

MANDAN REMEDIATION TRUST (MRT)
August 3, 2010

Meeting: 204th Official Meeting
Date: August 3, 2010
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 10:00 A.M.

The MRT meeting was called to order by Jim Neubauer. Fritz Schwindt was present; Dave Glatt was absent. Scott Radig, Department of Health was present; Marilyn Mertz was absent.

Minutes. July 6, 2010 minutes have been reviewed and revisions have been made.

Motion. Schwindt moved to approve the amended July 6, 2010 minutes. Second by Neubauer. All ayes. Motion carried.

Bank of North Dakota. Last time we met we did not have the June 30th month end, but we did acknowledge the receipt of that from the Bank of North Dakota at the end of July 31st with a balance of \$8,756,107.68. That has been received and the information has been forwarded to Brady Martz as they are wrapping up the audit.

Brady Martz/Pay Request 215. Billing from Brady Martz for the MRT tax return preparation portion for \$425.00.

Motion. Schwindt moved to approve the Brady Martz bill. Second by Neubauer. All ayes. Motion carried.

SEP Trust. A separate meeting of the Supplemental Environmental Project Trust will be scheduled to pay the Brady Martz billing for \$275.

Ritterman/The Medicine Shoppe. Neubauer gave an update on The Medicine Shoppe. He sent an e-mail to Kevin Ritterman on July 6, 2010 regarding what the MRT had agreed to pay and has not received a response back from him. They will wait for his reply. Neubauer basically said that on September 2009 we had agreed on \$12,100. We had already paid \$6,600 on January 8, 2010. Again, we have a balance of \$5,500. The estimate was \$6,875 and we had agreed again to pay \$5,500.

LBG/Pay Request 214. Received LBG's Invoice No. 21007123 dated July 14, 2010 for \$22,181.28. Radig indicated the statement was standard. The information from Brad Peschong was included on the out-of-scope tasks relating to all the questions the city had. In general, the operation and maintenance seems to be going down a little bit. That could be just this month. Overall it is within the budgeted and approved amounts.

Motion. Schwindt moved approval of the July 14, 2010 statement to LBG in the amount of \$22,181.28. Second by Neubauer. All ayes. Motion carried.

The out-of-scope tasks for \$666.80 was a call Neubauer made to Tim Kenyon and Ken Kytta to ask them if any of the chemicals that are being added to the product that is being removed from the ground could be causing issues at the wastewater treatment plant and making them more difficult to remove.

LBG's response: In no uncertain terms, the quantities being added to help break down the emulsified diesel are at a level that would not affect the wastewater sludge. So what they are doing as of yesterday at the wastewater plant is they put a larger cutter head on the dredge machine and that seems to be working much better than the old cutter head. Our \$1.8 million project at the wastewater treatment plant is in order to remove the bio solids from one of the ponds that the dredge goes along the bottom of the pond and pumps out the goop into two 6,000 gallon tanker trucks at which time we haul them out and land apply when we can get into the farmers' fields. It could be in the spring or the fall. It might be next week after a farmer's oats crop. The Health Department will make sure we are applying it at agronomic rates that are proper and not causing any issues. The issue we are having with the dredge is it was supposed to do 6 percent solids at 600 gallons per minute and we weren't getting the percent of solids and we are hauling more water and more trucks and more money.

City of Mandan. Two city invoices: City wastewater for \$1,440.86 and quarterly utilities for \$17,537.54. Are we seeing a significant amount of more water pumped than diesel? Radig indicated you would expect that gradually you would start getting a higher percentage of water if you are still recovering the same amount of fluid. Neubauer suggested putting it on the radar screen explaining we are sending more and more product to the wastewater plant than we are collecting stuff.

Motion. Schwindt moved approval of city of Mandan wastewater disposal charges of \$1,440.86. Second by Neubauer. All ayes. Motion carried.

City of Mandan invoice is \$17,537.54 for the second quarter of utility charges. Radig noted the utilities are about 20 or 25 percent less.

Motion. Schwindt moved approval of city of Mandan utilities in the amount of \$17,537.54. Second by Neubauer. All ayes. Motion carried.

Neubauer indicated that Malcolm Brown, City Attorney, and Maggie Olson, Office of Attorney General, have talked about a potential agreement with Morton County and the MRT on what portions will be paid on the work at the Law Enforcement Center. Radig talked to Olson about that and he saw a draft. He didn't think they quite understood the status of the project. They drafted it as if they knew it would be in place before it was done and created language on who would assume liability for accidents and all sorts of things. He explained to Olson that most of them were not applicable

since this is going to be after the work is done and it is strictly a finality of the payment and they will accept all future liability for anything that happens to the building. So they are waiting for the total dollar amounts that we agree on. We will give those back to them and she will remove those sections that don't apply and it should be close to being final. Most of it is language that the state requires for contracts.

