

Chairman Gunderson: OK

Senator Cuffe: That's the 56 and the 69?

Jason Rappe: That's correct. I think the 56 is the abatement and the 69 is the demo.

Chairman Gunderson: Quite a large difference between the two companies.

Jason Rappe: We noticed that too.

Senator Cuffe: Mister Chair, so the second, the HFES would be for demolition only.

Jason Rappe: Correct. Then there is a second bid from that. The 2870 is, assuming that there wasn't any asbestos on the property. The 39700 is with asbestos. The reasoning we requested that is because in this situation that they would demo that property. Potentially, what we would pay for is the difference, that the asbestos, the difference in costs having asbestos in there would require. So, it's from my standpoint if funding would be allowed for something for this property. That might be what we would consider paying for.

Senator Cuffe: The difference in demolition with asbestos is about \$11,000 more, correct?

Jason Rappe: Correct

Senator Cuffe: On the other one, what is the difference?

Jason Rappe: Well, the other one is we are also comparing apples and oranges.

Senator Cuffe: The other one is rebate.

Jason Rappe: Yeah, it's not the same issue.

George Jamison: Mister Chairman, if I may, I think that in a nutshell, what you've got here is a well-intended collection of information. The property owners done in good faith, but indeed, we've got apples and oranges that we are trying to compare here. And I agree with Senator Cuffe about that, and I don't think that's a good way to do business. The second thing is Mandy mentioned in her report that there has been a scope of work drafted for this property, but as you have identified earlier, and Jason's comments and so forth, that is not the scope of work that was used to develop these costs. So, I think normally when you forget for a minute about the fact that this is a refusal, there's a NOPEC and everything, the standard process that DEQ and ARP have pretty well honed down to something that works. As I see it quite well as you know, you get a site identified that needs attention. You do the appropriate sampling and so forth for observations, ARP lets DEQ know, you develop a scope of work, they review it. I think you are at the point where they are pretty standardized and approved quite quickly, and then the homeowner, the property owner I should say has the responsibility to take that scope and to at least solicit prices for, I think, three different bidders. Whether or not they get three bids back or not, is another matter sometimes. I would like to see that process followed here, however, I do have concern about the fact, that takes a little bit more time. This committee only traditionally meets once a quarter, it doesn't mean we can't meet more often. I would like to see the scope of work that ARP's prepared which is the standard way of doing things during remediation was to get prices for basically, abatement only as one price on this property, like what has been done in the past and then also get one that's for what they call demolition which would include in the demolition disposing of the LA. So, get those two prices from your scope and then see what we got from there. But that leaves us hanging about what do we do when we get those and maybe we can talk about that further, but maybe one piece at a time here. Thank you.

Chairman Gunderson: And George, I understand what you are saying and I totally agree. Would this may be one of those times, when we want to put a special committee together that would help steer that process while we are not meeting and maybe help steer it in a direction that gets it done as soon as possible and gets that information back to us for sure before our next meeting?

George Jamison: Well, I'm kind of adverse to committees, especially lately. But anyway, I think actually Mister Chairman, that we have got a good process worked out as I see it with the ARP and DEQ. I think we can certainly depend upon them to do what they would normally do on the site, that comes before them when there is asbestos present. I think we can just let that happen. I think the question is what do we do when we get the information. So, I don't know that we need a committee, I think we just might get in their way.

Director Dorrington: Mister Chair, if I may. I'm new enough to this committee, can someone just run me through, and maybe it's Jason or Carolina, just what the scope of our normal process. And maybe this site, this residence is abnormal for the scope, but what do we normally do for sites like this. And I agree, it sounds like Jason and ARP were on track to get a lot of work done, I don't think a committee would help. But maybe contextualize that for me in I'll know more, I'll have learned something for today.

Jason Rappe: Or just in general for a normal property.

Director Dorrington: Yep. Then maybe why this is unique, or if it isn't that would be helpful too.

