



Libby Asbestos Superfund Oversight Committee Meeting
June 22, 2023
10:00 AM

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 10:00 AM on June 22, 2023 with the Pledge of Allegiance.

This was the 24th 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 *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>	
Karolina Balliew	DEQ	Present in Helena
Jessica Wilkerson	DEQ	Present in Helena
Kevin Stone	DEQ	Present in Helena
Mandy Harcourt	ARP	Present in Libby
Corrina Brown	Lincoln County	Present in Libby
Ray Stout	KVR	Present in Libby

2. Agenda Item	Discussion	Document Link
Review and approve minutes of March 9, 2023	<p>Representative Steve Gunderson: <i>follow up on pg. 7</i> – I’ve been working with Mr. Raines in the background. I think we probably are going to do something with EQC, and we’ll bring whatever back to LASOC once we get that done.</p> <p>Representative Steve Gunderson: <i>follow up on pg. 15, center</i> – was kind of a work item and once we get EQC online in July we will probably work with Mr. Rains and Mr. Stout on doing a story on that....we will put EQC, LASOC and the public together and put a couple tours of OU3 together and KDID and actually see it. I think it will turn out to be a really good thing. They are still dotting the I’s and crossing the T’s on WR Grace side.</p> <p>Motion by Commissioner Brent Teske to approve March 9, 2023 minutes with corrections. Second by George Jamison, motion carried.</p>	

3. Agenda Item	Discussion
Site Budget and Funding Report- Karolina Balliew	<p>Representative Steve Gunderson: Let's move on to site budget and funding report. Karolina Balliew.</p> <p>Karolina Balliew: You should have the budget report in your packet with your review. Do you have any questions for DEQ?</p> <p>Representative Steve Gunderson: Any other questions?</p> <p>George Jamison: Mister Chairman this is George, I have a question.</p> <p>Representative Steve Gunderson: Go ahead, George.</p> <p>George Jamison: Karolina, I guess what would be on page six or the back of page three, they are not number, under table three. There's a paragraph there that says this money is held by the State of Montana per the terms of the bankruptcy settlement the State has discretion regarding activities money could be used for as long as they pertain to Libby asbestos. Then the next sentence says DEQ can use this funding source for current OU3 bankruptcy litigation, which is anticipated to be reimbursed. It's really a question about, I know it was part of the subject of the last meeting, and the settlement related to OU3. I'm curious to know the status of that reimbursement, if we know.</p> <p>Karolina Balliew: The funding should be reimbursed. That is the intent. I am not sure of the status and the timeframe of actually allocating funds from the bankruptcy back into this account. I can follow up on that for you.</p> <p>George Jamison: That's mainly what I was interested in. This is standard language that's been there for a long time, maybe just check on that before each meeting, so we can see. And on the next page, under table six. You've got an odd number there at the bottom, under totals under expenses to date, in the third column, you got an extra one, and a comma.</p> <p>Commissioner Brent Teske: it's billions huh.</p> <p>George Jamison: Well it's not exactly billions, I'm not quite sure what that is.</p> <p>Karolina Balliew: Ok, I can correct that error, thank you.</p> <p>George Jamison: Sure, that's all I had.</p> <p>Representative Steve Gunderson: Hey, is there any other input?</p> <p>Commissioner Brent Teske: Just for my information, is the anticipated reimburse on the first thing you were talking about the bankruptcy settlement? Is that going to be 1.4 total?</p> <p>George Jamison: Probably, Karolina or others are going to answer, it's probably going to be the 1.2, the remediation cost is what I was referencing. But I guess we'll find out.</p> <p>Karolina Balliew: It should be the full amount that was used. I would have to confirm that all of our expenditures are up to date. I don't know. It should be the full amount, whatever that is.</p> <p>Commissioner Brent Teske: Thank you.</p> <p>Representative Steve Gunderson: Any other questions for Karolina?</p>

3. Agenda Item	Discussion
	Representative Steve Gunderson: Ok, let's move on.

4. Agenda Item	Discussion
Support of Property Owners Report- Karolina Balliew	<p>Representative Steve Gunderson: Support of property owners report, Karolina again.</p> <p>Karolina Balliew: For this section, Jason has directed me to just ask if there are any questions where you've received feedback from property owners that you would like to bring up currently?</p> <p>Representative Steve Gunderson: None, Ok. So, we have none from Amanda, so it looks like we're OK there. Any other questions on support of property owners report?</p> <p>George Jamison: I'd like to just make a comment if I could. When you look at table three under the fourth column you see for the Libby asbestos cleanup and operations account, that 102130. I mean, I think it's good to look at that number and know that the overall O&M total to date we've spent about \$43,000. I think that level of spending is really commendable. It's not as high as what we had feared at a time. I think we're getting the job done and I think that's a really a good number.</p> <p>Representative Steve Gunderson: Thank you, George, and I concur. That's a lot less than what we thought we'd be spending. Any other comments on support of property owners report? Seeing none.</p>

