



**Libby Asbestos Superfund Oversight Committee Meeting
June 24, 2019
1:30 PM**

Location of Meeting:

DEQ
1225 Cedar Street
Helena, MT

*Remote access was also available.

I. Call to Order

The Libby Asbestos Superfund Oversight Committee meeting was called to order at 1:30 PM on June 24, 2019 at DEQ, 1520 East 6th Ave, DEQ Metcalf Bldg., Room 111- Helena, MT.

This was the eighth meeting in accordance with the 2017 SB315 Legislation (Montana Code Annotated 75-10-1601). Public notice of this meeting was provided via newspaper ads, press release, social media, and the DEQ website.

II. Roll Call

Commissioner Mark Peck, Chairman Lincoln County Commissioner, conducted a roll call of attendees and confirmed that a quorum of Oversight Committee members was present. The following persons were present or attended by phone:

| Advisory Team Members: | | |
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| Director of DEQ or designated representative | Shaun McGrath | Present |
| Lincoln County Commissioner designated by the Commission | Commissioner Mark Peck | Present |
| 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 |
| Citizen of Lincoln County nominated by the Lincoln County Commission and selected by the governor | George Jamison *Confirmed October 2017 by Governor | Present |
| Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president | Senator Mike Cuffe | Present |

| <u>Other Interested Attendees</u> | <u>Affiliation</u> | <u>-</u> |
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| Jenny Chambers | DEQ | Present |
| Carolina Balliew | DEQ | Present |
| Lisa DeWitt | DEQ | Present |
| Jessica Wilkerson | DEQ | Present |
| Virginia Kocieda | ARP | Present |
| Sarah Seitz | Trihydro | Present |

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| Jenny O'Mara | Weston Solutions | Present |
| Mike Cirian | EPA | Present by Phone |
| Noah Pyle | ARP | Present by Phone |
| Darren Coldwell | Lincoln Co. | Present by Phone |
| Joann Wiggins | DEQ | Present by Phone |

| 1. Agenda Item | Discussion | Document Link |
|---|---|---|
| Review and approve March 26, 2019 meeting minutes | <p>Motion: To approve the minutes of March 26, 2019 as circulated, by Commissioner Mark Peck.</p> <p>Motion By: Second By: George Jamison</p> <p>No additional comments on meeting minutes. Motion Carried.</p> | http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/June%202019/3-26-2019_Minutes_%20Libby%20Asbestos%20Superfund%20Advisory%20Team%20Final.pdf?ver=2019-06-25-084451-360 |

| 2. Agenda Item | Discussion | Action Item |
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| Reappointment of Citizen Representative. | <p>Mark Peck: George Jamison was reappointed as Citizen Representative.</p> <ul style="list-style-type: none"> Reappointed via email with official letter coming. | Mark Peck will send a copy of the official letter reappointing George Jamison to DEQ. |

| 3. Agenda Item | Discussion |
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| Acknowledge 2019 Legislation HB 30, Revise Libby asbestos superfund laws - Representative Gunderson | <p>Representative Gunderson: No new information since the last meeting.</p> |

| 4. Agenda Item | Discussion | Document Link |
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| Oversight Team Annual Environmental Quality Council Report - Jenny Chambers | <p>Jenny Chambers: reviews the EQC report.</p> <ul style="list-style-type: none"> EQC meeting this Thursday, June 27, 2019. Update budget information Future committee items Importance that it should raise EQC Report has been submitted <p>McGrath: Is there anything important you think should be drawn out to the council?</p> <p>Representative Gunderson: Need to stress that we are writing the book and we don't have anything to follow. May appear we are taking baby steps but this may take some time to get off the ground and be fully operational as a committee.</p> | http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/June%202019/EQC%20Annual%20Report_June%202019_final.pdf?ver=2019-06-20-112359-243 |