Jason Rappe: So normally like George said earlier, for a property that has gone through the initial EPA remedial action or has been part of the program in some way, they would call ARP and say, hey, we are going to do some sort of, you know, remodeling or work on the property. ARP would go out and do an inspection. They would look up the property files and see if it was out in the yard where soil samples were taken, we would go out and take a look at the area and see if there was any sort of abatements needed. From there, if there was an abatement needed, ARP would pull together a scope of work that would be approved by DEQ, provide it to the property owner to go out and get, basically, they would do the solicitation. Once they receive the results from their solicitation, they can go and begin work. Once all the paperwork is done, the work is done, they will submit a reimbursement form to DEQ, we will then reimburse the property owner for the costs related to asbestos.

Director Dorrington: That's helpful, thank you. Maybe just highlight the difference, or anything that would be or is different in this case.

Jason Rappe: So, the reason that we are presenting this to the committee today for this property is because the property didn't go through the EPA process. They are what we call a refusal property. The homeowner was not interested in participating with EPA's removal, so they are not eligible for the EPA grant funds based on the stipulations provided by EPA for those funds to be used. What these properties would be eligible for are state funds, or LASOC funds and that's the reason we are bringing them before the committee today.

Director Dorrington: So, if I could characterize, I guess it didn't go through the normal process. In retrospect, they want to sell. They are availing themselves of another funding pot opportunity. We have the right, I guess, the authority is that right, to say yes or no on the funds and scope of work? Both or one or the other?

Jason Rappe: All of it.

Caroline Baliew: Today, at some point LASOC could make a recommendation to DEQ to make a final decision. And so, that would be the scope of work in the actual cost should be part of that recommendation for DEQ to consider.

Director Dorrington: Ok, so we are also approving, within the scope of work, we are also approving the cost or final cost.

Jason Rappe: Ultimately generates the final cost.

Director Dorrington: Thank you Mr. Chair, for your indulgence.

Chairman Gunderson: No problem, Director.

Jerry Bennett: Yes, but we have had these, this is kind of an ongoing discussion. Now, how do we do this and I think on of the points George brought up was ARP and DEQ, we don't want to wait three months to make these decisions. But the other thing George pointed out earlier is we have not spent any Libby Asbestos Cleanup funds. That's what it's designed for, because we knew into perpetuity, these things are going to happen. So, I think we need to decide right now how we are going to do that. I mean, if we leave it between DEQ and ARP to look at those funds, and if there is a huge project that comes up or whatever, we talk about that. We have the money to Senator Vincent's bill to do this. And that is what it's for. So, I don't think we need to complicate this process. I think it works well, as George said.

Senator Cuffe: Mr. Chair, I want to make sure there's no question, what he just said. That is why we passed the bill. That's why the bill was created and what it was for. And if we are at a point where EPA funding is definitely not going to be used here, that's what this was for. So, I guess first decision is can EPA or not, and if not, my notion is we do just as proposed. I think we should, this being the first one, isn't it?

George Jamison: Under these circumstances.

Senator Cuffe: I think it's fair that we try to find a way to expedite it. Whether it's a special meeting or granting authority to it, whether it's a special committee or something. I think we should do that.

Director Dorrington: Mr. Chair, if I might recommend, what if because of the expertise in the room and the work that has already been done, we were to advance authority for at least to continue with just an email vote. I mean, look, I'm pretty adept at looking through information. I can say yes or no. You do it at every session, or as commissioners do. We can get through something pretty quick and get enough done and not wait for three months. That's my point.

Chairman Gunderson: I agree with the Director. I believe that we can poll via email rather than having another meeting to authorize everything and I also agree that DEQ and ARP should be able to come up with the scope and actually do what needs to be done in the background here while we are waiting for our next meeting. So, I guess I would look for a motion to move this forward. And at some point, once we have a decision made by ARP and DEQ that we email the information out and the poll from via email.

Senator Cuffe: Mr. Chairman, I would make that motion. I think we could pretty well follow what you just said.

Chairman Gunderson: Do I have a second on that?

Director Dorrington: Second, this is Chris.

