

PETROLEUM TANK RELEASE COMPENSATION BOARD
MINUTES
June 21, 2021
TELECONFERENCE MEETING

Board Members in attendance were Keith Schnider, Ed Thamke, Mark Johnson, Jason Rorabaugh, Heather Smith, Calvin Wilson, and Gretchen Rupp. Also, in attendance were Terry Wadsworth, Executive Director; Julia Swingley, Attorney for the Board; and Ann Root and Garnet Pirre, Board staff.

Presiding Officer Schnider called the meeting to order at 10:03 a.m. All recusals, as noted within each action item were stated during attendance.

Approval of Minutes February 8, 2021

Mr. Thamke made a motion to approve the February 8, 2021 meeting minutes. Mr. Johnson seconded. The motion was unanimously approved by roll call vote.

Approval of Minutes April 26, 2021

Ms. Rupp made a motion to approve the April 26, 2021 meeting minutes. Ms. Smith seconded. The motion was unanimously approved by roll call vote.

Proposed Amendment of ARM 17.58.311, 17.58.325 and 17.58.313

Mr. Schnider asked Mr. Wadsworth and Ms. Swingley, Board Attorney, to present the proposed Amendments. Mr. Wadsworth stated that at the April 26, 2021 Board meeting, Ms. Swingley and Board staff had presented recommended rule changes. The rules proposed to be amended are provided as follows (stricken matter interlined, new matter underlined):

17.58.311 DEFINITIONS (1) through (24) remain the same.

(25) "Release discovery date" means the earliest of:

(a) the date of discovery by an owner or an operator of any of the conditions set forth in ARM 17.56.502(1), provided that a release is confirmed in any manner provided in ARM 17.56.504 or 17.56.506 after the condition is discovered and has been identified and assigned a unique identification number, as provided in ARM 17.56.508;

(b) through (31) remain the same.

AUTH: 75-11-318, MCA

IMP: 75-11-318, MCA

REASON: The amended rules will confirm the board's reliance on the department's assignment of a unique identification number to each petroleum release. ARM 17.56.508 Numbering Petroleum Releases was adopted in December 2007. Even prior to that rule and since its adoption the board's determination of the number of releases that can be considered for eligibility is controlled by the number of releases the department assigns to a site with a unique identification number. It is reasonably necessary to add this reference to ARM 17.56.508 to clarify that the board relies entirely on the department's release identification rule when determining eligibility for each release and the board does not have the authority or administrative means to make this determination.

17.58.313 APPLICABLE COPAYMENTS FOR COMMINGLED PETROLEUM STORAGE TANK RELEASES (1) and (2) remain the same.

(3) A person who seeks reimbursement from the fund at a rate different than that provided in 75-11-307(4)(b) ~~(i)~~ (ii), MCA, must prove that it is more likely than not that no leaking petroleum storage tank at the site is eligible under that section.

AUTH: 75-11-318, MCA

IMP: 75-11-307, MCA

REASON: The board desires to correct the reference, which was a result from a change in statutory language.

17.58.325 ELIGIBILITY DETERMINATION

(1) remains the same.

(2) The Board may only determine eligibility for reimbursement of costs associated with a release that has been assigned a unique identification number by the department pursuant to ARM 17.56.508.

AUTH: 75-11-318, MCA

IMP: 75-11-309, MCA

REASON: The amended rules will confirm the board's reliance on the department's assignment of a unique identification number to each petroleum release. ARM 17.56.508 Numbering Petroleum Releases was adopted in December 2007. Even prior to that rule and since its adoption the board's determination of the number of releases that can be considered for eligibility is controlled by the number of releases the department assigns to a site with a unique identification number. It is reasonably necessary to add this reference to ARM 17.56.508 to clarify that the board relies entirely on the department's release identification rule when determining eligibility for each release and the board does not have the authority or administrative means to make this determination.

