

**MANDAN REMEDIATION TRUST (MRT)**  
**February 3, 2009 Minutes**

**Meeting:** 184th Official Meeting  
**Date:** February 3, 2009  
**Location:** Mandan City Hall, 205 2nd Ave. NW  
**Time:** 10:10 A.M.

The MRT meeting was called to order by Jim Neubauer. Fritz Schwindt and Dave Glatt were present. Also, present was Marilyn Mertz, State Department of Health.

**Check.** Neubauer received a check for \$40.00 from Chief Construction for 100 gallons of recovered diesel fuel. It will be deposited in the MRT account with the Bank of North Dakota.

**Minutes.** The December 29, 2008 and December 31, 2008 minutes will be tabled until the next meeting. Revised minutes of January 6, 2009 were discussed and approved.

**Motion.** Schwindt moved approval of January 6, 2009 amended minutes. Second by Glatt. All ayes. Motion carried.

**USSI.** Schwindt's Pay Request 166 for \$4,950 for October, November, December 2008 and January 2009 activities for 49.5 hours. For audit purposes, Neubauer and Glatt are the only trustees signing.

**Motion.** Glatt moved to approve USSI's payment request of \$4,950; second by Neubauer. Motion carried.

**Morton County Commission Meeting.** The county commissioners have asked the MRT to meet with them on February 10, 2009 at 6:30 p.m. to talk about the proposal from LBG on exploratory borings and existing information review related to installation of a groundwater collection system underneath the Law Enforcement Center (LEC). He sent LBG's proposal to Paul Trauger. Because all board members will be present, it will be considered to be an official meeting of the MRT.

**Motion.** Schwindt moved to have a special MRT meeting to attend the county commission meeting on Feb. 10, 2009 at 6:30 p.m., Morton County Courthouse to discuss LBG's proposal on groundwater management. Second by Glatt. All ayes. Motion carried.

**LEC.** Schwindt discussed the LEC proposal. The proposal had a range of hourly rates. He didn't check our Quick Start contract. Other areas: Do we need to have complete isolation and venting of rooms when they are doing the coring and soil boring? What they are doing is coring a hole through the concrete and going down with auger equipment. It doesn't get into that detail. When Kris Roberts, Health Department

employee, collected samples below the base floor at the LEC a hole was made in the concrete and a soil sample was collected below the floor. Odors were kept to a minimum. The intent of this action was to try and find the bentonite clay layer and contaminated soil. LBG's plan is to go down six feet or down to the native soil whichever comes first. Glatt doesn't know if they have contacted Roberts for any soil data that he collected. He had suggested they contact him. Schwindt wondered about the odor issue. It is still not clear to me how much they are requesting the county to pay to do that. It can't be a small task to isolate a room and provide ventilation. Do we need to have that?

Glatt indicated they are probably erring on the side of caution not knowing what odors there will be. Do they have the existing recovery wells working on a vacuum? Schwindt didn't think the vac would be strong enough to draw all those vapors down into the soil profile. Vapors shouldn't be quite as strong, Glatt said.

Neubauer indicated in LBG's proposal they had \$5,800 for the coring, drilling, and soil disposal and ventilation. Before we were paying for the concrete coring of about \$50 to \$60 a hole, Schwindt said. Just the coring will now be \$500 or \$1,000. Is it necessary? The county should consider this cost. Do they want some odor in the building? Glatt indicated the county might ask for some cost share assistance as it relates to petroleum contamination. Schwindt doesn't disagree with that. Neubauer said. They are estimating that at \$5,800. When they say bentonite grouted, what does that mean? Schwindt explained it may be putting bentonite chips down the bore hole that remains and then pour some water down to hydrate it so it swells a little. Schwindt asked if that was a good idea. Neubauer's thinking was if you put a boring down you have filled up another piece of the floor that you can't vent.

Schwindt suggested sending an e-mail to Kenyon to ask if all this stuff is necessary. Neubauer indicated if he was doing a proposal, he would put those things in there too. Glatt asked. There was significant contamination in the downtown Main Street, what did we do there? We used a vacuum, Schwindt said. Glatt noted we didn't isolate rooms. Schwindt suggested laying a vac hose down. I think it would be a lot cheaper. They may be proposing to put plastic and seal the entire room and put the vac inside of that. Schwindt will e-mail Kenyon and try to get a response before the Morton County Commission's February 10<sup>th</sup> meeting.

We should be prepared for the question to be asked, Neubauer said. Is the MRT willing to cost share?

Glatt brought up the diesel contamination, the vac truck and disposal of soil could be considered by the MRT. The other part as it relates to the engineering of the water system that cost would be theirs.