5. Agenda Item	Discussion
O&M Update – Karolina Balliew and Mandy Harcourt ☑ Activities at OU1, 2, 4, 5, 7, & 8	<p>Representative Steve Gunderson: let's move to O&M update. We have Karolina and Mandy.</p> <p>Karolina Balliew: Mandy did you want to go first?</p> <p>Amanda Harcourt: Ya, Sure. Today's ARP update will cover activities completed and ongoing since our last meeting on March ninth. I've broken this down a little bit differently, just because it would take me an hour to go through all the active calls. We'll start with the ARP responded to 85 hotline calls, 279 utility locates and 274 site visits since March. Libby and Troy properties have abatements completed since the last LASOC meeting as 154 Paulines Way, this was a NOEC property for yard areas. GID 5730 Port Blvd, this was a trench and fence removal and then 146 White Ave was an exterior removal of garden area. Libby and Troy properties sampling completed since the last LASOC meeting. GID 6272 sampling completed, AARP is waiting on lab results, 185 Crossway Ave samples completed ARP waiting on lab results, and GID 8060 this is a NOPEC property, former NUA, lab results have been received and no remedial is required. Libby and Troy active properties for upcoming Abatements, 1218 Dakota Ave an interior removal, 713 Michigan an interior removal for a subfloor, 386 Riverside Dr exterior removal of yard areas and phase one of the Central Maintenance building is scheduled to start either next week or the following week. Libby and Troy active properties for upcoming sampling. 36573 US. Highway 2, 3274 Farm to Market Rd., 55 Big Horn Way, 404 Luscher Dr., 540 Quartz Rd, 100 Minor Dr and GID 8224. Six out of the seven properties AARP is currently developing scopes of work for are NOPEC and NOEC properties. Once the scope of work has been drafted and approved, they will be sent out for bid. Once ARP has received the bid the property will be sent to LASOC committee for discussion and for eligibility for reimbursement. There's a lot going on right now.</p> <p>Representative Steve Gunderson: Are any of those random selected?</p> <p>Amanda Harcourt: No, these are just coming in.</p> <p>Representative Steve Gunderson: So, we're doing a pretty good balancing act. I'm glad to hear that's working out.</p> <p>George Jamison: I have a question about the maintenance. You mentioned phase one of the interior removal is scheduled to start soon.</p> <p>Amanda Harcourt: Yes</p> <p>George Jamison: How is that being funded? I don't recall that one has come through here or has it.</p> <p>Amanda Harcourt: No, it hasn't, because it's not a NOEC or a NOPEC. I's had several abatements in the past that have happened during remedial, and we're moving forward and handling it the same way.</p> <p>George Jamison: ok</p> <p>Amanda Harcourt: We know that material exists there, and they're going to be tearing it down. So, we did</p>

5. Agenda Item	Discussion
	<p>a price comparison of abatement versus demolition. It's going to be far cheaper to have it abated and let the contractor demo it versus us demoing it. So, phase one is going to be the main shop and an adjacent room to that shop and then, once that's done and that section of the building is gone and the developer has room for the tenants that are existing in the other side of the building to relocate, then the second phase of interior will be done and then the remainder of the building will be demolished by the contractor.</p> <p>George Jamison: Is it correct? I know you've been working closely with DEQ on this.</p> <p>Amanda Harcourt: yes</p> <p>George Jamison: Is it correct that the funding for this you anticipate is going to come through DEQ of course but reimbursed by EPA?</p> <p>Amanda Harcourt: Yes</p> <p>George Jamison: OK.</p> <p>Representative Steve Gunderson: Any other questions for Mandy?</p> <p>Representative Steve Gunderson: OK Karolina, you're up.</p> <p>Karolina Balliew: All right. O&M updates, the site wide O&M plan and ICAP have been finalized. DEQ did not receive any public comments on the document. We're currently waiting for signatures from EPA and once those are received, the documents will be published on the website and available at the ARP Office. DEQ will be conducting its annual review at the end of June. This is a spot check of all the OU's in O&M to review remedy performance.</p> <p>Representative Steve Gunderson: That's it?</p> <p>Karolina Balliew: That's it.</p> <p>Representative Steve Gunderson: Oh, cool, OK, that was quick. Any other questions for Karolina on O & M Update. Ok, thank You, Karolina. Let's move on.</p>

6. Agenda Item	Discussion
<p>DEQ/EPA Site Update – Karolina Balliew</p> <p>✓ Activities at OU3 & OU6</p>	<p>Representative Steve Gunderson: Let's move on to DEQ EPA site Update.</p> <p>Karolina Balliew: Ok, for OU3, the agencies, EPA held a public meeting. Grace was there, and DEQ were there, and the public meeting stated that we are all still working through the feasibility study for OU3. This was held on June 6th, and then also in attendance were the Forest Service and DNRC. That's the only update I have for OU3. For OU6, BNSF continues to perform O&M activities as needed, an annual inspection will be performed towards the end of the summer.</p> <p>Representative Steve Gunderson: Ok. Is that everything for OU6?</p> <p>Karolina Balliew: Yes, sir.</p> <p>Representative Steve Gunderson: Let's see, are there any questions on OU3 and OU6 for Karolina? Seeing none. Oh, George?</p> <p>George Jamison: George, I have a quick question. You mentioned the upcoming status review of different properties on the earlier agenda item. Is this the case where we have to do like we did before where we formally got into O&M and be in contact with individual property owners, do random sampling of properties. Not random, I don't mean random, physically sampling but I mean, randomly going to different properties, and being in touch with property owners, like we did before?</p> <p>Karolina Balliew: I'm not sure, George. I thought, yeah. Go ahead?</p> <p>George Jamison: You remember what I'm talking about, right? This was back in 2019 or 20 somewhere in there.</p> <p>Karolina Balliew: So that was that was prior to us actually going into O&M?</p> <p>George Jamison: Yes.</p> <p>Karolina Balliew: For my understanding, and I can follow up with Jason, and he can provide any</p>

