

June 7, 2018

The Lincoln County Board of Commissioners met for a special session on June 7, 2018, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Peck, County Administrator Darren Coldwell and Deputy Clerk Chris Nelson.

2:00 PM **EPA Meeting:** Present were Thad Adkins, Lisa Dewitt, Tina Oliphant, Brett McCully, Dania Zinner, Tony Petrusha, Ted Werner, and John Blodget.

Tina Oliphant asked how we start a discussion on restrictions in the environmental covenants. She said it seemed that in the last few meetings their concerns were not always dealt with. Lisa Dewitt from the Montana DEQ said they are understaffed but they understand and they will try to get the responses to them in writing and prior to the next scheduled meeting. DEQ staff attorney Thad Adkins said they will try to get responses back at least a week before a meeting. They need to meet internally at DEQ and regroup to answer the current questions the Port has. Lisa said that she knows the Port Authority has concerns about having well restrictions in the covenants. Commissioner Peck said the concern is would this ruin any standing they might have in litigation with International Paper. Tina said they don't want to jeopardize that standing and until they have definitive legal advice they cannot act. Lisa said they plan on having comments back in two weeks on the covenants and then they could plan a meeting for some time in July. Thad said the DEQ would like to see restrictions in covenants that would prevent digging up any asbestos in the ground. Dania asked what would happen if the Port sold the land. Thad said they are not looking to put the Port on the hook for anything they would just like to see something in the deed reserving the right of the responsible party to inspect the property. Commissioner Peck said people would be hesitant to buy property if they knew that someone could come onto it whenever they wanted. Thad said they have dealt with this before and it is better to have more clarity for prospective parties on what the liability is. Commissioner Peck said you can have clarity without having the previous owners having the authority to come on their property. He said it is important that they have whatever authority is needed clearly spelled out so it does not seem that they can come on the owner's property at any time. Lisa said that they can respond in the comments to this specific issue and have something. Lisa also said she needs to put in a request for O & M costs for OU5 and would like to know if Tina or Brett would have any expenses in the next 12-18 months so she can turn it in. Tina and Brett said they would get her an amount as soon as possible.

3:00 PM Meeting Adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Chris Nelson, Deputy Clerk of the Board