Schwindt attended that meeting when Kenyon was up and met with the county commission. Kenyon called to see if he could attend. He thinks the county should take

some ownership here and decide what they want to do and we will talk about participation. Glatt agreed. It is not a good idea to put more money into this until they take care of the water problem. Schwindt's assessment would be to participate in one-third of the cost of that study as the portion related to diesel fuel. Neubauer added or set a flat amount and say we are willing to kick in \$5,000 because it looks like it will cost \$800 to just do the core if there was no contamination. If we have a dollar amount, we are somewhat prepared.

They will want some response on Tuesday. Glatt suggested making it clear that our participation now is not in anyway shape or form a guarantee of future participation in other projects.

Schwindt suggested Neubauer talk to the city wastewater treatment plant people to see if in fact they would take any wastewater discharge. It might overwhelm the system. They will have a problem putting that in the storm sewer because there will be a sheen or hydrocarbon contamination, Glatt said.

Neubauer indicated we will be pulling up contaminated groundwater with the system. What are we going to do with that product when we get it out? He will ask the city workers. They have sump pumps in the elevator shaft now and are not operating them with the water level being low.

Schwindt would be surprised if they recovered much product in an oil water separator. They may have to vac that off once in a while, but not very often.

As part of this assessment, are they taking water samples? Glatt asked. Schwindt indicated they are not talking about any water samples. There has never been any conversation about that. Samples don't need to be taken now, Glatt said.

Neubauer suggested asking Kenyon, in their review of the LEC, where are the sump pumps? Where are they discharging right now? Where is the water going?

Schwindt offered to go over and talk to Chuck Schaefer, head of maintenance to see if they have sumps. Neubauer would like to know: Whether they are operating? How well?

**2008 Audit.** Neubauer asked if there were any issues asking Brady Martz to do the 2008 audit again.

**Motion.** Glatt moved to allow Brady Martz to do the 2008 audit. Second by Schwindt. All ayes. Motion carried.

**SEP Trust.** Neubauer will send out an e-mail to Mayor Helbling and commissioners to get permission to pay the audit bill by conference call.

**Bank Statement.** Received and reviewed the MRT bank statement through December 31, 2008. It did not have the two payments from the SEP Trust on there. At that time we had \$7.9 million and with the two additional deposits posted in January, it would be approximately \$9.3 million.

**Investment.** Do we want to invest? Don't see any major expenses for the next six months. Neubauer will contact the Bank of North Dakota to see what rates they have. We could do \$5 million for six months and \$3 million for 30 to 60 days. He will send an e-mail with the interest rates.

**Motion.** Glatt moved approval of the January 4, 2009 MRT Trust. Second by Schwindt. All ayes. Motion carried.

**LBG.** Pay Request No. 162 from LBG's invoice dated January 12, 2009 for expenses through December 31, 2008 in the amount of \$46,745.77. Radig has reviewed and approved.

**Motion.** Schwindt moved approval of LBG's invoice for \$46,745.77. Second by Glatt. All ayes. Motion carried.

Note: Schwindt reviewed LBG's public meeting participation billed to that task to the MRT and it was about \$50,000 for the year 2008.

**City of Mandan.** Pay Request No. 163 to city of Mandan for wastewater plant charges in the amount of \$798.08. Radig has reviewed and approved.

**Motion:** Schwindt moved to approve city of Mandan's wastewater services in the amount of \$798.08. Second by Glatt. All ayes. Motion carried.

**City of Mandan.** Pay Request No. 164 to city of Mandan for fourth quarter utilities at the remediation buildings in the amount of \$21,880.19. Radig has reviewed and approved.

**Motion:** Schwindt moved to approve city of Mandan's statement in the amount of \$21,880.19. Second by Glatt. All ayes. Motion carried.

**Brady Martz and Associates PC.** Pay Request 165 for Brady Martz 2007 and 2006 MRT audit costs. MRT portion is \$3,425 for audit costs, but they billed the MRT \$4,895 for both MRT and SEPT.

**Motion.** Glatt moved to approve payment of \$3,425 to Brady Martz for 2007 and 2006 MRT audit costs. Second by Schwindt. All ayes. Motion carried.

**Main Street Project.** Schwindt's comments: He did study LBG's proposal. They are talking about five monitoring wells here at \$61,000. He understands where

the costs come from such as concrete work in Main and conditions operating with traffic. His main concern is traffic safety. You can block off streets, etc., when constructing wells and putting them in, you have to divert traffic for ten days according to the proposal. His biggest concern is for the operators servicing the wells. How do they provide protection for the workers? He contacted several contractors about the feasibility of putting in slant wells.