	<p>Chairman Gunderson: Ok, all in favor of the motion say aye?</p> <p>Director Dorrington: Maybe we should have discussion first.</p> <p>Chairman Gunderson: Is there any discussion on that, I'm sorry.</p> <p>Director Dorrington: I just have one point of interest. Since this is kind of our first foray into the funds, is there, I don't think we need to amend the motion, but for discussion. Could we also take lessons learned in advance and into future proposals that we receive then? I like taking an after action on something like this so we don't have to relearn it and it goes into the committee and into perpetuity. We can say, when you face these issues, here is the most efficient process to get it through. Anything we'd learn to say no to, is probably wise as well. So, to put that simply, Mr. Chair, can we also just do an after action on this project and learn from it and teach a committee back when we are done?</p> <p>Chairman Gunderson: By all means Mr. Director. I would amend my motion to include an after-action report. And I think that should be a standard that we follow it at all times. Whenever we make decisions similar to this, is to learn from what we do, so we don't have to go back and re-invent the wheel.</p> <p>Senator Cuffe: I think maybe we have a suggestion from staff here.</p> <p>Caroline Baliew: Back when Mark Peck was here and George, I'm not sure if you remember working on this, we outlined different situations and different pots of money. So, any after action lesson learned, we could just incorporate that into that document to continue to flesh that out, situation by situation. So we have something that can be updated.</p> <p>Director Dorrington: Very nice.</p> <p>Chairman Gunderson: I agree.</p> <p>Director Dorrington: Regardless of the form it takes, I'd like the amended motion to just include after action. Thanks.</p> <p>Chairman Gunderson: So, I would amend my motion to include that after action report. Is there a second on that?</p> <p>Senator Cuffe: Second</p> <p>Chairman Gunderson: Ok, all in favor say aye.</p> <p>LASOC Committee: Aye (unanimous)</p> <p>Chairman Gunderson: Any opposed, same sign? So, motion carries. Moving on to the next item, we have approval of the EQC report. Does everybody have a copy of that?</p>
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8. Agenda Item	Discussion	Document Link
Approval of EQC Report	<p>Senator Cuffe: Which one is that, Steve?</p> <p>Chairman Gunderson: It's the report going out to EQC, it's labeled EQC 2022 LASOC Annual Report Draft.</p> <p>Director Dorrington: Mr. Chair, I have just one recommendation. It's a very easy text edit that's just on page 2 of 5. In the Oversight Committee roles, I would like to order that instead and label roles if possible, where you Mr. Chair would just be designated as the Chair and I would be a Vice Chair. I feel like it's a little bit cleaner then maybe, I don't know if the other roles need to be defined any more.</p> <p>Chairman Gunderson: I don't have any problem with that Director. Is there any other discussion?</p> <p>George Jamison: Mr. Chairman, this is George. On page 2 under 2022 Activities, paragraph 3, it starts with the sentence, During this period, there were no situations presented to LASOC to consider for funding recommendations. And if this is a report over the last year, then, I guess, in light of what we just did here, we should probably amend that sentence. Say that there was one situation, that is currently under consideration, something to that effect.</p> <p>Chairman Gunderson: I concur. That document is what we just voted on.</p> <p>George Jamison: That's all I had, thank you.</p> <p>Senator Cuffe: Mr. Chair, I did have a point also.</p> <p>Chairman Gunderson: Go ahead Senator Cuffe.</p> <p>Senator Cuffe: On page one, there are three bullet points about halfway down. Concerning the legislation that you passed or you sponsored, I would add, I suggest we add another bullet point that, you know, a big part of, I believe, what we did was we changed from an advisory committee. Initially it was an advisory committee, and we had strong reasons to change that to a much stronger term. Would you agree Mr. Chair?</p> <p>Chairman Gunderson: Definitely agree. Go ahead Director.</p> <p>Director Dorrington: I'm looking at bullet one, I did rename the advisory team to an Oversight Committee. Does that capture the intent or no?</p> <p>Senator Cuffe: Yeah, that's exactly it, but if you remember, even when you first came on board there were still considerable discussion as to what that meant. And I guess, in</p>	<p>https://deq.mt.gov/Files/Land/FedSuperFund/Documents/Libby/June%201%202022%20Meeting/EQC_2022%20LASOC_Annual%20Report_draft.pdf</p>

my mind it was an important thing that we know it, kind of a little bit, what oversight means, and that it was not simply that we give advice, but a stronger term. Is recommendation the correct term Steve?

