

**MANDAN REMEDIATION TRUST (MRT)**  
**January 6, 2009 Minutes**

**Meeting:** 183rd Official Meeting  
**Date:** January 6, 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 were Scott Radig and Marilyn Mertz, State Department of Health; and Ellen Huber, city of Mandan.

**Minutes.** Revised minutes of December 2, 2008 were reviewed.

**Motion.** Schwindt moved approval of amended minutes for December 2, 2008. Second by Glatt. All ayes. Motion carried.

**City of Mandan.** A pay request for the city of Mandan was received, which are basically MDU bills for the quarter for a total of \$21,000. Radig will review them.

**LBG.** Brad Peschong provided an e-mail update.

The system is running with no anomalies to report.

LBG is gathering contractor costs relative to a single indoor air monitoring event in the LEC relating to the request of the county commission. Please advise on MRT involvement.

**Comments.** Schwindt was not aware that the county had made that request. It was something at the meeting that Schwindt attended that LBG brought up as one thing for the county to consider. He did not realize that the county had ever taken action on it or had made a decision. Glatt asked. Who is paying for it? Is it a canister reading of some sort? They did not get into that detail, Schwindt said, but he assumed they would use the same methodology that they had used. Neubauer suggested responding to LBG and say, who and what would the county commission request? What was the actual request? And what was the price tag? Radig indicated the county sends the request to the Department rather than LBG. Schwindt indicated the county could ask LBG to monitor it, if they are paying for it. Neubauer can review the minutes from the county commission, but he doesn't recall anything being in there. Huber referenced an article in *The Bismarck Tribune* relating to the groundwater and recovery system and going to the MRT and asking for some assistance.

Glatt would also ask the MRT. What benefit would a single monitoring event do? What are we hoping to gain? Neubauer indicated we have the draft of the indoor vapor

analysis that was done. He doesn't know if things have dramatically changed. Glatt noted they have not monitored since they had the vacuum system put in there. That might show some impact or it may show no change as well, Schwindt said. True we have no data since we put that in. It would give us a data point. We just need to ask who requested that. From an MRT standpoint, would it be beneficial to have this done at this point in time. He suggested asking LBG who made the request and what benefits do you think it will have. They are going to be on our billable hours.

Glatt suggested giving him a phone call and say, who asked for the request? After the meeting, Schwindt will stop at Paul Trauger's office to discuss it with him.

We understand that the county commission has moved their monthly meeting to the second Tuesday of the month. Please advise. What, if anything, we should do to accommodate that schedule?

Neubauer indicated if there are no pressing issues he does not want LBG to make two trips up here. If we have specific questions, the county commission can ask the MRT and the MRT can ask LBG. Glatt indicated if we have technical questions we can take them from the commission and go to LBG. Schwindt thinks it is just a continuation of the communication that LBG had promised when they put the wells in the basement. They were going to give them periodic updates. He does not see any problem with them providing monthly or quarterly updates to the county commission like they do for us. If the county has specific issues, they can contact the MRT and one of us can go.

**LBG Attendance.** How often do we want LBG to meet with us? It is pricey to have them come up if there are two people. There are not a lot of issues that are ongoing. A little face to face communication is good occasionally. The last reimbursement request the cost was more than \$9,000 and that didn't include the airline tickets yet so I'm sure there are other costs just for Kenyon and Ken Kytta to come up and meet with us. They are scheduled to come up in March. I'm not so sure we should have them come up more often.

Radig suggested one person come each time; one person every quarter. Glatt suggested doing it by conference call. If the Main Street issue develops further, it may be necessary for them to come up, but more a request, as needed. We could just keep it that way and not set up a rigid schedule. Glatt indicated then there might be an issue with updating the city council, but he and Schwindt can update them.

Huber indicated as far as the redevelopment projects, we can monitor the progress. The project at the corner of 200 West Main will proceed.

Schwindt asked about LBG coming in March. Neubauer noted they will be discussing Main Street and what the MRT wants to do there. When Schwindt talks to Trauger about the commission request for air monitoring or a sample day, ask if it is

necessary for them to come. Neubauer does not want to be paying them to come up for two trips. Schwindt would be opposed to that. If the county commission wants to have a special meeting on a quarterly basis whenever we have LBG come up, there would be time for them to fit something like that in. Glatt indicated we need to make it clear to the county that they can have representation from the MRT, if they should have questions.

**Tasks for 2009.** New tasks for 2009 Operation and Maintenance, Bio Respiration and Fluid Level Monitoring are being prepared. LBG is waiting for the Consumer Price Index (CPI) numbers to be released by the Department of Labor and will forward the new tasks to the MRT when these numbers are available probably the third week of January.