**Braun Intertec.** Schwindt talked to Ken Haag from Braun Intertec and met him onsite. They discussed where the utilities are located, the remediation system is located and where we are going to try to get to. He told Haag the MRT would have to go out for proposals or bids. He did not give Schwindt a price. Haag's assessment in looking at the area, he felt very confident they could put a slant well in. He has put slant wells in all over the country. Some have gone out a total of 280 feet. We aren't even close to that distance here. After looking at the utilities, they called him back and thought they would be able to get past the utilities there. There is a sanitary and storm sewer on the south side. He had to do further verification on the electrical for the street lights and a gas line. Depending on the gas line, they felt confident they could get the well in and get out to the middle of Main Street. Schwindt told him the street is 60 feet wide so it would take a 30-degree angle to get to the middle of the street at that location.

Schwindt reviewed a sketched map and talked about the total depth being 21-22 feet in the middle of the street. This is the historic groundwater range so we would be operating, if the groundwater comes up as it did in 1995, it would be operating at 20 feet from the south side rather than 30 feet. That is one of the limitations.

Glatt noted if water comes up too high, they wouldn't be operating it at all due to the tight soil conditions nearer the surface. Initially, Schwindt indicated the well should be at a 35-38 degree angle but we would have to go down four feet or so right behind the curb but later determined it would need to be down at a 30-degree angle. He called Haag back and told him that too.

Schwindt suggested pursuing a slant well as a recovery well rather than as monitoring wells as proposed. LBG has never operated a slant well, so that would be entirely new. It would be more difficult to try doing the drop tube because you are coming at the water at an angle. You can't drop a tape in the well to measure. We will need another method to measure where the water table is at. A pole might work.

Neubauer asked. Will we get sufficient data from a slant well to understand what is going on underneath Main Street?

Glatt indicated they measure what they get out of the well plus the vapors they get out. The reason they want to put in monitoring wells is to see if there is anything under Main Street.

Neubauer comments: From the standpoint, why are we even looking at this? When people have asked me why is the MRT thinking about tearing up Main Street, my response has been, we know we have contamination on the North side of Main Street and contamination on the South side of Main Street. That would lend a logical thinking person to think that there is contamination under Main Street. And we know that contamination isn't going to isolate itself within the curb boundaries of Main Street and if we don't go in and try to remediate this underneath Main Street, the likelihood of the Health Department signing off on "we are done" is slim to none. Step one: What is going on underneath Main Street? Second step: How do we want to remediate Main Street?

Glatt is using the information presented by the consultant that they don't think the existing wells on the north and south sides of Main Street are sufficiently impacting the areas underneath the street. There is that potential they are getting some impact but it is limited. There is a risk in putting in additional wells in Main Street. Although the existing wells are working and doing a good job already, the additional wells would add to the effectiveness of the remediation.

Schwindt said Radig had brought up the issue if you use the recovery wells as a monitoring point as well you are not getting a clear picture. To me it doesn't make any difference whether we can document, whether there is two inches or two feet. If we put a recovery well in, we keep drawing stuff out until we can't draw any more out. We will allow the system to equilibrate before the end anyway before we are all done. This should give you a better perspective.

Glatt indicated if the slant wells show clean and the monitoring wells show clean we will be very confident with the existing wells there showing nothing there.

Neubauer asked. Do we need to do a video conference with LBG? Glatt suggested asking them these questions: Do they feel comfortable with the slant wells? And how many do we need? Will we need more of them? With the slant drill hole, we will be able to get sufficient information out of that to say, yes, we have contamination. Neubauer would like to have that conversation with LBG rather quickly so if Braun can do the work, they can put the wells in whether they are monitoring turned into recovery by the first of June. We will need to take a break in June and come back after July 4<sup>th</sup>. Just to get that initial well put in and we will need piping to the manifold for the connection to the system.

Glatt indicated we can ask LBG. As MRT, this is the way we should go. Give us a time line and potential cost? Schwindt indicated we could have the conversation between MRT and Kytta today. They are talking vertical wells. Their estimate is \$100,000 to \$210,000 to put remediation wells in above and beyond \$61,000. On slant wells they are talking \$130,000 to \$300,000 depending on the number of wells. My initial thoughts, it would take five or six wells to maintain the 70-foot spacing along here. He would like that conversation with LBG. Kytta told Schwindt you can tie into existing

wells. Didn't know how it would be done. They didn't provide enough information to respond to that. Glatt said, that is the way to go based on safety issues. Neubauer suggested just tell them this is the direction we want to go. Schwindt will send an e-mail. From a Health Department perspective, you are OK with using these as monitoring points to determine eventual cleanup.