	<p>clarification to this, is that this is more just a spot check, and we will have Western come through and observe things with the remedy and see if the remedy is functioning or if any repairs need to be done. I don't believe this is actual sampling of properties as part of that.</p> <p>Amanda Harcourt: I can add to that. ARP is going to be involved. When they come, they're gonna be here next Thursday and we have been advised to attend their meeting. We're going to be doing a meeting at Port Authority and doing a walk through with Kenny and Sam Sikes. ARP has always helped them with interviews, so, we get a list of 15 random properties, and we call the property owners, go through pretty much a survey of different questions, and we'll help them with that. It can go either way, sometimes we go with them to where they do the actual site visits to take a look at these properties. This will happen with ARP's involvement next week.</p> <p>Representative Steve Gunderson: ok. Are you able to hear that, Karolina?</p> <p>Karolina Balliew: Yes, I did. Thank you, Mandy, high five.</p> <p>George Jamison: Ok, thank you both. That answers my question. That's a significant effort by ARP and DEQ and Weston. It raised some angst in the past in the community, so I was curious to know if we are going through that again. Thank you.</p> <p>Representative Steve Gunderson: I guess a question; do we have any prior media information going out, so we don't create those angst?</p> <p>Amanda Harcourt: Not that I'm aware of any. I mean, we do this every year. I don't think we had any negative outcome last year. It's pretty low key, there's one person from Weston, we're involved. We meet with some people and do some site visits. It's a day, so I don't know if there's any real need for it at this point.</p> <p>Representative Steve Gunderson: Ok, just making sure. OK, so moving on.</p>
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7. Agenda Item	Discussion
EQC Review and Approval	<p>Representative Steve Gunderson: EQC review and approval, I don't remember what that constitutes?</p> <p>Director Dorrington: Mr. Chair I think this is the Annual Report item required.</p> <p>Representative Steve Gunderson: Yep, it's a five-page report. Are you going to bring this to EQC when we meet in July?</p> <p>Director Dorrington: We certainly can. I defer to Karolina for how we've done it in the past. I know it's a collaborative effort between the Group and us providing information, then substantive report, but I think it's ours. Karolina you might touch on that.</p> <p>Karolina Balliew: Correct. This is a requirement for LASOC. Typically, DEQ has presented it. Chairman Gunderson, haven't you assisted in that presentation, even if it was brief in the past?</p> <p>Representative Steve Gunderson: Yeah, and that's the reason I'm asking. Is if you wanted to present it. I'll be chairing EQC this interim, so if it would be easier for DEQ to present it, that might be a better move.</p> <p>Director Dorrington: I think we can do that, for sure. The report is fairly direct. It's associated with what the requirements of our responsibilities are, and we can easily do that. Mister Chair, I will address you as Mr. Chair of EQC.</p> <p>Representative Steve Gunderson: I'll bring that up to the Chair. Our July meeting is only going to be a one day organizational, so maybe that wouldn't be the best date. How 'bout if we tentatively put that on for the September EQC meeting?</p> <p>Director Dorrington: I think that presentation timeline would be fine. I think we have a requirement in statute, Karolina, do we have to have it in by the July date? I know we have to do the annual report. I'm thinking there's a statutory requirement we have to fulfill and then we can present later.</p> <p>Karolina Balliew: There is a statutory requirement for a date. I don't have it off hand, but typically we prepare this and present it at LASOC and have it finalized and submitted. It can be reported out later.</p> <p>Representative Steve Gunderson: Yeah, I believe that's correct, I think it is July first and then we can present later. I'll send a note to Mr. Coleman, and we'll put that on for the September agenda. I'll do that this afternoon. I'll be talking with him anyway.</p> <p>George Jamison: Are you open for comments or questions?</p> <p>Representative Steve Gunderson: Oh, definitely this is from us to the EQC.</p>

George Jamison: If I may, on page two, these are minor. Under 2023 activities, the third paragraph, first line. It says during this period, which I take to be 2023. LASOC has forwarded four funding recommendations to DEQ, but it seemed to me when I look back at the support of property owners report, I think that should be twelve, maybe? Instead of four, the total is under table two of that report. It looked to me like the year-to-date number was higher than that.

Amanda Harcourt: That was my fault as I updated that section and I will double check it.

George Jamison: OK, it looked like the total should be maybe 12 or 15, anyway, then the second comment was, next paragraph second line it says ARP meets weekly and communicates often to organize activities and so forth. I'm not sure. I don't think you're strictly meeting weekly anymore like you once did. You might want to take those two words out. That's all I had. Thank you.

Representative Steve Gunderson: Thank you, George. Is there any other comments or amendments? On page three, Mandy, the second bullet point, Doug Benevento, has there been any talk from EPA to memorialize that 12 million O&M Fund?

Amanda Harcourt: Not that I am aware of.

Representative Steve Gunderson: George?

George Jamison: I doubt, we'll ever get any more than what we've got.

Representative Steve Gunderson: I'm just wondering if we shouldn't maybe reach out to the current administration and jab or poke them one more time. Your thoughts on that Director?

Director Dorrington: Can you restate the last part? Right before you said my thoughts. Is it your recommendation?