**Drilling.** LBG's Main Street drilling work plan was forwarded on Monday, January 5, 2009; if a copy is needed, let them know.

**Recovery Numbers.** The recovery numbers through December 2008 are available. The cumulative recovery totals are:

	<b>Lbs.</b>	<b>Gals.</b>
Vapor VOC	3,352	516
Vapor Gas	67,518	10,387
Vapor Diesel	126,687	18,011
Subtotal Vapor	197,556	28,914
Liquid Diesel	246,281	35,013
Bio		121768
	856,516	

	<b>Lbs.</b>	<b>Gals.</b>
Subtotal Petro	1,300,354	185,695
Methane	86,720	
<b>FINAL TOTAL</b>	<b>1,387,074</b>	<b>185,695</b>

Schwindt indicated they still have not followed MRT's request to show monthly totals. Glatt agreed it would be helpful.

**Main Street Work Plan.** MRT reviewed the work plan to put the monitoring wells in for \$61,000 to see what is there. Glatt asked. "How else can they find the product under Main Street?" The only other way is an estimate based on the wells on the north and south side of the street. If our recovery isn't getting to the middle, you are not getting a true picture. Radig suggested putting in a remediation well right away. Why do two steps? Glatt indicated instead of paying the \$61,000, put in a remediation well for \$100,000 to \$200,000. Radig noted the \$61,000 is not necessarily a firm bid at all.

Schwindt indicated they are envisioning Northern Improvement or Chief Construction to do the work.

Neubauer asked. "Would the MRT want them to solicit bids for five wells?" Radig noted the drilling isn't so costly, but all the oversight can add up. Glatt would like to review the work plan in more detail. Schwindt suggested MRT could just hire Midwest or whoever and have them put it in. A discussion with LBG was suggested. They had LBG up here to oversee the drilling before and they were to provide us well logs, etc. and all they gave us was a vertical drawing showing the depth of the well and the water table depth. They did not provide any kind of geological evaluation. That is what they are saying they are going to provide. Glatt suggested we review it and come to the next meeting with a list of options. The MRT may get their own contractor to put in remediation wells.

Radig indicated you are going to have to coordinate the installation of the recovery wells with connection to the system. Slants are not necessarily as effective because of water treatment fluctuations. Glatt noted they are better than a horizontal but not as good as a vertical. Schwindt commented. The vertical wells they are talking about are \$100,000 to \$210,000 and the slant wells \$130,000 to \$300,000. This is depending on the number of remediation wells required. I don't know what they

envision in that. They are talking about a six-foot square opening for the remediation wells.

Neubauer said, "We will have to have traffic control." The discussion we had was rather than having these connected to the system depending on what you find, couldn't we do what Chief Construction was doing before when HPC was here driving a truck up and vacuuming the stuff out. You go to the next one and vacuum it out and so on. You do it early in the morning. Radig indicated that is a very limited effect. If you are going to take the time to put in those wells, connect it to the system and run them 24/7. Otherwise, he doesn't see the effectiveness of putting the wells in. Schwindt agreed that could be an interim step. You would go in and you would put the wells in as a recovery well rather than as a monitoring well. Then you go in for a number of months and vacuum the stuff out on an intermittent basis just to see how the system responds. That would be one intermediate step before you hook it up to the big system. If you are going to do that than you should have monitoring wells in between your recovery wells because once your remediation well is your monitoring well you don't know what is happening five feet away from your well. You might be completely draining the fuel right next to your well and 10 feet away there is still three feet of product. That's the problem.

If you just do a monitoring well, Neubauer indicated, it is \$10,000 to \$12,000 per monitoring well. If we do that and put in a manmade concrete and seal cap on and now he says, "We are going to take all that stuff up again, if we get an extraction well because we will then have to connect the pipe." They would leave them in according to Glatt. Neubauer added they will still have to dig up all around it and connect your pipe. "What they are proposing," Schwindt said, "Is that you build completely separate wells for your remediation and leave the monitoring wells alone."

Radig indicated if you are connecting it to the system then you can do a drawdown test to see what your radius of recovery is. Where, if you are just going in sucking it out with a vac truck, there is no way to have enough time on it where you are seeing if there is influence from one well to another.

