

MANDAN REMEDIATION TRUST (MRT)
August 11, 2009 Minutes

Meeting: 192nd Official Meeting
Date: August 11, 2009
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 1:30 P.M.

The MRT meeting was called to order by Jim Neubauer. Fritz Schwindt and Dave Glatt were present. Also, present were Scott Radig and Marilyn Mertz, State Department of Health; Ellen Huber, city of Mandan; Ken Kytta, LBG; Todd Norton, AE2S.

Minutes. Discussed July 7, 2009 MRT minutes. Revisions have been made.

Motion. Schwindt moved and Glatt seconded to approve the July 7, 2009 MRT minutes, as amended. All ayes. Motion carried.

City of Mandan Pay Request (PR). PR 178 to the city of Mandan in the amount of \$1,413.65 for wastewater charges through May 31, 2009 and one from July 31, 2009 for \$1,451.83. Reviewed by Radig. It is average. The amount of water going through is holding steady.

Motion. Schwindt moved and Glatt seconded to approve PR 178, invoice to the city of Mandan for a total amount of \$2,865.48 for the June 30 and July 31, 2009 wastewater charges. All ayes. Motion carried.

City of Mandan PR. PR 181 in the amount of \$27,325.65 which the city of Mandan incurred for MDU bills, water charges, etc. for the remediation building. Radig has reviewed and they are all within the range they have always been.

Motion. Glatt moved and Schwindt seconded PR 181 in the amount of \$27,325.65 to the city of Mandan for utility bills up to June 30, 2009. All ayes. Motion carried.

USSI PR. Schwindt's pay request for the months of February, March, April, May, June and July 2009 for a total of 77.5 hours for \$7,750 for attending MRT meetings, correspondence with LBG and working with contractors on the Century 21 site.

Motion. Glatt moved and Neubauer seconded to approve PR 180 for \$7,750 for Schwindt. All ayes. Motion carried.

LBG PR. LBG statement dated July 17, 2009, Invoice 2907128, PR 179 for \$44,675.19 covering services rendered by LBG through June 30, 2009. Radig reviewed

and all the charges are within their budgeted amounts. The task for Operation and Maintenance is still below the anticipated amount by 10 percent.

Neubauer noted that the trip was split three ways between the city of Bismarck, Morton County and the MRT so those costs are split by one-third.

Credit. Schwindt asked if the amount is to be split three ways. Radig recalls the July 7, 2009 meeting was supposed to be split three ways. For the June meeting they were here for the county and MRT. They are saying the second one on June 12, 2009 should be split two ways so they would give us \$512.35 credit. Schwindt sent an e-mail verifying that. The credit would show up on the August invoice. Kytta doesn't recall. He thinks June is one-third and July one-half.

Motion. Schwindt moved and Glatt seconded to approve payment of \$44,675.19, Invoice 2907128, PR 179 to LBG with the understanding that they will verify. All ayes. Motion carried.

Development. Kytta discussed the letter sent to Radig, North Dakota Department of Health, regarding the request by the city to look at what wells could be closed on the Furniture First lots. When we talked about closure of the wells, we talked about this on a site by site basis. We looked at historic product in these wells. The summary on the front indicates that three of the wells never had product in: 1051, 1052 and NDMW 23. Then we have three wells that we had just either a one time hit or a thickness of less than a tenth of a foot. Those would be 1042, 1043 and 1049.

Again, this is our recommendation. It says if they are not impacted by development, we would just as soon they stay for now. We would like to keep all of them if we can but if development necessitates those six wells possibly could go. Looking at the remaining wells, for instance 1047 and 1048, just to use a couple of examples, if they are going to get destroyed during construction anyway looking at the piping diagram. Well 1047 comes out to the street there. Maybe you replace 1047 right outside of the footprint of the building. MW 1041 and 1043 if those are in a parking lot they could probably stay where they are at. MW 1045 is at the edge of the building. It possibly could be moved a little north and replaced there. The same for 1050, it could be moved.

Norton asked. What additional coverage do we get from this 1051? Are we doing the same thing if we move it to the north? Are we gaining that much?