Representative Steve Gunderson: Well, that that's what I'm asking is that second bullet point. I know Mr. Benevento had committed to that 12 million coming to Libby but it never was memorialized and I'm just kind of wondering, what is the status of it and is it something that we can contact the current administration and maybe poke and prod them into giving us memorialization of that funding?

Director Dorrington: I think we can definitely raise the issue. Then Administrator Benevento, I wasn't part of that dialog so I don't want to overstate what I know about it, but I'm certain Casey and Karolina were able to chat about it but I think we could probably address it with Casey and I don't know what our position would be, right yet? Yeah, go ahead, Karolina.

Karolina Balliew: So, we've discussed this probably for the past two years on good ways to handle that promise without receiving some type of confirmation of these realized funds being set for Libby. There were two routes that we talked about handling this. In our budget report, one way is that we invite someone from EPA, so it could be the PM there, Danielle Zimmerle annually, to come to this meeting, with the intent of her giving an update on where those funds stand with some type of confirmation verbally from her. The last time that we had confirmation from EPA, if you look in the budget report, it's on the page before the last at the very end, it was August of 2022. It's the last time we had confirmation for the intent of those funds coming over to Libby from EPA, and so that's how we documented it. It's just an update within our budget report. And I believe, George, if you remember this conversation, too, because it is something that you've highlighted multiple times, that's how we landed on it with the update to this new budget format. And then the second thing we talked about doing is annually sending a letter as just a reminder to EPA and use the basis of one of our last letters, and there wouldn't be an expectation that they would provide a response, but great if they did. Those are the two routes we talked about getting at this.

Representative Steve Gunderson: Have we sent any of those letters out previously?

Karolina Balliew: I believe we've sent at least one, I don't remember a second, I would have to look back through our documents.

Representative Steve Gunderson: George?

George Jamison: Karolina, your recollection matches mine exactly. This has been something that I've been a squeaky wheel on. I think you're right, memorializing it, so to speak, as best we can in this budget report. That's been our answer to report what we know, or the information we've been given as of certain dates, and then also for that to serve as a reminder. So, I think you're exactly right. And I think the idea that you've got about asking for kind of an annual update of that figure, that's what we had hoped for. So, I think what you're saying is exactly what they should be doing.

Senator Mike Cuffe: Mr. Chair?

Representative Steve Gunderson: Go ahead.

Senator Mike Cuffe: Ya this is Mike Cuffe. This discussion reminds me, there's been other things in the

past that some folks have said but that didn't make it real, I guess I will say, and this is kind of a backward way of saying there's a commitment. Correct me if I'm wrong but by the communication you are sending to them and having it in the reports that if they don't question or challenge it, essentially, that's a record of them accepting it. Is that the method of thinking?

Karolina Balliew: Is that a question for me?

Senator Mike Cuffe: Yes, you or the Director or the table here even. We do not have a solid letter of confirmation from EPA saying that but by us saying and the documents you are sending them, and the record should include the dates when that was said. As George said some memorialization. Since we don't have a direct letter from them saying that. That by put it in our report to them, that that's our understanding, and if they don't correct that essentially, they're accepting. So, that makes it an official record. Is that kind of what we're doing?

Karolina Balliew: I don't know if we would say necessarily from DEQ's perspective, that were accepting, but I would state that our position would be that we're sending reminders that promises were made. And our expectation is that those promises will be upheld. I think that would be our position, not necessarily, that, it's an acceptance if they don't provide anything, it's just these are reminders promises were made for the community.

Senator Mike Cuffe: George is this kind of like if we pushed them for a letter and they didn't send it, that's more of a negative. Is that you're thinking?

George Jamison: Well, my thinking is, I'd like to see more, I've always said I thought we should get more, but, honestly, I hate to say happy exactly but I think this is frankly, the best we can do, and I think this scheduled reminder, and the fact that it shows up regular reports of this committee, as an expectation, is probably helpful to this committee and to DEQ at some point down the road.

Senator Mike Cuffe: Yeah, Good. I think, I agree.

Representative Steve Gunderson: Yeah, and I concur too. I think we need to continue that reminder. What is our status? Is that something that would be going out soon, or what's usually the timeframe for that being sent?

Karolina Balliew: My suggestion would be that because the last documented response we have on the budget report is August 2023, is that we ask the same question and have someone from EPA provide a response. That's the annual cycle would be our next budget report for our next quarterly meeting. Then, after that quarterly meeting, if we get an update from them, then we send out a letter by the next quarter, because then that memorializes that the statement was made again during that quarter.

Representative Steve Gunderson: Ok, that makes sense. So, could we make that a work item to just make sure it gets done. So, we keep a finger on the pulse of it.

Commissioner Brent Teske: So, I've got more of a statement than a question this says it was a letter from the regional administrator to the Governor then December 19th, 2018. I mean, I would think that would be pretty high-level memorialization of that statement. Do we have, do we have that document?

George Jamison: Oh, yeah

Commissioner Brent Teske: OK perfect. Alright, it's not like it was a verbal in a meeting kind of commitment. This is saying it's documented in writing at high administration levels.

George Jamison: It was both.

Representative Steve Gunderson: Good point but I do think that it needs to be further memorialize to re-iterate keeping them on their toes.

Commissioner Brent Teske: Yes, I agree.

Representative Steve Gunderson: Ok, so, Is there anything else?

George Jamison: I'm sorry, one quick thing.

Representative Steve Gunderson: Go ahead.