No final dollar amounts have been received for the carpet. Schwindt stopped over there and did not see any carpet installed yet. Schwindt expressed his views on the carpet. He said if we take out the carpeting and accept their numbers for what it is and adjust the engineering based on taking the carpeting out our percentage of engineering drops to 34.25 percent or \$161,848. The total was basically \$400,000 and they were asking us for one-half before. The issue is whether we want to pay for the carpeting or not.

Other. Radig indicated last month he got an inquiry on a liability protection request for the O'Reilly Auto Parts and Family Dollar Store lots. However, they are just outside the environmental protection zoning district so they have to go through a little bit more process to evaluate the site. I think there is one well that is on the edge of that property. Typically, you wouldn't be able to do an evaluation based on the results of one well on the side of that property.

Schwindt did look at the LEC because we talked last time about whether the SVE system was tied in with the groundwater system when it was operating. It is tied in on both ends. The well is tied in and that valve is open so when the SVE system operates in that area it should be going on the groundwater system and the LEC groundwater system. It is also tied in on the northeast corner where the sump is at and that valve was open as well. However, when I looked at it there are a couple of holes through the lid. One had the condensate line from the air conditioner stuck into the 2 or 2.5 inch hole. The other one they had the electrical wires for the sump pump coming out of it. So in essence we were drawing a lot of air conditioned air out of the LEC directly onto our SVE. So I got Chuck Schaefer over and asked him to try to seal those holes up. So those connections are there and they are open.

I did talk to Krikava this morning as well wondering about how the system was operating. He said it was operating fine. One of the questions we had last time was whether there has been a significant impact on the operation of the system and the overall remediation effort because those transfer lines we put in across Main Street were impacted. And he said it has changed a little bit how he operates the system. The electricians were just there this week (yesterday) making some changes and getting some wiring redone. Zone 1 and Zone 2 are using the same transfer pipeline now and the way the sensors are put right now he was manually operating one system and then shutting that down and opening the valves and operating the other system on the MPE. He said it had a small impact on the overall operation because he said we are doing MPE on such few locations anymore that he doesn't operate them all continually anyway. He didn't think it was any significant impact on the overall cleanup effort. So

that automation should be occurring soon. He wasn't sure what was happening in the LEC. I just have not been part of that process.

The SVE is not operated continuously either especially on the fringe areas. What he does is operate in blocks. What he will do is operate this area of two or three manifolds and then he will move to another area. He moves it around. If you run the entire SVE system continuously you will just burn up a lot of natural gas trying to keep the RTO operating. I would assume we could maintain aerobic conditions without running the SVE continuously. Radig thinks you can.

Schwindt indicated he did say they had been operating the MPE north of First Street in a well by the LEC where there has been free product. He uses a stinger. I think it is a monitoring well that he hooks up to a regular MPE in an adjacent well. Then he operates all six for a while. There are a couple of wells north of First Street that have showed some free product as well.

He has not noted any change in the groundwater, but they are scheduled to start the next quarterly groundwater measurements here within a week or so.

Schwindt contacted Kory Elde with Community Contractors about the costs for modifying the system after the deep transfer lines were damaged and he would like some information on what happened and cost that they incurred, etc. Schwindt looked for the e-mails, but he doesn't have them in his system anymore. Those e-mails are a good summary of what they found and what they did as anything. We can also include those portions of the pay request for the last two months that shows the cost. I'm sure there will be more if they just had their electrician there. It sounds like they need to do the reprogramming yet too. Radig will provide that information. Elde indicated they were waiting for a response from Braun. From their testing or observations, Braun is saying we didn't hit anything because we didn't see anything coming up. He was wondering how we even knew that they had been hit because he says all the testing that we did last fall showed the lines were holding. Schwindt responded. Those are different lines. Those are the lines that connected the wells to the system. These are some deeper ones. He was not aware of that. Schwindt would like a map to send, but there isn't one available.

Next Meeting. MRT meeting scheduled to meet on Sept. 7, 2010 at 10 a.m.

Motion to Adjourn. Schwindt moved adjournment at 10:36 a.m. Second by Neubauer. All ayes. Motion carried.