



Libby Asbestos Superfund Oversight Committee Meeting
August 2, 2019
2:00 PM

Location of Meeting:
 Conference Call/Skype

*Remote access was also available.

I. Call to Order

The Libby Asbestos Oversight Committee conference call was called to order at 1:42 PM on August 2, 2019.

This was the eighth 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.

II. Roll Call

Since this was a conference call Jenny Chambers, Department of Environmental Quality Waste Management and Remediation Division Administrator, conducted a roll call of attendees and confirmed that a quorum of Oversight Committee members was present. The meeting was then handed off to Chairman Mark Peck. The following persons were present or attended by phone:

Advisory Team Members:		
Director of DEQ or designated representative	Shaun McGrath	Present by Phone
Lincoln County Commissioner designated by the Commission	Commissioner Mark Peck	Present by Phone
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	Not Present
Citizen of Lincoln County nominated by the Lincoln County Commission and selected by the governor	George Jamison *Confirmed October 2017 by Governor	Present by Phone
Member of the Senate whose district includes at least a portion of Lincoln County appointed by the Senate president	Senator Mike Cuffe	Present by Phone

Other Interested Attendees	Affiliation	
Jenny Chambers	DEQ	Present by Phone
Tom Stoops	DEQ	Present by Phone
Virginia Kocieda	ARP	Present by Phone
Carolina Balliew	DEQ	Present by Phone
Jessica Wilkerson	DEQ	Present by Phone
Joann Wiggins	DEQ	Present by Phone

2. Agenda Item	Discussion
<p>Committee Letter to EPA (remaining Libby Remedial Action Funds)</p> <ul style="list-style-type: none"> Draft letter included for discussion. 	<p><u>George Jamison:</u> Did the letter go out?</p> <p><u>Jenny Chambers:</u> We are waiting for the committee's approval. We have received no comments from the group on letter. We need confirmation from the group if they are ok with letter and which version you would like to be final.</p> <p><u>George Jamison:</u> Letter was fine and include the optional language.</p> <p><u>Chairman Peck:</u> I agree on the optional language.</p> <p><u>Shaun McGrath:</u> I do not object to the optional language.</p> <p><u>Jenny Chambers:</u> We will finalize the letter and send to Virginia Kocieda for routing to Chairman Peck to sign on behalf of the committee members.</p> <p><u>George Jamison Motion:</u> Approve letter as drafted with the optional language and Chairman Peck sign on behalf of the committee.</p> <p>2nd Shaun McGrath</p> <p>Approved.</p>

3. Agenda Item	Discussion
<p>DEQ and Lincoln County Memorandum of Understanding - status update</p>	<p><u>Jenny Chambers:</u> MOU has not been sent to all committee members due to it being a agreement between DEQ and Lincoln County. Those two entities will need to agree if it is share with group and made public information. \$25,000 annually MOU has been sent back to county for review.</p> <p><u>Shaun McGrath:</u> \$25,000 annually but County can ask for additional funds with justification if need be.</p> <p><u>Jenny Chambers:</u> If we need to make changes, we will do a MOU Modification as we start to implement. The MOU will include no upper limit of additional funds they request. Oversight committee has 20% cap annually of administrative costs or \$120,000 for all committee administrative functions.</p> <p><u>Shaun McGrath:</u> Not necessary to put a ceiling on the MOU. DEQ has limited funds. Maximum amount we would be able to do but not need to be specified in the MOU.</p> <p><u>Chairman Peck and George Jamison:</u> The Board of Health would oversee that. We would need to justify any increase that is asked for.</p> <p><u>Jenny Chambers:</u> DEQ would not have any issue with raising amount if justified.</p> <p><u>Chairman Peck:</u> Current sitting on Health Board would be the point of contact.</p> <p><u>George Jamison:</u> Can we have a generic name due to people changing positions?</p> <p><u>Jenny Chambers:</u> The DEQ contract person would like a name on the MOU since it is a contract and do need a specific name. The name can also be changed with a modification if needed.</p> <p><u>Chairman Peck:</u> The name on the contract would be me.</p>