George Jamison: Karolina if you're going to be doing that soon I would suggest that you look at our reports, and, as you may recall, and without looking at it I can't quote them for you, but there are a couple of other EPA funds that we also have periodic updates on. You know, what the status was of those, and you may recall there was also a long story there about getting much information, and I think we should ask for updates on those while you're in communication.

Karolina Balliew: Ok, I'll take a look back.

George Jamison: Ok, If you have any questions about which ones they are, I think they should be evident, give me a call or something.

Karolina Balliew: Can do George.

	<p>George Jamison: Ok, thank you.</p> <p>Representative Steve Gunderson: OK, do we have any other EQC review and approval conversation? Seeing none, let's move on.</p>
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8. Agenda Item	Discussion
<p>NOPEC/NOEC Properties- Mandy Harcourt</p> <ul style="list-style-type: none"> o 3274 Farm to Market Rd 	<p>Representative Steve Gunderson: NOPEC/NOEC Properties, Mandy?</p> <p>Amanda Harcourt: You guys should have a copy of the scope of work and bids in your packet. This gentleman came to the ARP office, and originally came in asking for assistance for a well house that he has on his property, that the roof collapsed on. It's full vermiculite installation, ARP responded to the property and got it contained and barriers put up around it to stop it from spreading or moving around or anything. It was at that point when we did research on the property and found out that it was a NOEC property. His wife was chronically ill for a long time. He refused access to his property. He did not want to deal with the project. Since then, his wife has passed. He is not in very good shape right now either. He is planning on leaving the property to his family and did not want to carry that burden down. We started developing the scope of work for the remainder of the property to bring it up to criteria to see if it needed abated or not. Before we started, the process for the scope of work that needs to happen to address the well house on his property. This is what you see in front of you. Attached in the back, there are two bids from asbestos inspectors for the work that needs to be completed. We did actually receive one from Kirby also yesterday morning, but I didn't put it in your packets, but it is comparable right around \$10k.</p> <p>Representative Steve Gunderson: Question on the map, the aerial view, I noticed there are some no access for sample areas. Do you have a little insight on why those weren't sampled.</p> <p>Amanda Harcourt: Well, they're not called out to be sampled yet. There's certain NUA's at the property, but also there's these sections that say no access to samples. It's because there's vehicles parked on top of the soil. So, you can't even really squeeze in there. It's a bit of a junkyard in those areas. His son has accumulated a lot of different vehicles that aren't able to be moved, you can kind of see it on the top. They kind of wind back there.</p> <p>Representative Steve Gunderson: Ya it looks like it now that I see what you are talking about.</p> <p>Amanda Harcourt: So that's why those areas are called, there's just no way to get to the area to get it sampled. And there is no real way to have that area cleared out prior to. They just don't have the means to do it.</p> <p>Representative Steve Gunderson: And you said this was a well house, what area is that well house.</p> <p>Amanda Harcourt: If you see the B D number on the upper right.</p> <p>Representative Steve Gunderson: OK the 3274-1?</p> <p>Amanda Harcourt: Yes</p> <p>Representative Steve Gunderson: OK.</p> <p>Amanda Harcourt: And we've already gone out and done all the interior inspections of all the structures out there also, nothing else we found containing vermiculite insulation, just the well house.</p> <p>Commissioner Brent Teske: How far out around the well house do you usually investigate.</p> <p>Amanda Harcourt: In this case, because it's probably going to have to be demoed in that circumstance when we developed the scope of work, where we usually conducted three foot scrape around the exterior just to collect anything that might have fallen down.</p> <p>Representative Steve Gunderson: And so we'll get another quote then from Kirby.</p> <p>Amanda Harcourt: We got the quote, I just didn't get a chance to put it in your packet. It came in this morning which is something we are gonna be addressing. It's one of the things we are going to be changing on the scope of work we send out on these types of situations, is the timeframe. As you can see, I attached the email where we have been trying to contact him. Trying to get him to turn in a bid. We're going to be putting deadlines on these in the future as they seem to be kind of trailing in late. But this is Kirby's.</p> <p>Representative Steve Gunderson: OK \$10,495. Right in the middle.</p> <p>George Jamison: This is George.</p> <p>Representative Steve Gunderson: Go ahead George</p> <p>George Jamison: So, I assume, besides soliciting questions from us or whatever, you're looking for us to express whether we would like to see this proceeded with.</p>

