



LASOC Reimbursement Request Property Owner Statement

This completed statement may be requested and included in a LASOC Recommendation package. DEQ will review this statement along with relevant recommendation information to make a final decision on state-held funds. Please see the "Libby Asbestos Site Operations and Maintenance Funding Memo for DEQ state-held funds" for additional information.

DEQ Position: DEQ supports the revitalization and transformation of Libby in O&M, so the community can grow past the Superfund stigma. DEQ has concerns about funding a windfall, wherein someone purchases property at a distressed price, receives funding to remediate it, and then sells the property at a higher price because of that remediation. The remediation costs increase a property's fair market value and DEQ views this as unjust enrichment at taxpayers' expense. DEQ's approach is consistent with due diligence and windfall provisions of CERCLA.

Statement: I, _____, property owner, understand DEQ's above position that sampling and cleanup costs are part of the cost of development and state-held funds should not be expended on these costs. I also understand that DEQ does not support applying State Settlement or Libby Trust funding to windfall situations that lead to gross financial benefit due to the use of funds tied to the Libby NPL Site.

With this understanding, I, _____, property owner of address: _____ contend that I performed both environmental and real estate due diligence for the identified property to the best of my ability. Generally, environmental due diligence is conducted to evaluate the environmental condition of the property and to meet the requirements for all appropriate inquiries (AAI). Generally, real estate due diligence is conducted to identify attributes and characteristics about a property that affect the ability to transfer or reuse a property.

Furthermore, I, _____, property owner, attest that my LASOC reimbursement request for the aforementioned address would not be funding a windfall where the property was purchased at a distressed price. I am not seeking this reimbursement for gross financial benefit.

Property Owner Signature: _____

Date: _____