Mr. Wadsworth stated that during the April 26, 2021 Board meeting, the Board asked that Ms. Swingley and the Board staff look at the potential benefit of doing the review of Board Rules all at once, or if it would be more beneficial to do several changes over a longer period. Ms. Swingley and the Board staff determined that it would be better to start with the immediate changes we know of right now and continue to review the Board's rules for other changes over time.

Mr. Wadsworth stated that Ms. Swingley and the Board staff completed the proposed changes to the rules, and recommended the Board proceed with these changes. The schedule on the draft Notice of Public Hearing on Proposed Amendment indicated that the public hearing would be August 9, 2021, but this schedule is subject to change. With Board approval, the Board staff will begin the process of notifying the original sponsor of the legislation, provide the notification of public meeting for the comment period, and finalize the process.

Mr. Schnider asked if a motion or vote was needed from the Board. Mr. Wadsworth stated that the Board should vote yes or no to determine whether to move the amendment process forward.

Mr. Schnider asked for questions from the Board.

Mr. Johnson referenced the amendment to ARM 17.58.311(25)(a) that speaks to a release discovery date and expressed concern about the period of coverage of a release. He wanted to make sure that an emergency response situation would still be covered within the proposed rule changes. He stated that during an emergency response, a release number may not be assigned until later. There are situations in which costs are incurred before the 24-hour report has been filed with the Department of Environmental Quality (Department), but still within the reporting period, and the owner has hired a contractor to come out and start the process of clean up. Mr. Wadsworth stated that he did not see the Department not assigning a release number, on an emergency release where the Department knows the release has happened. He stated that the Department will assign a number so the release can be tracked. Mr. Johnson said that the owner of the release may take some remedy as they are reporting the release and he wanted to make sure that there was no grey area, and that if a release owner was undertaking emergency response actions before a release number was assigned, the costs would still be eligible. Mr. Wadsworth indicated that this rule change clarifies the discovery date as found in the eligibility statute, §75-11-308, MCA, and the costs for emergency response would fall under the reimbursement statute.

Ms. Swingley stated that the proposed change to ARM 17.58.325 was to conform Board rule with how petroleum releases are numbered by the Department and thus incorporates a reference to the Department's rule, ARM 17.56.508. The Board is referencing that rule because it discusses the date of discovery, how the release was reported to the Department, and contains the timing of the release. The Board is adopting the same timing. Mr. Johnson stated that he wanted to make sure that if a release was discovered on a weekend that the costs would still be eligible for an owner to recover. Mr. Wadsworth affirmed that that was true.

Sensing no further questions, Chairman Schnider asked for a motion.

Mr. Rorabaugh recused himself from any matters associated with Rocky Mountain Supply or its customers. Mr. Schnider recused himself from voting on any matters that are associated with Payne West Insurance or Marsh & McLennan clients. Mr. Johnson recused himself from voting on any matters associated with RTI and its clients, and Yellowstone Soil Treatment and its clients. Ms. Smith recused herself from any matters pertaining to First Interstate Bank. Ms. Rupp recused herself from any matters associated with the Montana University System. Mr. Thamke recused himself from any matters regarding reimbursement to the Department of Environmental Quality. Mr. Wilson recused himself from any matters regarding Parkland U.S.A. and its customers.

Mr. Rorabaugh made a motion to approve the Proposed Amendment of ARM 17.58.311, 17.58.325 and 17.58.313 as presented. Mr. Johnson seconded. The motion was unanimously approved by roll call vote.

Eligibility Ratification

Mr. Wadsworth presented the Board with the applications for eligibility that were tabulated in the Board packet (see, table below).