Glatt indicated if we move 1051 to the south. Kytta indicated it would come down to looking at the piping and where it would be best to tie into. Everything is lateral from the street so it could be either way. Seeing that 1050 is the one that has historically had product, they would like to keep that close to the original location as possible. If there is shrubbery there at the edge of the building they can try to hide it in there. If it is just surface parking, they can do a flush mount like almost all the rest of the wells are in the city.

Norton did not know if there was green space around the building. It would depend on how the building blueprint is going to lay within the lot. We have not done a

survey yet. Schwindt indicated if there is a limited amount of green space even a couple of feet that would be a good spot to put a well in there.

In looking at this, two wells 1044 and 1046 are going to be the most problematic, Kytta indicated. Those are the theater wells. They have been seeing product in those wells.

Huber asked, How about 1047 and 1048? Kytta indicated the thought is they could be moved onto the sidewalk – could be moved south.

Schwindt indicated it was not clear on how 47 and 46 are hooked into the piping, which runs basically parallel adjacent to that. Kytta added. It runs north-south up back to the building there. This snapshot is a little bit deceiving. It is the latest quarter. If you go back a quarter, three of the wells had free product. In January MW 1048 had 1.9 feet.

Huber indicated 1044 and 1046 are really close together. Can you get by with just one of them?

Schwindt responded. The wells in the theater building are more on the west side so you have a further distance from these two wells.

Kytta asked if there would be a possibility of putting wells in the east side of the theater basement. On the east side he has his props, DVD, and duplicator equipment. There is probably a hallway just like there is on the west side coming around on the east side. Schwindt indicated they went down the west side because that hallway was there. I don't recall one being on the east side. One possibility would be to move 46 over closer to the theater if that would make any difference. We are about 20 feet away from it in the building now.

Huber thought that underground piping ran almost next to the theater wall. Kytta verified that it runs basically between these wells and that theater wall.

Norton asked if 44 could be moved a little south to the staircase where it could be accessed.

Kytta agreed that would definitely be an option.

Norton indicated so we can take MW 10 moving from west to east; 1047 could be moved out into the sidewalk; 1048 into the sidewalk. How about 1042?

They have highlighted the well as a possibility of being removed, Kytta said. It basically expands what you see here. It is basically on the west half of the lot that you are seeing the thicker product. The east half is not as much.

LBG's recommendation is to take out 1049 and 1042; 1044 try to move to a south stairwell; 1046. . . .

There are three pipes that are buried that run from the north side over to the south side of Main. They are about 4 feet apart. Kytta indicated you would have to thread the needle between those or get it right up to the feeder. The contractor told Schwindt at noon that he was trying to stay about 7 feet away from the theater building so there might be a larger spot there than trying to get between the pipes. There might be a larger window to get another well in closer to the west side of the building.

Discussion of monitoring wells continued.

1045: This well could be moved into the parking lot indicated Kytta, but again given the proximity of other wells that have had product, if it is going to be in the parking lot, our recommendation is keep it.

1041: Keep? Kytta agreed.

1052: Might as well keep? Kytta agreed.

1051: Norton suggested either take out or move to south. Kytta thinks 1051 is farther north and can go away.

1050: Glatt indicated just take those two wells – the difference between them and put in one well.

Kytta: NDMW 23 is a monitoring well that has a lot of. . . .

Schwindt indicated that would be on the sidewalk anyway if it is in the lot line. Kytta thinks it is in the sidewalk.

Time Line. Huber indicated they would like to be started by September 1, 2009. From a city's standpoint, when we entered into the purchase agreement September 1, 2009 was the deadline or it reverts back to the city. We may look at some extension on there to allow for review and approval processes but they are really looking to get started soon.

Glatt asked how the process works. Do you need the wells abandoned and moved now?

Neubauer indicated they may need the final site plan. We don't want to move and then have to move again.

Glatt indicated we take care of abandonment and the developer pays for alterations.