Glatt indicated data collected from the slant wells used in conjunction with the existing monitoring wells north and south of Main Street should provide sufficient information as to the residual contamination remaining after remediation is complete. I wouldn't use the slant well data as the sole source of information to determine contamination. After we are done, there will be a period of time we will shut everything off and just monitor. Schwindt indicated the closure plan talks about four quarters of no detection basically that idea. Do we want to talk to Kytta to hear his concerns? Glatt thinks it is a good plan. That's taking the cost, public safety and worker safety into consideration.

Schwindt indicated we get the slant wells put in for an amount the same as for the wells. We have them in on the south side. We will still have to tie them into the system, if we can get the slant wells in for the same cost. He does not know how big of a footprint they would need. Braun Intertec has a truck. The equipment they have can adjust at whatever angle they want to and drill at that angle. Haag indicated they are not concerned about that. With a hollow stem auger, I haven't had any problems doing that. They use a pre-made screen so it has an outside pipe and inside a sand packing and inside of that is a well screen. It is very pricey. You go down with a hollow stem auger and create the hole, slide the pipe down through the auger. As you back out, you pull the outside pipe out. The hole collapses so you have your sand pack around your well casing so don't have to put drilling mud in there to keep the hole open.

Schwindt called Bob Kruck and he said you can do that with the drilling mud, you can break down. You can get a four-inch casing that is pre-packed. That's what all the remediation wells are now. All you take out is a panel in the sidewalk, Neubauer said. If you are on the edge of the sidewalk, Schwindt added. Neubauer indicated electrical is right next to the pipe. The electrical is near the sidewalk, but there is conduit.

**Task Orders.** Operation and Maintenance there is \$30,000 for water level measurements. Schwindt asked if the MRT needs to continue monitoring all those wells. For the second quarter they have 312 wells; others are 190 wells. Doesn't know which ones are currently doing free-product. Certainly we need to monitor those so we can do the drop tubes. The other thing is they are proposing a metal detector here and renting that every time at \$148. You need it in the winter time for snow but did not know if you need it the other three times. Those questions were sent back to Kenyon. Also, if these are T&M and bio respiration ones. Schwindt doesn't have a problem with the proposal if it is T&M and we get a response back on the metal detector and the number of wells we can do. If it is T&M, should be able to reduce the number of wells.

Glatt asked if Kenyon gets back before February 10, 2009, should we add it to the agenda. If they are T&M and we get a response back on the metal detector and number of wells, Schwindt is OK with it.

**Motion.** Glatt moved approval based on the quarterly monitoring estimate if their sub task pricing summary is Time and Materials at \$29,384. Second by Schwindt. All ayes. Motion carried.

**Bio Respiration Rate Testing.** This testing is done on two semi-annual respiration tests. Schwindt and Glatt agreed there was no problem if based on T&M.

**Motion.** Glatt moved approval of T&M for the bio respiration rate testing proposal for \$23,283 for three areas two times a year. Second by Schwindt. All ayes. Motion carried.

**Remediation Operation and Maintenance For The Year Estimates.** Four quarterly engineering site visits to evaluate the system. Schwindt had no problem. They are looking at sludge disposal every two months. This is T&M. Neubauer asked if these LBG expenses could be reviewed. Total cost what we are reimbursing the city may be a more accurate cost. This is the MDU bill but doesn't include the \$310,000.

The city cost for the fourth quarter is \$21,880.19. Based on numbers last summer, the costs were \$100,000 for MDU charges for a year. MDU should go down. The estimate for costs should be about \$0.5 million. They had four quarter site visits. Neubauer asked about the total cost on what they are reimbursing the city. It cost about \$400,000 to operate the system. He suggested Radig would be better situated to determine that cost. Glatt agreed that Radig could review those numbers (MDU and utility). It may cost \$2 million for decommissioning.

**Motion.** Schwindt moved to approve the proposed 2009 remediation O&M costs at \$308,573. Second by Glatt. All ayes. Motion carried.

**Meetings.** Future meetings to be held in the Dykshoorn Conference Room.

**Other.** When the contractor is done at Library Square II, he will move over to the Furniture First lot provided the owner has the space rented out. Neubauer asked. How are we doing on the cleanup of that site?

**Slant Wells.** Schwindt asked. Do we want to direct LBG to design a system to incorporate slant wells? Neubauer indicated, in his opinion, if they can position the wells in where they would be most beneficial to turn them into a recovery well and all the pipes going to the manifolds with the intent to tie it into the system. We are looking at long-term effect on monitoring and maintenance on the well. The possibility of safety is the main concern. Glatt agreed to have LBG design the wells.

**Motion.** Glatt moved to adjourn. Second by Schwindt. All ayes. Motion carried.