<i>Location</i>	<i>Site Name</i>	<i>Facility ID #</i>	<i>DEQ Rel # Release Year</i>	<i>Eligibility Determination – Staff Recommendation Date</i>
Butte	Town Pump Inc Butte 4	5613911	6274 Jan 2021	Reviewed 5/21/21. Recommended eligible.
Bozeman	Zip Trip 46 FormerlyThe Store Bozeman	1606596	5335 Jun 2019	Reviewed 5/25/21. Recommended eligible.
Glendive	Eslick Property Sugar Plum Jewelry	6015354 TID 32446	6254 Nov 2020	Reviewed 5/27/21. Recommended eligible.
Lewistown	Rindals Fort Lewis Trading Post	1400095	6268 Dec 2020	Reviewed 5/25/21. Recommended eligible.
Polson	Exxon 93	2406861	5430 June 2020	Reviewed 5/21/21. Recommended ineligible.
Shelby	Pete’s North Side Garage	5104477	3427 May 1998	Reviewed 5/19/21. Recommended eligible.
Shelby	Town Pump Inc Shelby	5109749	2896 July 1992 Resolved 7/15/96	Reviewed 5/27/21. Recommended eligible.

Mr. Johnson stated that he did not understand why Town Pump in Shelby was applying for eligibility on a resolved release. Mr. Wadsworth stated that Town Pump was doing redevelopment at the facility and the facility had multiple releases. Town Pump was going to do some opportunistic soil excavation during redevelopment, and remove some soils left behind associated with this release.

Mr. Johnson asked if there was any dispute pending for the Exxon 93 site that was recommended ineligible. Mr. Wadsworth stated that he had spoken to the owner of the site to see if he wanted to come before the Board. This site had a heating oil tank outside of the NAPA store in Polson. They upgraded their furnace 15-20 years ago. The tank was left outside the building and was not kept up to today’s standards. It was a minor release of heating oil that should not cost very much to clean it up. The owner decided to pay for it instead of bringing it to the Board and he did not feel comfortable coming to the Board without an attorney. The cost of an attorney versus the cost of the clean-up at the site were comparable and the owner decided it was not worth bringing the matter before the Board.

Ms. Rupp stated that there were seven (7) sites on the eligibility table being presented, but there were no applications for eligibility received in April or May according to the Board staff eligibility graph, which is covered during the Board Staff Report section of the meeting. She asked if the applications for eligibility were received prior to April or May. Mr. Wadsworth stated that at the April 26, 2021 Board meeting Ms. Swingley stated that she

wanted to see what impact the Cascade County case was going to have on the eligibilities. That resulted in Board staff holding those eligibilities. Ms. Rupp stated that she did recall that and that the Board decided to hold things in abeyance. Mr. Wadsworth stated that because eligibilities had not moved forward at the April 26, 2021 meeting, it created a larger volume of eligibilities at this meeting, many from prior months. There was no further discussion.

Mr. Rorabaugh recused himself from any matters associated with Rocky Mountain Supply or its customers. Mr. Schnider recused himself from voting on any matters that are associated with Payne West Insurance or Marsh & McLennan clients. Mr. Johnson recused himself from voting on any matters associated with RTI and its clients, and Yellowstone Soil Treatment and its clients. Ms. Smith recused herself from any matters pertaining to First Interstate Bank. Ms. Rupp recused herself from any matters associated with the Montana University System. Mr. Thamke recused himself from any matters regarding reimbursement to the Department of Environmental Quality. Mr. Wilson recused himself from any matters regarding Parkland U.S.A. and its customers.

Ms. Rupp made a motion to accept the staff recommendation of eligibility for the seven (7) releases. Ms. Smith seconded. The motion was unanimously approved by roll call vote.

Weekly Reimbursements

Mr. Wadsworth presented the summary of weekly claim reimbursements for the weeks of April 1, 2021 through May 31, 2021, and recommended the Board ratify the reimbursement of the 89 claims, which totaled \$918,830.48 (see, table below). There was one (1) denied claim.

