

**MANDAN REMEDIATION TRUST (MRT)**  
**Sept. 1, 2009 Minutes**

**Meeting:** 193rd Official Meeting  
**Date:** Sept. 1, 2009  
**Location:** Mandan City Hall, 205 2nd Ave. NW  
**Time:** 1:35 P.M.

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

**Minutes.** Discussed August 11, 2009 MRT minutes. Revisions have been made.

**Motion.** Schwindt moved and Glatt seconded to approve the August 11, 2009 minutes. All ayes. Motion carried.

**LBG Pay Request (PR).** PR 182 to LBG in the amount of \$29,064.66.

**Motion.** Schwindt moved and Glatt seconded to approve PR 182 to LBG in the amount of \$29,064.66. Radig indicated the credit was received as discussed at the August 11, 2009 meeting. All ayes. Motion carried.

**LBG PR.** PR 183 to LBG in the amount of \$132,488.66. This is for the Main Street drilling covering the two main subcontractors. Kytta noted that Braun's about \$14K under their bid and about \$3K of that is well development, which we took care of ourselves. It actually has gone well with those prepacked screens. R<sup>3</sup> is quite a bit under their estimate. One thing: he had concrete repair in his cost. You will get a separate invoice from the city contractor for that. Depending on how you look at it, it is \$15K to \$20K under when he is all done.

There are two things that are not on there yet. One is the final survey is not done yet for about \$3K and Bob Kruck called me yesterday to say he missed about \$600 in pipe fittings and connections that he had. He noticed last Wednesday when putting the bill together, those items were missing. Kytta told him to add it on when he gives us the invoice for the survey.

Schwindt asked. Do we need a survey? Kytta indicated you can choose not to do it because we could rough in the locations but what we wouldn't get are the elevations of the new wells. We are not going to use them for water level

measurements anyway because they are not right so we could get by without the survey, if that is what the MRT chooses. That is one of the things we had to ask for was a record drawing when they were done. We could eliminate that if you wanted to. That was one of my items for discussion whether you wanted that or not.

The wells are operating. There is not much more. Between a few hundredth about .03. That is after we developed them. We have been pumping them and then operating them. We left them off for a day. The readings were from Monday (August 31, 2009). We are not seeing feet but we are seeing product. The readings from yesterday: one and the two farthest west ones didn't have any and MW 7 the farthest east but the other four in between all had some level of product in them.

Bob Kruck just billed on a Time and Materials basis. Obviously, it was better for you. Glatt noted it saved money by hooking them up differently than originally planned.

**Motion.** Schwindt moved and Glatt seconded to approve PR 183 to LBG for \$132,488.66. All ayes. Motion carried.

Schwindt indicated that the city contractor that came in and poured the concrete did a really nice job. Glatt agreed it turned out good all around. Kytta noted they didn't hit anything.

Schwindt went through the area before coming over. There were some traffic signs that were still lying there last week Thursday or Friday. We removed the barricades and took those back to the city. There were traffic signs from TSS but they have been picked up. We still have some barricades in the parking lot because they are letting the concrete cure a bit more. When we decide to pull that out of there those will be returned to the city. They poured the concrete on Tuesday or Wednesday. Schwindt noted they will leave them up for a week or so.

**Department Update.** Radig indicated there was one task amendment for Task 36A for out-of-scope services and an additional \$20,000 increment is recommended. March 16, 2009 was the last increment increase. This came in at the end of July.

**Motion.** Schwindt moved and Glatt seconded to approve the \$20,000 increase to Task 36A for out-of-scope services.

Kytta commented that those should be getting further and further in between. This last one early on with the Main Street stuff before we got the approved task but we

used a fair amount of that for the Main Street stuff but from now on they should be getting further and further apart.

All ayes. Motion carried.

**LEC.** Kytta reported that the main thing is the directional wells. It really went better than anticipated. It couldn't have gone much better so they have all been developed and all have been operated on. One (1), 2, and 7 currently don't have any product in them although 1 when we initially took a measurement had product. At least five of the seven wells have had product of some sort in them to date. I think it was a very good decision. Glatt indicated it was Schwindt's idea. The prepacked screens really helped with that work. We didn't have an issue with silt and sand coming in and fouling up our treatment system. Those were worth it, too. They developed easily. Glatt indicated there was a safety factor and they didn't have to deal with wells in the middle of the street.

As Kytta mentioned a month ago, the water levels are up nearly two feet. We just completed all the wells last week in taking a look at them. Some are more than two feet. Since we just completed the measurements last week, I don't have an updated product map for you. That should be ready for the next meeting. But just to give you some clarity from last quarter to this quarter we had 51 wells with product in them last quarter and now we have only 38 wells with product in them this quarter. I would like to take credit that is all due to remediation but you all know some of that is due to water levels coming up. But again if you look back historically at this water level, we have had more product with the water level in the past then we are seeing right now. We are seeing that there is a decrease in the amount of useable free product that we are able to sell right now, so we are seeing a decline.