| 5. Agenda Item | Discussion | Document Link | Action Item |
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| <p>MOU Scope Discussion: DEQ and Lincoln County Memorandum of Understanding for meeting logistics and other support. - Jenny Chambers</p> | <p>Jenny Chambers: March 26, 2019 meeting, we talked about posing two Memorandum of Understanding (MOU). a. meeting logistics and other items. b. Work in progress: are there operational and maintenance issues that the county can be doing.</p> <p>Jenny Chambers: reads from Memo. George Jamison: very easy to agree to and implement. Take out quarterly. Is it 10 or 14 days? Jenny Chambers: We are using best practices from DEQ, which is 14 days and need to see when the newspaper is published. The quarterly we need to put in at least the minimum of once quarterly. Need to follow our statutory guidelines. George Jamison: Need this right away. Would like to endorse the letter. Jenny Chambers: We have it well drafted per our standard MOU. George Jamison: Allows us to accept and move toward quickly. Do not want the meeting minutes on their plate now. Jenny Chambers: If you are having more <i>ad hoc</i> meetings then we will not be able to assist as well with the things like minutes and the budget may not allow for more billing for this org. May go thru the 20% allocated quickly. Senator Cuffe: We should have a summary of the end game plan and deadlines in between. Then we don't all come up against next year and still not meeting requirements. Drop dead dates. Cushion ahead of drop dead dates. End result and results at milestones. Commissioner Peck: Staff comes up with clear timeline. Understand minutes and <i>ad hoc</i> meetings. Roll into stable quarterly meetings. Meetings will pop up and look at getting someone else to do the minutes. Meetings need to be recorded. Representative Gunderson: Jenny what time of public notice for <i>ad hoc</i> working meeting. Jenny Chambers: we are making our own rules. This is a committee or team with legislative requirements. Minimum 10 days for public notice. Smaller group to brainstorm is an organized discussion. George Jamison: Agree and let Jenny Chambers do the ground work on what needs to be done. Commissioner Peck: Left discussion this am with legal under the impression that we need to try and find outside legal assistance. Jenny Chambers: Statutory committee with statutory intent. Don't have department rules that say what the committee is going to do. Do have with state government other advisory groups. Learn some from them that are good practices. Jessica Wilkerson: Oversight committee come up guiding principles and priorities. Commissioner Peck: Approached governor's office</p> | <p>Scope of Work Consideration for Lincoln Co MOA: http://deq.mt.gov/Portals/112/Land/FederalSuperFund/Documents/Libby/June%202019/Memo_Scope%20of%20Work%20Considerations%20for%20Lincoln%20Co%20MOA.pdf?ver=2019-06-20-112418-527</p> | <p>MOU update with comments.</p> |

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| | <p>Jessica Wilkerson: Focused on oversight committee guidance.</p> <p>Jenny Chambers: Balance with committee administrative attached. Does it fit within state requirements?</p> <p>George Jamison: Good discussion. Bring back to action topic: Initial steps. No reason we cannot agree to draft next week. Need to start having meetings more quickly. Cost issues will come up but right now with limited part we. We need continued help with minutes.</p> <p>Jenny Chambers: Will make changes to Get draft to Lincoln co this week or first of next week. Ball in Lincoln Co. court to get approved.</p> <p>Commissioner Peck:</p> <p>Director McGrath: Clarification around budgetary: Are we working with a budget.</p> <p>Commissioner Peck: Biggest thing is the minutes.</p> <p>Jenny Chambers: If you are going taks asbestos from EPA does not come from this budget. We will put in a ceiling in there for one year. If cost more than we will renegotiate.</p> <p>Commissioner Peck: We will develop an ORG so it is not being charged to the ARP.</p> <p>Motion: Set one-year MOU budget: Representative Gunderson. Second Cuffe. No further discussion. Would that include Gunderson and Cuffe expenses.</p> <p>Jenny Chambers: it would not be part of the MOU. But you would be allowed travel as non-employee travel. Get out to them as new employees. Send Email. Send out as the start of every fiscal year. No giving green light to negotiate with Lincoln Co and execute MOU.</p> | | |
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| 6. Agenda Item | Discussion | Document Link |
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| Current Budget overview - Jenny Chambers | Jenny Chambers read from the Libby Asbestos Superfund Advisory Team Budget Overview. | http://deq.mt.gov/Portals/112/Land/FedSuperFund/Documents/Libby/June%202019/Libby%20Budget%20Overview_June%2019.pdf?ver=2019-06-20-112411-323 |

| 7. Agenda Item | Discussion | Action Item |
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| Status of Operation and Functional for Operable Unit 4 and 7 - Lisa DeWitt | Lisa DeWitt: Discussion between EPA, DEQ, and Lincoln Co. Confusion exists regarding the O&F status determination done by EPA. The main objection on the O&F determination had more to do with the declaration that the Joint Site Inspection was deemed complete when DEQ and ARP were still doing data review. Effectively, the actual date of the start of the O&F period is not worth argument. O&F is generally applied to a treatment plant that is built, and provides time to do a complete shake down and ensure that the remedy works. In this case, we are developing the O&M activities needed to be in place, such as best management practices. Currently, ARP is funded through a cooperative agreement with EPA. EPA has a separate cooperative agreement with DEQ for implementing O&M activities. As the O&M transition occurs, ARP funding will come | Outline of Lisa DeWitt Discussion |