WEEKLY CLAIM REIMBURSEMENTS		
June 21, 2021 BOARD MEETING		
Week of	Number of Claims	Funds Reimbursed
April 14, 2021	20	\$493,777.87
April 28, 2021	23	\$206,017.88
May 5, 2021	22	\$113,737.87
May 26, 2021	89	\$105,296.86
Total	89	\$918,830.48

The denied claim, #20210329B, Release #1058, in the amount of \$3,450.50 had already been claimed and reimbursed previously and was, therefore, denied reimbursement.

Mr. Rorabaugh recused himself from any matters associated with Rocky Mountain Supply or its customers. Mr. Schnider recused himself from voting on any matters that are associated with Payne West Insurance or Marsh & McLennan clients. Mr. Johnson recused himself from voting on any matters associated with RTI and its clients, and Yellowstone Soil Treatment and its clients. Ms. Smith recused herself from any matters pertaining to First Interstate Bank. Ms. Rupp recused herself from any matters associated with the Montana University System. Mr. Thamke recused himself from any matters regarding reimbursement to the Department of Environmental Quality. Mr. Wilson recused himself from any matters regarding Parkland U.S.A. and its customers.

Ms. Rupp made a motion to approve the weekly claims as presented. Mr. Thamke seconded. The motion was unanimously approved by roll call vote.

Board Attorney Report

Ms. Swingley presented the Board Attorney Report as of June 2, 2021, as shown below.

- **Active Cases**
 - Order on ADV-2016-558 Recovery of Fees; Motion for fees denied. Remanded to Board as instructed in Supreme Court Decision.

Ms. Swingley stated that on May 21, 2021 the First Judicial District Court of Lewis and Clark County (District Court) issued an order denying the motion from Cascade County that would have resumed the consideration of the case in front of the District Court. It was a motion requesting the District Court consider Cascade County's claim for attorney fees and costs involved in this case. The Board filed a response and argued that there was no jurisdiction for the District Court to consider any requests for attorney fees and costs. Because the Montana Supreme Court did not remand to the District Court for consideration of any additional matters but instead only remanded to the District Court to remand to the Board to consider the four (4) releases. This denial of motion means there will not be any consideration of Cascade County's request that the fund pays for attorney fees, costs and interest.

Ms. Swingley stated that she was in contact with Cascade County's attorney who indicated they did not want the Board staff to begin consideration of the reimbursement of costs until the order from the district court was received. The order was received, and it remands to the Board to reimburse the County's eligible costs for three additional (3) releases. The Board staff has begun processing the applications for the additional release eligibilities. Therefore, at the request of Cascade County, Board staff was waiting to do any further work until the order was received, which was received on May 21, 2021.

Ms. Rupp asked if Cascade County was going to appeal this decision to the Supreme Court. Ms. Swingley stated that Cascade would have 30 days to file. She had not heard anything from Cascade County, or their attorneys, and Mr. Wadsworth had not heard anything from them, either. Previously, the attorney from Cascade County had brought up the idea of a settlement discussion, and the Board directed Ms. Swingley to indicate there would be no settlement discussion until the order from the District Court was received. There was no plan to enter settlement discussion at this point. She stated that she had no reason to believe that Cascade County was going to file an appeal at this point. Ms. Rupp stated that the 30-day deadline has elapsed. Mr. Wadsworth confirmed he had not seen any communication from Cascade County or any communication to the Court that indicates Cascade County was filing any additional paperwork. The next step was for the Board staff to process the eligibility applications for the additional releases. The Board should know if the case was over by the next Board meeting.

- **Proposed Rule Changes**

This matter was addressed earlier in the meeting

Fiscal Report

Mr. Wadsworth presented the Fiscal Report to the Board, for the period ending May 31, 2021. There were no questions on the report.

Board Staff Report

Mr. Wadsworth presented the Board staff report. He noted that the number of pending eligibilities was higher than usual, and seven of the pending eligibilities were ratified at this meeting. There were two (2) other eligibilities that were not presented at today's meeting. One (1) of the eligibilities was being recommended eligible with an adjustment. This recommendation was being reviewed by the owner and not ready to come before the Board. The other was also not ready to come before the Board. He noted that the weekly reimbursement numbers have been down, but the dollar amount of the claims have been normal. The claims that have been received by the Board indicated large activities being done at the release sites, such as excavation of contaminated soil.