Neubauer thinks \$12,000 per monitoring well seems like a lot of money. Is the city willing to consider anything like this? Schwindt asked. "I think it comes down to a point in saying from a Health Department standpoint to get the clean bill of health, is this going to be a necessary step?" Neubauer continued. It is a standpoint – the discussion that was had was you might spend \$200,000 to \$400,000 installing a system here and then you can spend \$300,000 to \$800,000 over the long-term. If you don't, the Health Department may not sign off. Then they would have to operate longer, if you don't go in and at least find out what's here. If you go in with the monitoring wells and say there is nothing really there, I know this is a necessary step. The question is the cost.

Glatt indicated the question has been made and I think it is a valid question, because we do not have monitoring points underneath Main Street. We have

contamination on both sides of Main Street so there is something there. We also know that our recovery wells potentially don't reach to the middle of the street.

Schwindt estimated the street to be 70 feet or 80 feet wide. Radig was thinking about angle calculations. Schwindt calculated if the street is 70 feet wide and if you put a well here, the radius of influence is 35 feet. Radig asked. "Could you put some wells in the parking lane and zig zag them?" Schwindt noted there is no parking on the south side, but you have open space to work with. Instead of trying to get to the middle from the south side, maybe you could go at a 30-degree angle instead of a 45-degree angle, Radig suggested. There are some things to look at.

Glatt noted some of that deals with utilities. Schwindt agreed. They don't have utilities shown on their map. Neubauer thinks they do. Water line runs on the north side and the sewer lines run on the south side of Main. Schwindt suggested checking with Dave Bechtel to find out where the utilities are for further clarification. Schwindt asked. So the city is amenable to possibly doing something there? Neubauer doesn't know how you put a number to it. You can only make theoretical arguments. You spend \$60,000 to find out there isn't a lot down there. My guess is from the Health Department's standpoint, they will want to know what is there.

Glatt indicated as an assessment saying that we have reached an end point we have to know if the contamination and the concentration are still there. Now the argument can be made that the original groundwater flow keeps on coming from the northwest to the southeast. The chance of that migrating to the north is very small.

Huber asked. How much disruption would there be? How many days?

Schwindt indicated in the work plan they talk about 10 to 15 days to do the work.

Huber asked about the extraction wells and if needed, where they would be located.

Glatt and Schwindt indicated they may be going down the middle of Main Street.

Huber is concerned for retail. She can't feature parking on the north side of Main on those blocks.

Schwindt indicated if you are going down the middle, you would take out two lanes of traffic. Glatt noted there is still one lane going each way.

Neubauer will give Glatt and Radig more time to review the document. If we need to give "heads up," we can do that by e-mail so we can get things moving.

Schwindt indicated that LBG talks about being directed to do this as soon as

possible in 2009. He was thinking this would be done during open weather season not right now. They were initially trying to get it done in the winter time.

Neubauer indicated if they want it done in the spring now is the time to go and get contractors lined up to do the work in May. The winter months we are moving snow so it would be impossible to do. So maybe by the end of the week, we can have a response back to LBG.

**Department of Health.** Schwindt and Glatt gave the report on the cost reimbursement from the SEPT and the city.

Radig reviewed the invoice from December 15, 2008. Schwindt had a few questions for LBG on the miscellaneous costs. He got those answers. He noticed on some of the tasks – Task 1112 and 36 the hourly rate for Kytta and Michael Plante was different from Task 114 and 115. Radig talked to Brad Peschong about that. The earlier charges for Task 1112 and 36 were mistakenly included at the 2007 hourly rate. However, they said they were not going to change that for this invoice. They would just let it be. They got a \$4 an hour discount for those guys. Everything else looks fine, so I recommend approval for \$35,344.21 to LBG.

Neubauer asked. Schwindt are you OK with it? Schwindt indicated that several charges for Out-of-Scope just involved their response to the snow being thrown on top of the remote manifold. And there were two or three hours that they charged us for that. Schwindt is disappointed to have that much time charged when we responded to it, agreed with the contractor what was going to be done and just simply called LBG to tell them that happened and all of a sudden we are billed another \$300 just for their coordination.

**Motion.** Schwindt moved approval of payment request 161 for \$35,344.21 to LBG. Second by Glatt. All ayes. Motion carried.

These were pay requests 159 and 160 that were approved last time for wastewater for October and November.

**Meetings.** Radig questioned the SEPT, MRT and city meetings on December 29 and 31, 2008 but they are separate and will be approved after they have been reviewed by the trust members.

**Out-of-Scope Amendment.** Schwindt asked about the amendment for an additional \$20,000 Out-of-Scope. Schwindt noted it was dated December 15, 2008. Schwindt thinks it is separate from Project Management.