Schwindt indicated that's typically what we have done before. I would suggest that when we get the final site development plan -- what we did with Library Square we met on site and talked to the excavation contractor and the building contractor. There are issues where you run the conduits for electrical, gas, water, and sewer; where you put all that stuff and how it ties in with the plumbing we have there.

Neubauer asked. Do we also need a letter from the Health Department saying that we need an institutional control plan?

Radig agreed we need to see their plan. Neubauer suggested having it reviewed and returned.

Glatt is concerned because it hasn't been that long since free product has been detected there.

The water table has come up a foot and a half.

Neubauer asked, set another well in the inside of the theater on the east.

Glatt didn't know if a well is needed just yet. If we can move some wells a little to the west, we can see how that reacts. We should do what we can external to the building first.

Schwindt is concerned about eliminating 42 as well. We could move it to the sidewalk either to the south or the east. We just spent a lot of money constructing a slant well out in the middle of Main Street in that same general location. Kytta suggested sliding it farther to the south and west. It would be tearing up a sidewalk and routing it around the building. If there is a green space around the edge of the building put it in there, too.

Plans. Norton indicated they would like to get out and survey next week or the week after. We will get a plan out. I am not sure where the architects are at. I think we are going to do some soil borings in there.

Radig noted the SSP and the institutional control may be very much like the Library Square II so they should have a copy of that. They can modify that. Huber added, JLG worked on that for Library Square II.

MRT will provide as-builts for the deep lines, MRT MW map and any information that would be helpful. Kytta indicated he had the as-builts and will provide a copy to Norton.

Norton left the meeting.

Kenyon Medical Update. Kenyon had back surgery and is recuperating.

Drilling Status. They are finishing up the sixth of the seven wells right now. They will have that completed by the end of the day. The seventh well will likely be completed by the end of tomorrow (August 12, 2009) or sometime on Thursday.

Kytta indicated the slant wells vary from essentially 30 degrees to 35 degrees. One on the very far west was 29.7 degrees and the rest were right around 35 degrees. All things considered, it has gone well. This is a raw reading. We haven't done any adjustments for the angles. It showed about three-tenths of a foot of product in it the following day. There is evidence that there is product under Main Street.

Connection Status. We would have liked to have had R³ up here this week. He should be here Monday morning, August 17, 2009. It sounds like he will mobilize Sunday night and have his utility locates done by Friday. Then we can get started first thing on Monday.

Kytta said. "Good news! Bob Kruck has come up with an alternate connection method that I wish LBG had thought of that will save some money." Right now the connections are coming off the well and our idea was to connect them into the lines, which south of Main Street are buried about 7 feet deep. Just remember everything south of Main Street is 7 feet deep and everything north of Main Street is about 5 feet deep. If you look at some of those wells, which we did when we did the initial walk through because of the gas line and the sewer line our connections under the curb, under the street are going to be very shallow -- 1.5 feet to 3 feet deep. So we came to the decision, we will have to go with that shallow connection realizing that we may not be able to operate January – February depending on how cold it is. Although we do have a number of shallow connections of sewer lines and what not under Main that really has not caused us too many problems.

Kruck's idea is to connect directly to the well instead of going down and connect into the line because the line comes right into the well so it would still operate the same way for switching between the wells. But instead of having to dig down 7 feet deep, he only has to dig down about 4 feet deep to make the connection. I walked it this morning and we do have a well close. Actually, in each case we have a well that is right by the directional well and so Kruck is estimating that it is going to save \$10,000 -- \$20,000. His bid is about \$84,000. He didn't want to give a number. He is estimating the savings because he doesn't have to dig as deep and doesn't have to make the trenches wide. It will be a lot less to restore and it will be as functional as we had proposed it.

Radig clarified. So you are going to connect the angle well directly to the nearest vertical well. Going back, Kytta indicated, we were going to connect into the line just prior to the well and the idea being in order to alternate operations. Some we won't even alter operations. When you get further to the west, MW 3205 hasn't had product for a while so they haven't been operating it. You will plug the other well. You put a temporary plug in that you can take in and out. From a control standpoint, you operate off of that well that is assigned to the old well and when you want to switch back operation you move the plug over to the other well. Kytta explained for SVE you can run them both. For MPE you can only run one at a time. He estimates it is also going to cut down on the amount of his time in the field significantly.