Petroleum Tank Cleanup Section (PTCS) Report

Ms. Stremcha presented the Board with the PTCS Report. She stated that from April 6, 2021 to June 2, 2021 there had been 3 confirmed releases and 7 resolved releases. From the beginning of January 1, 2021 to June 2, 2021 there have been 8 releases confirmed and 11 releases resolved. The total number of confirmed releases since the beginning was 4,764, with a total resolved of 3,838, and the total number of active releases is 926.

Ms. Rupp asked if PTCS was back up to speed post COVID-19. Ms. Stremcha stated that PTCS was moving through their demands during COVID-19 and post COVID-19. PTCS was actively closing releases and have several sites pending well abandonment. There are 21-25 releases that are pending closure.

Mr. Wadsworth stated that the statistical trends for PTCS in the year 2021 were projected to be 19 confirmed releases and 26 closed releases. The total number of active releases would go from 926 to approximately 919 by the end of the year. Ms. Stremcha stated that PTCS works actively to close releases throughout the year, and it is not an even spread of closures throughout the year. The DEQ - Underground Storage Tank Program has new mandates being implemented by October 1, 2021 and these may result in more releases this year than expected.

Five different work plans with budgets greater than \$100,000 were presented to the Board. These plans addressed eight (8) releases. The releases addressed are considered legacy releases, those that occurred in the 1990s.

Grover Exxon, Facility #04-07957 (TID 18053), Rel #358 and #1632, Work Plan #716833891 and #716833892, Priority 1.2

Ms. Stremcha stated that these DEQ-approved excavation work plans for Releases 358 and 1632 are expected to clean up the petroleum-contaminated soil at the facility to the extent practicable; the contaminated soil was the petroleum source for the groundwater plume associated with the releases. These releases were discovered in 1990 and 1993. The combined estimated cost for these two work plans was \$135,586.00. DEQ has determined a cost split, for the current approved Work Plans 716833891 and 716833892, as 10% of the cleanup being conducted under Release 358 and 90% of the cleanup being conducted under Release 1632. The cost split was based on the amount of diesel and gasoline contamination at the Facility.

Work plan tasks include the following: demolition of the former Townsend Star building; permitting and establishment of an offsite single-use landfarm; excavation of about 2,000 cubic yards of petroleum-contaminated soil; disposal and remediation of petroleum-contaminated soil at off-site landfarm; backfilling excavation with compaction; preparation of a Release Closure Plan (RCP); and reporting.

Mr. Wadsworth noted there was a large discrepancy between the Department's estimated cost of \$135,586.00, and the Petroleum Tank Release Compensation Board's estimated cost of \$235,660.02. The Department's estimated cost did not include building removal, or the well installation and the Board staff had included well installation and reimbursement of 50% of the building removal costs for the eligible release. The original budget did not have three (3) competitive bids for the building removal or the well installation work. The contamination was underneath the building. The Board staff was expecting to have a Guarantee of Reimbursement come before the Board, because this site was being redeveloped with loan funding from Snowy Mountain Development Corporation. The Guarantee was not ready for this Board meeting but should be ready for the September Board meeting.

Green's Exxon-Former, Facility #36-02371 (TID 26213), Rel #1830, Work Plan #716834258, Priority 1.2

Ms. Stremcha stated that this DEQ-approved work plan (WP) for Release #1830 was expected to cleanup petroleum-contaminated soil and groundwater to levels that will allow site closure in the future. The estimated cost for this work plan was \$258,000. The release was discovered in 1993 and the site is still an active gas station.

Work plan tasks include the following: project management; installation, start up, and operation of an in-situ air sparging (AS) and soil vapor extraction system (SVE); one year of quarterly system monitoring and maintenance; one year of semi-annual groundwater monitoring to evaluate system performance; and reporting.