**Project Management Amendment.** Radig indicated it was approved December 2, 2008. Radig indicated it is Task 11A for \$20,000. Schwindt indicated

sometimes it is not identified very well. The last bill was for snow removal that Rusty Krikava did. This makes the total \$90,000 that we would have authorized for this in another \$20,000 increment.

**Motion.** Glatt moved approval of \$20,000 for Out-of-Scope tasks for Amendment 4 to Task 2005-36A for \$20,000 with the message that we would like to receive the detail behind charging to the \$20,000 – parking garage work and some of those items, with the caveat that we receive some detail on what it is being used for. Second by Schwindt. All ayes. Motion carried.

**Progress Report.** Huber talked about planning for the annual progress report for the city. This would be the fourth year really for this type of project. Last year's tabloid report they devoted a fourth of that Phase 2 of the remediation report.

What she is looking to do this year is to produce a report in a magazine style that would cap the city's annual progress report with that community profile piece. It may be 30 to 40 pages. Looking at devoting basically the same amount of space as in the past remediation so two 8.5" x 11" pages. So she proposed that the MRT consider funding its pro rata share of that report. She is still waiting on cost estimates to come in. If we wait until February for approval, it may be too late to move with the project. She is estimating the cost will come in between \$10,000 and \$12,000. They won't know for certain for a while. She requested the MRT to consider a motion to approve the pro rata share based on two pages out of whatever the total ends up to be. The total cost not to exceed a \$1,000. If it winds up to be a \$10,000 pro rata share, it will be \$500.

**Motion.** Schwindt moved to have the MRT cover its pro rata share of the project costs for the community annual progress report not to exceed \$1,000. Second by Glatt. Motion carried.

**Next Meeting.** The next meeting will be on February 3, 2009 at 10:00 a.m. at city hall.

**East Fueling Area.** Glatt asked. Did the Health Department approve their plan to do monitoring wells? An approved list was given to BNSF of wells to abandon, Radig indicated, but that did not include the east fueling area. The status of the east fueling area is BNSF has submitted a work plan to do borings inside the trailer court. We have approved that work plan to determine whether or not fuel has been migrating off the east fueling property. However, they need to get property owner permission to go in. With all the snow we have this year they won't even consider that until spring.

**Strategic Plan.** Glatt indicated we have talked about the Strategic Plan endpoint. He is thinking we may want to start the process where we look at that. He would like to have some public meetings to discuss that with the public just where the department is going. He would like public and city input through some public meetings

as we get closer to identifying an endpoint. It may be this summer some time. We will potentially be closing up some wells and what we should have as an endpoint. He would like some public input process. Schwindt asked. Would it make sense to make a presentation to the city? Neubauer agreed it would. This is what we are thinking and saying. This is where we would like to see that endpoint. Where do you see the endpoint as?

Glatt suggested that the Department sit down and take a hard look at whether we feel comfortable with the plan. We would come to the MRT to discuss and say this is what we are thinking about. We would talk to LBG. Then we would go out to the city for input and then the public. It is a phase process. To make sure everybody has input. An open process. Schwindt agreed that it was an excellent idea to get some public input into it.

Huber indicated maybe it's a chance you preface it with another full-fledged report of here is where you stand.

Radig indicated it would be nice to have the decision made on Main Street.

Glatt would like to start looking at that Strategic Plan. The first step would be coming back to the MRT. Schwindt does see the Department working on that more than LBG. Glatt agreed. He does see it as a Department responsibility.

They have submitted the draft Strategic Plan, which has never been fully finalized because we haven't made our final decision closure criteria, Radig said.

**Building Pictures.** Schwindt talked about the pictures of the interiors of the buildings for insurance purposes. He called Lee Lunde at the Insurance Department and he said they don't have them yet. They would still like to have documentation of the interiors of the buildings. Neubauer volunteered to have the city take the pictures. Schwindt took the pictures of the exteriors. We just need to access the buildings. The Fire Department can go into those buildings, Neubauer said.

**Legislative Session.** Glatt indicated during the Legislative Session there's potential where he may be called to provide testimony at some of the hearings. If we continue to have meetings in the morning, there may be times he cannot come. He will not know until the Friday before when the legislative hearing schedule is available.

**Next Meeting.** The next meeting will be February 3, 2009 at 10:00 a.m. at city hall.

**Brady Martz.** Neubauer will scan and send the Brady Martz bill for the 2006-2007 audit by e-mail.

**Motion:** Motion to adjourn by Glatt at 11:14 a.m. Second by Schwindt. All ayes.  
Motion carried.