	<p>Amanda Harcourt: Yes. If you guys give me the OK, I'll put together the recommendations and send it off to DEQ for reimbursement.</p> <p>George Jamison: I support it. One thing. Just very briefly Mandy and I talked about this the other day a little bit. Maybe work out how these are done a little bit differently in the future related to the sampling cost because those are standard set costs and those are reimbursed directly as I understand it to the laboratory by DEQ. So, I think that something you might want to look at in these, in these submittals to see how you evaluate that because they're not consistent prices. Subject to working those kinds of details out I certainly support sending this forward as a recommendation.</p> <p>Amanda Harcourt: And what you mentioned that is another thing that will be changed in the scope of work. We're going to be adding some language in there about their rates for the sampling and we want to see that on their bids.</p> <p>George Jamison: For the analysis itself.</p> <p>Representative Steve Gunderson: Yeah, that makes sense.</p> <p>George Jamison: Thank you.</p> <p>Representative Steve Gunderson: Ok. Any other input on the NOPEC/NOEC property.</p> <p>George Jamison: I think Mandy's looking for expression as to whether this group wants to ever pursue this.</p> <p>Representative Steve Gunderson: Yeah. Guess, do I hear a motion to move that.</p> <p>Senator Mike Cuffe: I will make a motion, not sure how to word it.</p> <p>Representative Steve Gunderson: recommend approval I think is the way to put it.</p> <p>Senator Mike Cuffe: do we list the number.</p> <p>George Jamison: I think you can just say the investigation proposal at this address.</p> <p>Representative Steve Gunderson: Ya 3274</p> <p>Director Dorrington: Mister Chair, I think I can put forward a motion for this.</p> <p>Representative Steve Gunderson: Ok, go ahead Director.</p> <p>Director Dorrington: Mr. Chair, I move, subject to the report on the agenda item for address 3274 Farm to Market Rd that we as LASOC approve the recommendation to DEQ to move the work forward.</p> <p>Representative Steve Gunderson: And do I have a second.</p> <p>Senator Mike Cuffe: second</p> <p>Representative Steve Gunderson: Ok, so moved. Is there any other information on NOPEC and NOEC properties. Seeing none, let's move on.</p>
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9. Agenda Item	Discussion	Action Items
Developer Discussion- Representative Gunderson	<p>Representative Steve Gunderson: Developer discussion. Um, I don't think we're going to be able to get into a full-on discussion of this because we just don't have the time. But I would like to at least throw some ideas around. Mandy and I've talked about this. We need to figure out how to deal with the developer verbiage, I guess, the best way to say it. Any thoughts from anybody, Director?</p> <p>Director Dorrington: Ya, Mister Chair, if I can, I think my question in our e-mail back and forth, I just want to characterize where I'm coming from, and then George provided quite a lot of info, that was very helpful to characterize his perspective, and then Senator Cuffe added in. Where I'm come from I fully support remediating these properties even where in the past that someone, whether or not they're still present, had made a decision not to move work forward that I think benefits the health and safety of individuals occupying those homes and being in that community. So, I want those properties to be remediated, right. My only limit, and I think there's a simple fix. I really do. I think the only limit is where someone could acquire a group of properties or a single property, but I think optically make a lot of money off that process, where this account is used, too, remedy the property, they then have a windfall. I don't think that my effort or my comment, is to preclude investment in the property in ultimate remedy, right. I want that to go forward. So, I think a simple acknowledgment from any one developer. I think I'm open to the agency developing some text, and you guys taking a look at it. But I think that's kind of along the lines of, I'm not looking to stop work. I certainly don't want to stop remedy. I want to be cautious of our fiduciary responsibility and, uh, where maybe the program funds would largely benefit an entity. I want to just be eyes wide open about that. With that, I think that characterizes what I'm thinking.</p> <p>Representative Steve Gunderson: Any other input? George?</p> <p>George Jamison: This is George. Well, first of all, I want to say thank you to you Director, for your</p>	

perspective on this and your attitude and philosophy. That's not what we experienced before, and I'm very grateful to hear that this is the position you've taken and thank you for that. I agree with you. I think the difficulty is, what sort of a simple statement, or I don't know what else we call it besides that? It would be part of the application. I'm kind of at a loss to know how to write that or whatever and I would really like to see what you might propose. I went back and looked at the May 5, 2020 draft or draft final memo that was prepared by the department. I noticed in that discussion, and you've probably looked at this yourself several times. But it talks about the six different situations that that we originally proposed in this committee for scenarios on page three, it talks about the position related to development, and what it comes down to on page four, in your memo it says simply stated, DEQ does not support applying state settlement funds or Libby trust funding to windfalls situations that lead to gross, financial benefit, due to the use of lands tied to the Libby property. And I think that's the essence of what you're saying. And I don't know how you define gross, But I think if you can come up with a simple, sort of litmus test on this that we could use or as a starting point, I think that would be great. That's all I have. Good luck.

Representative Steve Gunderson: Senator Cuffe

Senator Mike Cuffe: Yes. This is Senator Cuffe, I guess there's a couple of ways of looking at just about everything including this and the concern about windfall profit, I don't know that that should be one of our top notch determining factors. If you have a property that has sat there, sat there, and sat there, and will continue to sit there because nobody is willing to step into it because of the concern. How does it go. From the community aspect perhaps, there is a building and nobody is going to touch it. It's going to sit there and continue to essentially, if not yet, become ablite, having a negative impact on the community and we've worked hard to get past that point. We've come a long way since 2000. We are now reaching a point where some of these tougher decisions where it's tougher to get someone to come in and do something. How do we determine what's a windfall profit and if it is. And is there some wording should somehow be put into it. What we also know is that as a community, and as a state, if we can get those kinds of properties into a more productive, ordinary use, we're going to gain, in some cases, economic activity, and other cases, simply greater tax benefits, probably. At what point those tradeoffs come in especially in the overall picture of this being, a good place to invest in, people look for prosperous places to invest. That should not be forgotten. Our primary concern should not be an individual making a windfall profit. If without considering what are the other benefits involved for both the state and the community, and the general feeling of well-being. I'll make one more addition and then be done with it. Part of what I'm getting at Director, several years ago, before you were in this position, I knew of somebody that knew there was a job opening here with the Forest Service. And in researching, there was something on the internet posted about the dark picture of Libby and asbestos contamination. This individual looked no further and said I don't want to go there. We've done a lot of investing and a lot of things have happened since then. I believe that statement has been removed. I talked to the Forest Service about it. From the ground side of it there's more to it than worrying about whether somebody's going to make a profit and how much profit should they be able to make. Thank you.