Chairman Gunderson: Affirmative

Senator Cuffe: So, I would like to see that as one of the bullet points in there. I think that was a very important issue with us and a lot of time was spent discussing that. So, I would recommend we add that as another bullet point.

Jerry Bennett: Well, it says that in the first bullet point.

George Jamison: First bullet point already says that.

Senator Cuffe: It says Oversight Committee, the name of it was changed, but the purpose was that we are not an advisory. We have the strength, the authority to recommend.

Chairman Gunderson: And Senator Cuffe, that might be just a continuation of that first bullet point. Just a short statement. I mean, that would make more sense to me. It's just another revision that we went through to kind of cement in what our mission was. Is there any other discussion?

Senator Cuffe: I have one more Mr. Chairman.

Chairman Gunderson: Go ahead Senator.

Senator Cuffe: Back on page 3 of 5, the second bullet point down at the end, the last sentence...These remaining funds (undisclosed amount) would be held until EPA deems appropriate. Well, do we have a better description than undisclosed amount?

Jerry Bennett: We had that discussion this morning.

Senator Cuffe: What did you come up with? I mean, are we talking millions of dollars or thousands of dollars or tens of millions?

Jerry Bennett: We are going to send a letter requesting, just an approximate amount of funds left. The other thing, I'd made myself a note. At one point, I think we had talked about a letter reserving those amounts and I don't know that anything was ever done but it was a discussion we had back maybe two and a half years ago now, whatever. Caroline can straighten me out on the letters so they get what they need and what we were talking about.

Dania Zinner: If I can add to that, this is Dania Zinner, EPA. It would help me out a lot if you can send a letter. We have a new regional administrator Casey Becker and just sending a letter of, you know, you need the amounts of the sale in those accounts for EPA, we have an O&M fund, and a leftover for remedial action funding, those amounts, and I think George earlier was saying that an updated balance for every however many months,

George Jamison: Every quarter, every six months.

Dania Zinner: Every quarter, every six months, if you could put that all in a letter and then also ask about the confirmation that those funds would stay in Libby for O&M. That would be super helpful for me and then I can help work on a response to that.

Jerry Bennett: Can we put that all in one letter?

Dania Zinner: Yes, one very short letter and we'll give you a short letter back. That's my recommendation.

Jerry Bennett: It would come from the county.

Chairman Gunderson: Ok, is there any other discussion? Does somebody want to make a move that we accept this or draft report, or do we want to have it sent out and everybody OK it before the next meeting?

George Jamison: I'm sorry, I've got one more question.

Chairman Gunderson: Go ahead George.

George Jamison: On page 5. It doesn't necessarily have to be at this meeting, but maybe at our next meeting. But when you look at the first table on page 5, under Libby Mediation Costs, we are shown there that we have got 1.2 million in expenditures fiscal 19 to 21 and then expenditures in this fiscal year \$148,000 or so. I think it would be helpful for us to have an update on what's going into that. I mean, this is contingency sort of spending, kind of the hope that we get reimbursed with this, as I understand it, but we know we may not, but that's a chunk of money coming out and I'd like to see if we can get more detail about where that stands and what we should expect. So, its not, my comment is not germane to the contents of this report, it's just a request that we place that as an agenda item for DEQ at our next meeting. That they address that.

Director Dorrington: Mr. Chair, just respond or ask clarifying question. George, what do you think, or what would be most helpful or what would that look like? Since the

bankruptcy mediation is closed, I mean closed door, we can't disclose terms. What would be most helpful.