Schwindt asked. How easy will it be to move those plugs back and forth? Kytta indicated it would be very easy. It is just a matter of taking the plug out and moving it to the other well. That's what we were going to be doing anyway even if we were connecting into the line. In order to use the other well, we still had to plug the well so it is the same operation for plugging that we are going to use instead of having to go down 7 feet to connect to the pipe. And the other thing was sorting out what pipe was the right one. Now, that is not an issue. Kytta said. "I wished we would have thought of it. That's why we use Kruck because he is a thinker. That's why we use him on a lot of

other projects. So he is estimating that should be a significant savings for the MRT.” He is estimating about two weeks.

Schwindt suggested letting the sidewalk contractor know maybe the middle of the last week of August to the first week of September. Kytta agreed that would be a fair estimate. From the city’s perspective, it is going to be a lot less disruption, less patching especially when you get around the Movie Gallery.

You can tie into that or into the well whatever is easiest, Kytta explained. The other advantage of doing it this way is that he could do the connections in PVC instead of HDPE because there again he doesn’t have to fuse onto the existing well or existing pipe which is HDPE. He said that was a big part of his cost because you have to get an excavation big enough to get a fuser down there to connect to it whereas now it is just gluing the PVC right onto the well.

Schwindt noted we have to be sure we have enough drainage so we don’t end up freezing or breaking those lines. Kytta agreed. In the short distances that we have, they will all be sloping to the existing well.

Recovery Numbers. Kytta sent these numbers to Huber for the update for the *Mandan Messenger*. He will e-mail those numbers. We are starting to see some slow down in the vapor recovery and in the bio recovery. Once these seven wells on Main Street are connected, anytime we have made an adjustment to a system and moved a well five feet the vapor numbers go up. I think we will see that and depending on what we find as free product, we will see how much that increases.

Schwindt mentioned the water levels are up a foot and a half to two feet depending on when they have been measured.

Kytta continued. What we are finding is, yes, the free product tends to thin out the higher the water table comes. The other thing, and this is mostly anecdotal, talking to Rusty Krikava he is seeing product kind of moving around in different wells and again that is something we have seen on other sites as the water table goes up you actually start to see product move into other areas so we will have an update soon. He is just about done with the latest round. Again, if you can remember about a year ago when we made the change to monitoring it on a manifold by manifold basis and then kind of adjusting operation is part of it. It has been a good change. Krikava will be done with that quarter set of data within the next week. So we will get another snapshot where we are at with the product. Along those lines from an operation standpoint, Rick Stoor will be up next week for the quarterly O&M visit and we actually thought Kruck would be near completion of his connections. But it is a good time for him to be up here when Kruck is here to make some connections and also to make any operational adjustments while he is here. So that is happening next week.

LEC Update. We (LBG) have a draft set of bid documents that I have dropped off with the county. If you want a copy of these to see, Paul Trauger gave me permission to give those to you. Schedule wise we are going to talk more about this. We are tentatively looking at a pre-bid meeting possibly the first week of September. Would the next MRT meeting be on September 1? We could possibly combine. We

have a pre-bid meeting so I am going to have to come up for that to meet with the contractors. It is going to be publicly bid so we will be advertising it and having a pre-bid meeting. A tentative schedule like I said if we did that the week of September 1 then the bids would be due back middle or late September and then construction possibly beginning October or maybe November. The reason they are not in a huge rush from a construction standpoint is for the most part it is inside work. It's going to be an earthwork contractor doing it so the farther they can push it into the winter, the better prices they are going to get from contractors to do it. So that is kind of the tentative schedule that we are looking at. The pre-bid meeting only takes a few hours. What I am getting at, if you wanted me, I could coordinate it with the next MRT meeting. By then the connections should be done or restoration nearing completion. We would have the next snapshot of fluid level data and talk over any operational issues that come up.