Mr. Johnson asked why the PTCS information said the cost estimate was \$258,000.00, but the Petroleum Tank Release Compensation Board report indicated an estimated cost of \$228,160.27. Mr. Wadsworth stated that the facility has concrete and gravel where they are going to place the AS and SVE system. The owner was going to put in the system and resurface the entire area with concrete rather than asphalt or gravel. Mr. Johnson acknowledged that it was an upgrade to what the owner had in place before. Mr. Wadsworth stated the Fund will pay for replacement of what was there originally, but not the upgrade.

Sweet Peaks Ice Cream (Former Classical Gas), Facility #15-04894 (TID 20649), Rel #2716 & #338, Work Plan #716834281 and #716834283, Priority 1.3

Ms. Stremcha stated that the DEQ-approved excavation work plans for Releases 2716, which is Fund eligible and 338, which is ineligible. The work plans are expected to clean up the petroleum-contaminated soil at the Facility to the extent practicable. Release 338 was discovered in 1990 and Release 2716 was discovered in 1995. The excavation is being completed in conjunction with the removal of the existing underground storage tank (UST),

funded by an EPA grant, and excavation of petroleum contaminated soil associated with Release 338, funded by the Special Legislative Funding. The contaminated soil was located under and adjacent to the existing UST and was the petroleum source for the groundwater plume associated with the Releases. The combined estimated cost for the remedial excavation work plans was \$205,914.00, of which \$95,260.21 was associated with Release 2716.

The work plans include the following tasks: obtainment of city right-of-way permits and soil disposal authorization; excavation of about 1,000 cubic yards of petroleum-contaminated soil; disposal of petroleum-contaminated soil at the county landfill; backfilling excavation with compaction; installation of a passive vapor vent system in the excavation backfill, collection and analysis of soil confirmation samples; and reporting.

Farmers Union Oil Company Facility, Facility #29-06376 (TID 24902 & 32428), Rel #3689 & #3803, Work Plan #716834062 and #716834071, Priority 1.2

Ms. Stremcha stated that the estimated cost for DEQ-approved work plans (WP) #716834062 and #716834071 was \$900,660.70 split equally between releases #3689 and #3803, both discovered in 1999. She stated that there are two properties being addressed, both Farmer's Union sites, that are across the street from each other. One of those sites is a bulk plant, the other is a service station. There is historic contamination that exists at these facilities as they have been in operation for many years. DEQ requested these WPs to remediate petroleum contaminated soil and groundwater identified in previous reports including a 2016 laser induced fluorescence (LIF) remedial investigation report and a 2019 AS/SVE pilot study report. At the request of BNSF, a Phase II investigation was conducted to see what the current contamination was at the facility. The investigation identified some additional contamination in the soil. The costs are split equally between the two releases.

Work plan tasks include the following: project management; excavation and soil screening; separation and stockpiling of non-impacted overburden soil; disposal of petroleum-contaminated soil at the nearest class II landfill; installation and operation of an AS/SVE system, free product recovery; monitoring well installation; collection of field data and samples; laboratory analyses and data validation; site restoration; and data analysis, conclusions, recommendations, and reporting. Approximately 2,800 cubic yards are expected to be excavated to depths between surface and 15 feet below ground surface to remove vadose zone petroleum contaminated soil in two source areas. After excavation, an AS/SVE system will be installed and operated to remediate smear zone soil contamination and dissolved phase contamination. DEQ expects the proposed actions in the plan will remediate petroleum source areas and promote resolution of the release.

Ms. Rupp asked what the liability was for Burlington Northern Sante Fe Railway (BNSF). Ms. Stremcha stated that this was a leased property, and BNSF will not let Farmer's Union Oil out of their lease until the site was cleaned up. BNSF would not take responsibility for this site unless Farmers Union Oil went bankrupt or defaulted on their lease.