George Jamison: Well, I think one thing, the ultimate point of this is to have some sense, do we feel like we are making progress, does it look like this is going to be successful, which includes or whatever it is we are trying to do because I don't understand what we are trying to do that requires this money to be spent. Hopefully it is a good cause. But the other thing we are interested in is, to what extent do you expect this is going to continue and what do you think the prospects are of realistically of being reimbursed or recouping this money? Because I mean, that's a big hunk of money coming out of the \$5 million fund to start with and it just continues to grow. So, I don't know the answers because since we don't know what's going on, its hard to say, that's what we want to know.

Director Dorrington: So, with Jess Wilkerson on, she may be able to scope what we could or couldn't say with regard to the mediation, and respectfully, I understand what you are shoot it for, it makes sense. I just don't know. There are two elements of that one, what we can disclose out of the mediation either terms or dollars, and then, I would love to say, I know when we will be done and through and outcome, but I'd be highly speculating on that.

George Jamison: Maybe Jess can redirect, I guess, Mr. Chair.

Jessica Wilkerson: This is Jessica, the attorney working on the mediation and the Directors correct, we can't say too much about it. I can say that we are being partially reimbursed for expenses already pursuant to an agreement that we have, and that we are, one of our number one priorities is to make that account whole at the end of this process. It's a complicated conversation. It's been going on for about 2.5 years now, and hopefully we will be wrapping it up soon and have a better direction and be able to communicate more fully with you all and with other stakeholders. But I do want to reassure you that one of our top priorities is to reimburse that account and make sure that that money is put back in.

Chairman Gunderson: Thank you Jessica. And just a reminder EQC, the next meeting has been rescheduled and it hasn't really been put a stone of when it is, but it will be around the 13th, 14th 15th. It looks like we are going to do a field trip and some extended meetings, then, so if we don't have it ready for that meeting, our last meeting will be in September. I don't have the dates for that yet. So, that's the only thing that we need to be mindful of, is that if we are going to give the report to EQC, that we don't miss it.

Senator Cuffe: Mr. Chair.

Chairman Gunderson: Go ahead Senator.

Senator Cuffe: I guess I'm beginning to understand this report a little bit better, but there were a couple other things that I've marked on here that I'd just like to mention. On page 3 of 5, number one, that I just made an underline to point out that LASOC has authority to recommend to DEQ which O&M activities they believe should be funded. And then the second bullet point down, the last line, I guess I mentioned that the undisclosed amount, it can be spent on activity EPA deems appropriate. Next line, that the state has discretion regarding activities the money could be used for. These were things that, I initially read it by themselves, they make a little more sense after the discussion, and then establishes the permanent trust fund pay exclusively for cleanup long term. I guess I just wanted to kind of say those out loud to help myself understand it. And then on page 4 of 5, this is actually the fourth bullet point, I guess. The line based on future experience with funding recommendations, DEQ and LASOC may determine specific situations may be approved. Anyways, everything was so vague, but I guess what this is, is a record of a process that is intended to change and we are working those out. Is that a fair way for my mind to understand?

Director Dorrington: Yeah, that is correct. It's an annual report, so it's fiscal year pending activity and dollars.

Senator Cuffe: Thank you.

Jerry Bennett: Chairman Gunderson, I think if we come back with the corrected draft, at our next meeting, EQC was always on the 11th because it cost me a lot more to be in Helena, missing my anniversary every year that I was on the committee, so it always fell on the 11th.

