

June 16, 2020

The Lincoln County Board of Commissioners met for a special session on June 16, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, Commissioner Bennett, Commissioner Letcher, County Administrator Patrick McFadden, and Clerk and Recorder Robin Benson.

10:30 AM Libby Asbestos Superfund Site Update: Present were Mike Cirian, George Jamison, and ARP Director Virginia Kocieda. Present via phone conference were DEQ Representatives Jenny Chambers, Tom Stoops, Carolina Balliew, Jason Rappe, Moira Davin, Rebecca Harbage, and Jessica Wilkerson. Present via phone conference EPA Representatives Gregory Sopkin, Aaron Urdiales, Stan Christenson, Dania Zinner, Max Greenblum, Beth Archer, Betsy Smidinger, and Andrew Schmidt. Also present via phone conference were Chad Campbell-Senator Tester's Office, Ron Catlett-Senator Daines Office, Jinnifer Mariman, Tina Oliphant, Jenny O'Mara, Tony Penfold, Jag Sethuraman, Ray Stout, Clint Taylor, Dallas Carr, Brent Teske, and Moriah Thunstrom.

The following agenda was submitted by Beth Archer, EPA.

**Update with Lincoln County Commissioners on Libby Asbestos Superfund Site
June 16, 2020, 10:30 – 11:30 am**

Agenda

Welcome and Virtual Platform Navigation, Beth Archer, EPA
Remarks from Regional Administrator in EPA Region 8, Gregory Sopkin, EPA
Remarks from Division Administrator for DEQ's Waste Management and Remediation Division, Jenny Chambers, DEQ
Site Updates

- Partial Deletions Schedule, Dania Zinner, EPA
- OU 1, Former Export Plant – partial deletion complete (May 2020)
- OU 2, Former Screening Plant – partial deletion complete (April 2019)
- OU 5, Former Stimson Lumber Company property
- OU 6, Railroad rail lines, right of ways and rail yards owned and operated by BNSF
- OU 8, Transportation corridors
- Ongoing Work, Dania Zinner and Mike Cirian, EPA
- OU 3, Former mine area and surrounding forest
- Transition to O&M
- OUs 4 and 7, Commercial and residential areas of Libby and Troy
- Previous Work, Aaron Urdiales, EPA
- Remedial Action Report; O&F Determination Letter, Aaron Urdiales, EPA
- O&M Plan and ICIAP, Mike Cirian, EPA
- O&M Start Date, Aaron Urdiales, EPA / Jenny Chambers, DEQ
- Looking Forward, Jason Rappe, DEQ
- O&M Manual
- Reimbursement Process
- Commissioners Thoughts Moving Forward, Lincoln County Commissioners

Questions and Answers Session
Meeting Close, Beth Archer, EPA

Gregory Sopkin commended efforts from all stakeholders getting to this point. Talked about statistics, mentioning that four operable units moved to the O&M Phase; other units will follow soon. \$250 million spent at the Libby Site, 8,000 properties investigated, over 5,000 cleanups and 1million cubic yard contaminated soil removed.

Jenny Chambers talked about EPA and DEQ being committed to long term efforts. The transition is a major milestone; July 1 is the formal DEQ start date.

Dania Zinner stated that public meetings will be held regarding OU3, former mine site and surrounding forest.

Mike Cirian clarified the 2 phases; remedial investigations are complete and currently in the feasibility study phase.

Aaron Urdiales talked about the collaborative process and the future contracting responsibilities for homeowners, saying homeowners would be responsible for obtaining a contractor and would be reimbursed.

Mike Cirian said the O&M Plan for Libby is challenging, having 1 treatment plant and over 8100 properties. Over 5400 properties needed no work which is good news.

Jason Rappe said DEQ will continue annual investigations and 5-year reviews. The O&M Manual is for DEQ and ARP outlining procedures. The manual is a living document that can be changed and amended.

Commissioner Bennett mentioned that in 2018 the Commissioners and Board of Health submitted a position statement on many topics. Commissioner Bennett expressed concern if living documents can be changed without Lincoln County involvement. Commissioner Bennett commented that he helped pass the Vincent Bill to provide the county with a controlling voice. Lincoln County needs to be involved if any changes occur. Policy, procedures, and funding need to be nailed down so we can function as a county.

Jenny Chambers stated that DEQ will not be successful without county involvement. Any stages of change will only be done with county involvement.

Commissioner Peck acknowledged a tremendous amount of work done, the complexities and learning curve. Commissioner Peck commented that for us, its personal, we know people impacted by this. Commissioner Peck talked about Mr. Graham, who was the first person to win a lawsuit and how he lived next to him as a kid. Commissioner Peck

expressed thanks for the efforts and work to get to this point describing it as 20 years of emotion and hard work, but stated it is a much better place than 20 years ago.

Commissioner Peck talked about the legacy and liabilities to the property owners and commented that the county may need to be more specific with its request, but that he is not comfortable with the response he has received. The homeowner did not make the determination to leave anything behind. Commissioner Peck read directly from the Record of Decision and expressed his concerns, stating this is not a dead issue with us; it's a lot of legalese that raises more questions. There is no clear pathway in the ICIAP and during the 5-year review there needs to be a commitment to look at the verbiage, which is confusing. The language needs to be reviewed and clarified.

Commissioner Peck spoke briefly about the annual budget process, saying he is confused about where we are in the budget process. The county is interested in a long-term plan and viability.

Commissioner Peck stated that he is vehemently opposed to putting the contracting process in the hands of property owners, calling it a train wreck waiting to happen. We have a lot of senior citizens and people who would not know how to do this; the county is willing to take that on.

Commissioner Peck commended the work done and appreciates the efforts, but wants these concerns documented before we go into O&M.

Mike Cirian commented that regarding responsibility and liability to homeowners, as long as homeowners are involved in the process with ARP, they would not be held responsible. Going forward, federal monies is sticking to that. Property owners will not be paying for future cleanup costs. Regarding whom owns the material when you purchase a home, there is a safety measure if you participate in ARP processes. Mike clarified the responsibility to homeowners' is don't be negligent, use ARP and follow processes established.

Dania Zinner suggested perhaps to capture that language in an ESD, a decision document.

Aaron Urdiales reminded everyone that today's conversation is being recorded, so action items can be addressed with DEQ and other stakeholders.

Jenny Chambers commented that DEQ will try to put together budget information and have conversations with the Commissioners and LASOC members. Jenny also commented that conversation regarding contractor process will have continued dialogue.

Commissioner Bennett commented that he agrees with Commissioner Peck; contracting should not be conducted by individuals, but instead that process should go through ARP. Commissioner Bennett said he understands the first couple of years will be hard to predict for budgeting purposes but asked to trust our department (ARP) on what costs are predicted, and that can be reviewed and reevaluated.

Public Q & A: There were no public comments.

A complete audio of today's meeting can be heard on the DEQ website at: <https://deq.mt.gov/deqadmin/dir/libby>

12:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board