Ms. Rupp asked how this was being funded. Ms. Stremcha stated that both sites were eligible for the Fund. Ms. Rupp stated that BNSF should be liable for some of the cost of cleanup. Mr. Wadsworth stated that the problem was it was difficult to tell which portion of the contamination may have been contributed by BNSF operations prior to the leasing of the property, because it was leased prior to 1970s. The Board staff had reviewed the eligibility of these two (2) releases and had looked at the contamination to see if a split could be made due to where the source of the contamination was located. It was determined that the contamination did belong to the lessee, not BNSF. Ms. Rupp thanked the Board staff for looking at this site thoroughly.

4 U Husky (Plevna Garage) Facility #13-01243 (TID 19960), Rel #3804, Work Plan #716834019, Priority 2.0

Ms. Stremcha stated that the estimated cost for this work plan was \$165,410.00. The contamination was discovered in 1990. The approved work plan includes building demolition, excavation of contaminated soil with Oxygen Release Compound (ORC) application, dewatering, landfarm disposal of petroleum contaminated soil, soil sampling, monitoring well abandonment and replacement, groundwater monitoring, and reporting. Approximately 1,965 cubic yards of soil will be excavated, of which, an estimated 965 cubic yards of contaminated soil will be disposed of at a nearby landfarm. The remaining 1000 cubic yards will be stockpiled and utilized as backfill for the excavation. The excavation and associated field work will be performed during the summer of 2021.

Mr. Johnson asked where the contaminated soil was being taken. Mr. Wadsworth stated that the consultant was taking the contaminated soil to one-time landfarm site. Board staff was recommending that the contaminated soil be taken to a landfarm that was closer. Mr. Johnson stated it was difficult to find a good disposal site in that area. Mr.

Wadsworth stated that the Board staff indicated that the contaminated soil was being taken to a landfarm as indicated in the work plan.

Public Forum

Mr. Schnider opened the public forum.

NG: Hi my name is Nicole Girten. I'm a reporter with the Great Falls Tribune. I wanted to ask a question to the Board, or the Board attorney if that is more appropriate. I just wanted to find out has it been determined what amount will be reimbursed to Cascade County for the three (3) additional releases. And what is the projected timeline for the reimbursement?

Ms. Swingley: I can answer the first part of the question which is that no there is no estimate at this time, and we can't estimate what that payment will be. As far as the timeline I think Mr. Wadsworth can answer that question. (To Mr. Wadsworth) Is there any idea what the timeline would be?

Mr. Wadsworth: I don't know that I have a number for you specifically on the timeline. Cascade County will have to submit the claims associated with each of the four (4) releases and it will depend upon their timing with regards to that submittal. And then of course the timing with regards to whether or not we have sufficient information to process the claim. So once those claims are received in accordance with those particular releases, the Board staff will be processing those claims in their usual manner. We can look at the average time for processing a claim, which is about 60 days and I would expect that once those claims are properly filed with the Board that those claims would be paid in roughly 60 days, provided they are not suspended for some particular reason.

NG: Alright and this would be resubmitting the claims from 2014. Correct?

Mr. Wadsworth: Yes correct. Cascade County has submitted a number of claims on release 3051 and based on the Supreme Court decision there are going to be 4 total releases there. 3051 A, B, C, and D and Cascade County will have to separate the current submittals that they have on 3051 to submit them in accordance with 3051 A, B, C and D. Once they have submitted those in accordance with the separation, then the Board staff can process those claims, so those can be reimbursed.

NG: Understood. Thank you so much.

Mr. Schnider: Any other comments from the public forum?

Mr. Schnider thanked Mr. Thamke and Ms. Rupp for their time on the Board. Ms. Rupp's term will end before the next meeting and Mr. Thamke was retiring. Mr. Thamke and Ms. Rupp thanked the Board.

The next proposed Board Meeting is September 13, 2021.

The meeting adjourned at 11:00 a.m.


Signature - Presiding Officer