	<p>Chairman Gunderson: They changed it and we are not finished yet, because they are still trying to juggle availability of the room and other things. But yeah, we had to move it to that time period to accommodate a field trip.</p> <p>Director Dorrington: Mr. Chair, if I may. It seems I think staff has made edits, just line text edits that we had made, and then I couldn't tell if Senator Cuffe's desire for the recommendation portion on the first bullet was still necessary since the rest of the document refers to role of LASOC and other parties.</p> <p>Senator Cuffe: I guess I do feel there is some importance to have that up in the front because that was a lot of why, what it was about. It was a big thing for us. It took a lot of, seems like wrestling around and arguing and going one way or the other, and it prior to your time Director. But that was a big deal explaining what that legislation was and what comes after relates back to that decision.</p> <p>Director Dorrington: Sure. I think all the other text edits are pretty straightforward and contextualize the mediation portion that George had asked about. If the remaining item, amended bullet one, if he could provide that, we could approve it in an email and then we wouldn't have to mess with Mr. Bennett's anniversary at all.</p> <p>Senator Cuffe: Yes, Mr. Chairman, and I'm happy with what Steve had suggested, that we could just add that on to the back of the, oh let's see, I closed it up. But the first bullet point: Oversight Committee, LASOC comma, change advice to a stronger term of responsible for recommending or something to that effect.</p> <p>Chairman Gunderson: And it sounds like it's not a huge editing job to change this so, just say if we, if it was sent out, we could ok it and be ready to go.</p> <p>Director Dorrington: Concur</p> <p>Chairman Gunderson: Do we need to take a vote on accepting the report as edited, or do we want to wait until we can poll the edited version? I'll just wait to poll, I guess, the edited version.</p> <p>Director Dorrington: Yes</p> <p>Chairman Gunderson: Ok, we are right back on time. Next up is the EPA update.</p>	
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9. Agenda Item	Discussion
EPA Update	<p>Dania Zinner: This is Dania Zinner. I think I'm just going to bring up what we've talked about in the county commissioner meeting. The big thing on the horizon is we have the Explanation of Significant Differences for OU4 &7 was signed by the EPA Administrator, so that was memorializing the institutional controls. Of course, they can always change or be tweaked in the future, but I just wanted to notify everyone, that means I have a partial deletion docket and we could move forward with delisting or a partial deletion of OU4 & 7. The process on that, of course, would be requesting state concurrence, and then you go through this process where there is a 30-day public comment period. So just wanted to start bringing that up for discussion, that that is possible. We could wait until after the next EPA 5-year review, which is 2025 to do that. But I just wanted to bring it up, it's something that can happen in the next few years. So if anyone has any comments or concerns, or we want to kind of relay the discussion we had this morning, do that now.</p> <p>Director Dorrington: Mr. Chair, I would like to comment on that.</p> <p>Chairman Gunderson: Go ahead Director.</p> <p>Director Dorrington: I think since remedy is complete and protective and we have a sound O&M document and process in place, I'm generally supportive, but really the only contingency I would have to my support would be that we have local concurrence. And if someone from, maybe Commissioner Bennett would be the one, but represent a local perspective on that, I would appreciate it.</p> <p>Jerry Bennett: And we did share some concerns this morning. With a lot of new people moving in, just the flux of things, that, maybe right now is not the correct time to do that. Just trying to let the dust settle a little bit. And maybe even waiting for the five-year review. We are going to toss that around. Those concerns were raised this morning. That is kind of where we are as a county.</p> <p>Chairman Gunderson: Is there any other discussion on the EPA update? Hearing none, let's move on to public comment.</p>

10. Agenda Item	Discussion
Public Comment	<p>Chairman Gunderson: Is there anyone that has public comment germane to LASOC and its mission? Hearing none, we will move on to discussion on next steps, date and location of our next meeting.</p>

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: Amanda, what's our calendar look like?</p> <p>Amanda Harcourt: September</p> <p>Chairman Gunderson: Do we want to just do another doodle poll, and just pull some dates out there and see how everybody reacts to them.</p> <p>Amanda Harcourt: Sure</p> <p>Senator Cuffe: I think that is a good idea Mr. Chair</p> <p>Chairman Gunderson: Ok, I will get a hold of you a little later Amanda and give you a couple of dates there because I've got some conflicts in September that I have got to watch out for. And just to let Commissioner Bennett know, that's when my anniversary is, so I have to watch it. But I'll let you know. And how about the location? Do we want to meet in Libby or is it time to meet in Helena again?</p> <p>Director Dorrington: Let's shoot for Libby.</p> <p>Chairman Gunderson: So, we want Libby in September. Any other input or discussion on date and time and place? Hearing none, I'm going to bring this meeting to adjourn.</p> <p>Next Steps: Subcommittee work</p> <p>Action Items:</p>	