	<p>Jenny Chambers: The Draft MOU will be updated to include one contact name and few other minor items. Do you intend to take MOU to county meeting before you sign?</p> <p>Mark Peck: Yes, I will have our County attorney take a quick look and then go ahead and route for signatures.</p>
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4. Agenda Item	Discussion
<p>Reminder of future scheduled meetings & discussion on agenda topics</p> <ul style="list-style-type: none"> • August 12, 2019 - 1:00-2:00 pm Conference Call • September 19, 2019 - 6:00 - 8:00 pm Meeting in Libby 	<p>Chairman Peck: Reason for the working meetings is for subcommittee to be able to make decisions to bring to the group. The subcommittee working on issues between DEQ and county: Carolina Balliew, Lisa DeWitt, Virginia Kocieda, and George Jamison. Need to lay out a process. Brett Romney is drafting notes for those meetings. Best way for that to happen is for subcommittee to bring items to Brett and he will forward to Mark Peck and he will distribute out to the membership. Need at least a week prior to the meeting. Will that be enough time?</p> <p>Jenny Chambers: Yes, that should work. DEQ solicit staff and contractor's agenda topics.</p> <p>Chairman Peck: For this subcommittee it's the same people. I am a bit frustrated.</p> <p>George Jamison: For clarification for the meeting on the 12th: What is the deadline for additions on the agenda and is it possible to have a couple of days to review? What is the absolute deadline.</p> <p>Jenny Chambers: DEQ needs agenda finalized by noon August 8th to post to the website. Press release has been issued.</p> <p>George Jamison: Subcommittee Brett would serve as a facilitator roll. Who will have the lead responsibility to schedule these meetings.</p> <p>Chairman Peck: Virginia would do that. She has more of a stable schedule. Subcommittee is designed as DEQ/County issues.</p> <p>Carolina Balliew: Timing with subcommittee when these are scheduled we will need a week to week ½ prior to quarterly meetings.</p> <p>George Jamison: Focus attention on items committee needs to have input. Goal to have something drafted to put before this group and would be primary agenda item. Need time ahead of meetings; will need to do this quickly for the next meeting.</p>

5. Agenda Item	Discussion	Document Link
Public Comment	No public comment.	

6. Agenda Item	Discussion	Action Items
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<p>Discussion and Next Steps</p> <p>a. Date of next meeting</p> <p>b. Summary of action items</p>	<p><u>Chairman Peck:</u> September 19th meeting we need to have in-depth discussion on lines of authority. Not sure what Oversight Committee has authority to make decisions and statutory what stays with the department.</p> <p><u>Jenny Chambers:</u> Discussion on bylaws in the future. We are going to try and get some of that information pulled together for that September 19th meeting.</p> <p><u>Chairman Peck:</u> Discussion with Stacey at the Governor's office about legal support and advise. Got the strong impression that when we met with DEQ legal that they would not be able to assist the Oversight Committee.</p> <p><u>Jenny Chambers:</u> This is not a commissioned board. If our legal staff can give support or what are some options. Remember that 20% administrative cost of \$120,000 annually is the Committee cap and if and when outside legal support or DEQ staff attorneys would be charged to this fund.</p> <p><u>Chairman Peck:</u> MOU there is confusion on whom approves items. Need to get identified so everyone knows who has authority. This board is unique. We may need to develop and clarify as we go along.</p> <p><u>George Jamison:</u> The confusion is that DEQ legal staff gave the impression it is not possible for Oversight Committee to seek legal guidance and representation from the DEQ staff attorneys. Any help we can get will help.</p> <p><u>Shaun McGrath:</u> We will look into this. Do you have any idea of legal questions or advise?</p> <p><u>Chairman Peck:</u> No current legal questions the discussion came up in the last meeting.</p> <p><u>Shaun McGrath:</u> Without spending a lot of time if there is no specific pressing question. It may become difficult if DEQ legal gets in the position of having to advise on both side of an issue. Maybe Attorney General (AG) office can assist. Will discussion options internal for when we can assist.</p> <p><u>Senator Cuffe:</u> Legal should be able to decide right away if the situation will be uncomfortable. However, the Oversight Committee should be able to go through DEQ staff attorneys.</p> <p><u>George Jamison:</u> Example Mark Peck talked about defining lines of authority tied with legislation and legal input for those topics.</p> <p><u>Senator Cuffe:</u> Sketch an outline</p> <p><u>Chairman Peck:</u> Per legislation need to verify lines of authority. Board does not have oversight authority.</p> <p><u>Shaun McGrath:</u> Good conversation without team and sketch up outline on decisions.</p> <p><u>Senator Cuffe:</u> Discussions about deadlines and what needs to be included.</p> <p><u>George Jamison:</u> Get guiding principles that we have been and should be using. Should be coming into focus. Something to use as a roadmap.</p>	
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Senator Cuffe: If need help with legislative intent we can seek out legislative council.

Action Items:

1. Prep for August 12th meeting.
 - Work with Brett to get agenda topics by the August 7th
 - Get to DEQ by the August 8th with meeting material.

2. Prep for September 19th meeting
 - 2 weeks prior subcommittee meet with Brett on agenda.
 - DEQ meet internally to discuss lines of authority and bylaws of oversight committee.