Representative Steve Gunderson: Commissioner?

Commissioner Brent Teske: We've got a number of properties in the area that are currently under Brownfields investigation in remediation. Their current model is to take these run-down, blighted non usable properties, because nobody wants to initially invest the money for the cleanup into those properties and make something functional, marketable, and non-blight to the community. And I think we need to be thinking along that same line. If we can take something that's currently contaminated, that nobody can seem to invest the cleanup funds into and clean it up and make it taxable, viable, commercial, or residential property. You know, I think that's what are our function and goal needs to be, as opposed to windfall or monetary gain on that property. Ultimately, I'd like to see the entire valley asbestos free and clean. And if that takes some investment and sweat equity by us and the program to do that, I think it's very well worth it and viable. it's a good model they're using right now, you know they used to be difficult to kind of deal with to get programs going. Now they're pretty active and involved in really reclaiming. I mean, the one you see right now is ASA Wood. I mean, that sat empty for years and was not viable

property for anybody until they got involved.

Senator Mike Cuffe: That was one I was thinking of.

Commissioner Brent Teske: Yeah. So, those are you know, ultimately that's going to be a windfall for the investor. Otherwise, they wouldn't invest in it and that should be a focus.

Representative Steve Gunderson: Well, and I agree with the rest of the panel and that statement of you have to throw money at it, to fix it, is very viable. I think we have to take it into account that, um, Brownfield is not going to be good for the community. If there is asbestos there, how're we maintaining the remedy if we don't get it fixed, don't litigate it or remediate it. So, it's a problem that's stuck in our backyard, actually, in our front yard and we have to deal with it. So, I guess I would take what I think is a pretty common agreement that uh, Director, if you could come up with some text and develop that text taking into account, we need to work with a Brownfield situation. I guess, let's define gross windfall profit. Maybe that's where this lies. Can we take ASA Wood as a model, and say, OK, this is a onetime situation that we're going to pay for. That is going to be a very large investment into the community that's going to have a huge payback for the community and we're accomplishing two things to include making sure the remedies are in place and safeguarded. What's your thoughts Director?

Director Dorrington: I just go back to kind of my foundation and intro that I want properties up there to be remediated so that the community and individuals are protected from known harm right. And I think as a dialog kind of diverges into Brownfields type conversations, understand that two different programs two different funding pots. Just look at Senator Cuffe who's been a funding expert for a long time, and you have to abide by the rules for that funding pot and in the case of those two you might have eligibilities in Brownfields that you don't have here. I don't think I can speak to that specifically I know that probably Jess or Karolina could. With the basis that we want to support cleanup, we're happy to put together some language, I think gross is, George, you put it well, how do you define that and good luck. I think that may be the challenge, but I think, in practice, what we're trying to get at is that, under CERCLA provisions, as a model, there's certain ways that you can finance and fund approvable activities where, In the case of CERCLA you're not creating this opportunity for one individual to benefit from government funding. You know that, in this case is a settlement, I know. So, I think, to put it simply, we can advance some language that you all can take a look at and we'll nash around a little bit and my goal is way simpler than more complex. This won't be a multi-page statement; this will be a fairly simple statement and acknowledgement. We'll go from there in draft.

Representative Steve Gunderson: Sounds good Director. Senator Cuff.

Senator Mike Cuffe: Yeah, and with that, I want to echo what George said earlier, Director, appreciate very much, simply having the discussion. You know, once you identify a problem, sometimes you gotta kick it around a long time, before the solution reaches a point of general agreement, that everybody kind of gets a similar understanding. The fact that we're able to sit and have this discussion wouldn't have happened two years ago. I too appreciate your work; I've told you personally shared publicly. Yeah, we have made a lot of ground. I think if we don't talk about it, we're never going to get there and some of those blighted projects will never move forward. Thank you

Representative Steve Gunderson: George?

George Jamison: Yeah, this is George, one last comment, not related exactly to where we're headed and the challenge that the director and DEQ have to formulate some simple things, I think it can be done. I want to take us back to what prompted this discussion today, and it's the June 6th memorandum from LASOC to DEQ that recommends moving forward for consideration this Tungsten Holdings property at 36573 US HWY 2. Just a reminder that this is still out there and active and part of what we need to do to help move this along is work with the Director to keep this thing rolling because we've sent him something he is just sort of compelled to respond to and so we need to help him with this.

Representative Steve Gunderson: Our discussions, Director, with Tungsten maybe you could give some more insight, Mandy, on your conversations.

Amanda Harcourt: Sure, so, this property that, on the highway has been sitting for at least two years, we've had an open call for it. It initially came in and we were approached by Tungsten. ARP has worked with Tungsten for years. We've done a lot of work with them. We responded doing remedial with them. We've helped them in various different situations. So, they came to us and said, hey, we have this house. We're looking at a remodel. We want to satisfy the PEN. We need information, which is what they always do. In pulling this information, we realized this was a NOEC. and the only thing that we had to go off of was one document stating that the property owner at the time during an interview said the attic was full of vermiculite, her husband shoveled it out and placed it in her garden. That's the only documentation we have. After that it was a refusal. The property owner at that time was not well. That was where it ended, that's the only documentation we have so in having conversations with Tungsten we're like, you might run into something we're not really sure what's there. They're like, OK, well, what did we do? How do we address this? You know, we didn't really have an answer for them. ARP has already gone over to the house and done a full attic inspection and did all the boring of the walls. Now they're able to work with interior work that they had planned. The exterior still needs to be sampled, which is what this scope of work is for, and you guys already have this. One of the positive things though is we didn't find anything in the attic, it's completely empty. Not, not even a remnant piece. It looked like it had never been seen before. The chances that we find in the garden might be pretty slim. You know, that's all, we had two sentences to go off of for our documentation for that property. They were kind of sitting and just waiting on it because they didn't want to open up a huge can of worms and not know what to do. Plus, they have other properties they are working on so they can wait.