There have been discussions of donating or providing the oil-water separator to the county. As we were finalizing the specs and the plan I realized there had been discussion about it but I don't think there has ever been a formal offer to the county, or selling it to them for a \$1, or whatever you are going to do. I wanted to find out if that is something you truly want to do.

Neubauer indicated our last conversation was how much was it. What was the cost? Kytta will find out this afternoon how much was paid for it and will let them know. He will meet with [Morton] County at 6 o'clock in Glen Ullin.

From Schwindt's standpoint, we were always willing to consider that. We weren't sure it fit into your design. Kytta confirmed it does. The cost was the other thing, Schwindt noted. As long as we are not using it, why buy another one.

As far as the MRT is concerned, that offer is on the table, said Glatt. If you want \$1 or so an amount associated to it, but we are not asking for anything at this point in time.

When Kytta finds out the value of the separator, he will send an e-mail to everybody so you know. I will relay that onto the county tonight.

Site Strategy Plan. Radig and Kytta have already talked about the SSP this past month. Kytta is curious where we are at on that. We are going to have a public comment on that. Radig indicated we have not set any dates on that yet. Glatt suggested meeting with Radig on Friday to schedule time lines and dates.

Schwindt asked. Are you planning on having Brad Peschong up here when Kruck is working, too? Kytta responded. No. We thought Rick Stoor being up here with Kruck kind of gets dual purposes from it. Brad Peschong will be gone when the drilling is done. He should be out of here either tomorrow night or Thursday. That last one [well] next to the Movie Gallery store has kind of tight quarters there.

Neubauer mentioned that Brad Peschong went around and talked to people on the north side of Main Street last Thursday. Everyone seemed OK. I think the move was a good move too. Things have gone very smoothly.

Schwindt checked with the Movie Gallery and Papa John's on Monday again. Everything was fine as far as they were concerned.

Citizens comments were: They were making a mess out of the grass.

Remote Manifold Damage. Neubauer noted that someone had kicked in the remote manifold building side panels next to the Starion bank. Schwindt went over and put up some sturdier board. Schwindt didn't put the quarter inch cement board on like he did the first time. He put a five-eighths plywood sheet on this time.

Drilling Odors. Schwindt noted there was a little bit of an odor from the cuttings and from the drilling. When I was just past the street light on First coming west in front of the Movie Gallery I picked up some odors there. It wasn't strong, but there was a little diesel. Kytta indicated that Brad said, "There is definitely an odor to the soils."

I wasn't sure we needed to drill that last one based on the free product that we got on Furniture First. The furthest east one was added later. Schwindt wasn't sure we needed to redo that one but it went in. Kytta noted that it is better to put in more than to come back and tell people we have to do more.

Plants. Schwindt called A. J. Wallevand on the replacement plants. She called back today and said I can't get a schedule when it is going to be done. All I know is the plants have been ordered but can't get a schedule from the contractor or the sub on when they are going to do something. She also left a voice mail message on Neubauer's phone.

Audit. Neubauer is working on the spreadsheet used for tracking MRT expenses to get it over to Brady Martz. The minutes can be reviewed on the city's Web page.

Bank Statement. We acknowledge the receipt of the Bank of North Dakota statement for the time period ending July 31, 2009. We have a \$9 million CD and about \$339,883 in a check writing account so there is \$9.3 million in the account. We have acknowledged receipt.

Manifold. Community Contractors did re-side that manifold behind Library Square II. That is done.

Paving. They are paving the parking lot where the old Engelter and Berger buildings used to be. They have a grand opening sign for The Medicine Shoppe opening soon.

Iverson Building. Public meeting there on Saturday, August 15, 2009. Huber said that Bill Petri has a cooperative entity that they are exploring: Pride of Dakota and some of those options of community-owned businesses and would then propose to do feasibility studies on those with the most interest. Regardless what comes out of that it might generate other ideas and maybe some private sector interest. It is not being driven by the owner of the building but rather cooperative entities.

Next Meeting. MRT meeting will be September 1, 2009 at 1:30 p.m.

Motion. Schwindt moved and Glatt seconded to adjourn the meeting at 2:44 p.m.