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| | <p>through DEQ rather than directly from EPA. All parties are working to ensure that this is a seamless transition for the community. Through this transition period, funding will remain available from EPA. It was noted that EPA would approve the O&M cooperative agreement with DEQ, through which ARP would be funded, and only those O&M activities which EPA agreed were truly O&M could be funded through this agreement. Examples of activities that could not be funded through the O&M cooperative agreement include activities outside the Superfund boundaries, or work on refusal properties. In these instances, this group has access to the \$600,000 annual appropriation, as well as the \$5 Million in settlement money held by DEQ. This oversight committee needs to decide what they would spend money on, and how approvals and/or recommendations would be made. It is urgent that these roles and responsibilities be set out soon, so people in the Libby community know how to access these funds.</p> <p>George Jamison: Good summary of status. On the DEQ website a June 5 letter from Stan Christenson talks briefly about EPA and DEQ about O & F. Need to engage and yes, we are behind. Making significant process and embedded. Not official or memorialized. Assumptions could have benefited from this committee. Further discussions about how to accomplish how the committee understands roles and responsibilities, <i>ad hoc</i> meetings.</p> <p>Senator Cuffe: Would like to see an outline of Lisa DeWitt discussion.</p> <p>Jenny Chambers: captured in minutes.</p> <p>Lisa DeWitt: A need to work on what the groups roles and responsibilities. Outline for committees.</p> | |
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| 8. Agenda Item | Discussion |
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| Operation and Maintenance status and workgroup update - Lisa DeWitt and George Jamison | <p>Lisa DeWitt and George Jamison:</p> <p>Commissioner Peck: What is the status of the Institutional Controls Implementation and Assurance Plan (ICIAP).</p> <p>Lisa DeWitt: We have been reviewing that and it has been sent in for a revision. We are working our way through it. The final draft will go out from EPA for public comment this fall. We can provide a schedule to get us to O&M, and those things necessary to be completed to get us there. I believe September or October is the anticipated timeframe for the public comment period.</p> <p>Commissioner Peck: The reason I ask is due to homeowner responsibility and the rod stated that would be clarified in the ICIAP. Is that stated that the homeowners are not responsible.</p> <p>DeWitt: Yes, there are some roles and responsibilities for the homeowners and will be in the O&M and ICIAP. Probably won't be as specific as everyone is hoping.</p> <p>Commissioner Peck: Seems that it should be a pretty clear statement. Can I see that verbiage?</p> <p>DeWitt: At the moment it is being revised by CDM Smith. We can get that to you when we get it back.</p> <p>Commissioner Peck: Needs simple clarification. Delta should be explained and memorialized. Hopefully clearly in one document.</p> <p>DeWitt: The IC plan should be clearer. This information is possibly more appropriate to be put in an O&M Manual.</p> <p>Jamison: O & M workgroup headed by EPA will work on this, and should be able to provide more clarity.</p> <p>DeWitt: EPA will be included they are lead agency going thru the O & F. going to O&M and money we get is still under the authority of EPA. Need to follow procedures and spending coming with that.</p> |

| 9. Agenda Item | Discussion |
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| Asbestos Resource Program Report – Virginia Kocieda | <p>Virginia Kocieda update-</p> <ul style="list-style-type: none"> • UDIGS- 184 responded to • Hotline Community members asking questions- 19 <ul style="list-style-type: none"> › 7-10 information based. › The rest ongoing discussion and inspections. • ARP and EPA quick responses- <ul style="list-style-type: none"> › 4 ongoing › 1 drafted scope of work › 1 scope of work pending approval › 2 contractors working on abating properties. • Participating with EPA on scope of work and plans. Take knowledge from EPA for quality assurance and learn how EPA and CDM Smith has done the work and done work correctly. |

| 10. Agenda Item | Discussion | Action Item |
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| Near Term Action Items – George Jamison | <p>George Jamison- Actively working with Lincoln Co. and DEQ.</p> <ul style="list-style-type: none"> • Establish structure for active working between Lincoln County and MDEQ. • Establish and Implement contracting mechanisms for DEQ appropriation. • Evaluate adequacy of resources and communications for Lincoln County and MDEQ collaboration. • Identify impediments to progress, near and long term. • Funding recommendation for facilitator services, and Committee Support by Lincoln County. <p>Consider preview of engagement and hope that today we can have action on:</p> <ul style="list-style-type: none"> • Establish structure for active working between Lincoln County and MDEQ. <p>Very active work group with county and DEQ and the reason we have made progress over the last quarter. Need to get guidance and direction. Mechanism defined we can bring information back to this committee.</p> <p><u>Possibly:</u> Define a couple of people from each organization to bring information to this committee, Lisa DeWitt, Carolina Balliew, Virginia Kocieda and George Jamison. 2nd part would be to have an <i>ad hoc</i> work group to this committee, hold discussions with 2 committee members and work group but not need the full committee involved yet. Help get active exchanges going.</p> <p>Commissioner Peck: We can approve group to work on committee’s behalf.</p> <p>George Jamison: add to motion: 2 Committee Members, two representatives from Lincoln Co and two DEQ employees.</p> <p>Director McGrath:</p> <p><u>Motion:</u> Create <i>ad hoc</i> working group to work with DEQ and Lincoln Co along with Commissioner Peck and George Jamison. Restriction if quorum of other committee members will need to send public notice for public meeting.</p> <p>Peck: 2nd</p> <p>Motion Passed</p> | |

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| 11. Agenda Item | Discussion |
| Public Comment | Mike Cirian: 5 Year Review will try to get in by August. |

| 12. Agenda Item | Discussion | Action Item |
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| Discussion and Next Steps | <p><u>Date of Next Meeting:</u></p> <ul style="list-style-type: none"> • Doodle Poll for end of July, August and September meetings. • <i>Ad hoc</i> meetings do not count as Quarter meetings. <p><u>Summary of Action Items:</u></p> <ul style="list-style-type: none"> • Travel Reimbursement <ul style="list-style-type: none"> > Shorter turnaround time this month for fiscal year end. • MOU update with comments. • Redraft letter • Schedule of O& M and next steps • <i>Ad hoc</i> group. | |