Representative Steve Gunderson: It sounds like we're on pretty good ground here where everybody's understanding. I'd say let's let the director move forward developing text. We'll just continue this as a work item and until we can come up with or develop text and everybody agrees that it works. Does that sound OK Director?

Director Dorrington: It does, thanks.

Representative Steve Gunderson: Does everybody else agree with that? Go ahead George?

George Jamison: I think that's good, and I hope it's something we can use on these properties in the future but let's not forget we need to try to be responsive to these folks on this property.

Representative Steve Gunderson: Yeah, we do have a time constraint that we need to work rapidly to be able to look at this property and get it take care of. Not to through a hot potato your way director, but I guess I would ask if you could develop that fairly quickly and get it disseminated out to us and we could look at it and start maybe talking about it via e-mail.

Director Dorrington: Ya you bet. Yep, when I took this position, I was issued a hot potato catcher's mitt. I'm ready.

Representative Steve Gunderson: Ok, good to hear. Senator Cuffe.

Senator Mike Cuffe: Is there an idea on what kind of cost might be entailed with this property?

Representative Steve Gunderson: Mandy

Amanda Harcourt: Yeah, should be in your e-mails. I didn't bring copies of that one to this meeting. I sent it to all of you, three separate bids. I wanna say it's right around 11k

George Jamison: You got one at 11 something, one at 5 something and another at near 5 something.

Senator Mike Cuffe: if I might Mr. Chair?

Representative Steve Gunderson: Go ahead

Senator Mike Cuffe: let's just say if it's an \$11,000 investment, what would we consider a windfall profit, an unfair profit or whatever? If we got it taken care of it and got it back into a normal condition.

Commissioner Brent Teske: I don't know how you would disclose what he purchased it for, what the market value is, what he sells it for.

Representative Steve Gunderson: I would suggest waiting to see what the director comes up with, see if we get mashed potatoes or maybe a loaded potato out of this and go from there.

	<p>George Jamison: it's going to be hard to type with a catcher's mitt on.</p> <p>Representative Steve Gunderson: That's true.</p> <p>Senator Mike Cuffe: It's getting pretty close to lunch to be talking like that.</p> <p>Representative Steve Gunderson: I would say our discussion is pretty much come to an end and we'll put it into the director's good hands to develop the text. And then we will start discussing this and hopefully have something prior to the next meeting. Ok. Thank you, Director. Let's move on to public comment.</p>
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10. Agenda Item	Discussion
Public Comment (Public comment needs to be word for word)	Representative Steve Gunderson: Do we have any public comment? Hearing none.

11. Agenda Item	Discussion	Action Items
<p>Discussion and Next Steps</p> <ul style="list-style-type: none"> Date and location of next meeting Summary of action items 	<p>Representative Steve Gunderson: Discussions and next steps. Date and location of next meeting. Mandy, that will be in your ballfield. I think our summary of action items: we have the director working on developer text. I had a question on the status of the NRDP. I think that should be brought up at each meeting to see where we are at with that so we don't lose sight. Then we have the EQC and media release, I will work on that with Mr. Coleman and Mr. Stout because he was interested in doing that. Anybody else have any other action items they want to add.</p> <p>George Jamison: This is George. We talked with Karolina about several related communications with the EPA about several different funds.</p> <p>Representative Steve Gunderson: Oh, and then we need the EPA memorializing the 12 million.</p> <p>George Jamison: Ya, updating the other funds.</p> <p>Representative Steve Gunderson: OK any other items that anybody can think of.</p> <p>Karolina Balliew: Chairman Gunderson I have a suggestion.</p> <p>Representative Steve Gunderson: Yes Karolina</p> <p>Karolina Balliew: From Cuffe's comments about properties languishing and concerns for economic redevelopment within the community. We are doing a targeted approach. Mandy, I think that is what you are doing in heading up contacting some of the refusals ever so often and looking at them. A way to do that, just a strategy or more targeted approach is some of the older refusals or if you know some of the properties are in poor condition in some of the better areas within Libby. Then those could be some where we are contacting the property owners now to see if they are interested now in getting a clean up or even having sampling done. Just a strategy to look at this wholesale.</p> <p>Representative Steve Gunderson: Thank you Karolina. I think that's something we need to just go with the flow really. As you can tell we have had a lot to come up that we need to look at without doing a search. So maybe what we need to do is in those random searches prioritize the Brownfield type properties if we can. It might be a different strategy, but it will give you something to mull over. It's like our discussions in getting where we are at with that as we never really set any criteria and maybe this is one of those criteria that we need to meet to make sure we're getting those first. Excellent idea, thank you Karolina. Any other ideas or action items we need to address? Hearing none, meeting adjourned.</p>	

Meeting Adjourned 11:27 am