**Recovery Numbers.** The recovery numbers even the vapor recovery numbers are slowing down because there is less saturated zone.

For the month we only added 1.3 gallons of vapor; 9 gallons of gas; 11 gallons of diesel for a total vapor of about 21 gallons. That is really down from where we have been. Again, we haven't sold any free product last month or any sludge. No increase in that. Our bio numbers are even slowing down. There are 791 gallons for the month so most of the total being bio of 1,812 gallons. You can contribute most of that to the increase in the water table and the system is maturing. There were no questions.

**LEC Update.** Kytta met with the contractors at the pre bid meeting. I dropped off a copy of the final plans and specs with Jim Neubauer yesterday for MRT's copy.

The one change since last month I met with the county board and offered them the oil water separator but we had a couple of changes that came along in the last month. When we first went to look for a place to put the oil water separator there wasn't

any place in the basement, the garage. They didn't want to give up a parking spot. Then we were looking outside which required temporary heat if we were going to use it during the winter. Then when we talked to the wastewater treatment plant it sounded like they were going to want more than just oil water separation. Also, they were going to want some secondary treatment. So in the end we decided to go with a bona fiber system to treat the groundwater prior to discharge to the sanitary sewer. Right now we are not seeing free product. If the water table is ever up that high again, it is not likely we would see free product. Actually, the bona fibers will take the free product and knock that out. It also takes care of the oil and the grease essentially. We will treat the oil. They will basically come in 55 gallon drums and so from a logistic standpoint it just worked a lot easier to put two of those in parallel and place them down in their utility room. So the county is not going to take you up on your offer for the oil water separator after all. The drums cost about \$600 each. Also, we checked into using carbon but the drums are cheaper than carbon. Carbon ran about \$5 grand to do the volume they are looking at.

Kytta met with contractors today. There are about six contractors that are interested in the project. The bid date is Sept. 28, 2009. The completion date is set out to January 31, 2010. The reason they set that out that far is that basically the contractors that are interested are going to be earthwork contractors and by setting a completion date out that far it's probably about a two-three week project once they get into it. By giving them a little bit of latitude on time, they are hoping to get good bids back to do it when the earth is frozen. At some point, there will have to be some discussion when the bids come back and we have separated out a bid tab with line items for various items determining what remediation is related and what is not.

**Site Strategy Plan (SSP).** Kytta asked if there were any discussions. Glatt indicated we are looking at going out for public comment at the end of October beginning of November. We will give a refined document to MRT to review and then go out for public comment.

Kytta indicated they had provided some record drawings to the developer but I see that they have moved their construction start date back two months so far.

Huber noted they were given to the developer because September 1 had been their previous date. The hearing is tonight on their . . . financing. I know they said they had completed the soil borings and survey work but they still need to come back to the Remediation Trust on follow up as to discussions to possible relocates and abandonment of wells in that area, and the . . . Health Department's plans for Institutional Control and our own Architecture Review Commission so there is some work yet to be done. They were given until November 1. They need to break ground by November 1 to be in compliance.

Schwindt asked. But you haven't heard anything from the developer when they actually plan on starting.

Huber indicated he is in town today meeting with Bob Gustafson on buttoning up things with the building at 114 2<sup>nd</sup> Avenue NW. He will be at the hearing tonight. I think he continues to be optimistic on dates. I think he has a lot of irons in the fire and maybe not recognizing all of the steps that need to be done but I think he is hopeful they would still break ground in September. I think once we talked through some of these things he was realizing that it might be into October to work through everyone. I'm sure he is going to be pushed by the contractor to get it rolling as well. He is also an investor in the project.

Glatt would like sufficient time to review what they are proposing.

**As-Builts.** Schwindt asked for the as-builts on Chief's bored lines under Main. Kytta indicated they are at the St. Paul office.

**Kenyon Update.** Kytta indicated Tim sent along his greetings. He is doing better. Has not done much traveling but is back in the office.

**Kathy Smit, Pace Analytical.** I just think the wheels of democracy are turning quite nicely here. The public doesn't realize what goes on with meetings like this – how things get taken care of. This is admirable, I think. Thanks for your efforts here.

**Slant Wells.** Schwindt indicated there were seven vault covers that Braun provided. They didn't work because they were too small in order to get the drop tubes in and out. He asked Braun to go back to their supplier and see if they will take some of those back. He will check. We may get a credit on that or may not.

**Survey.** Schwindt is wondering about the necessity and the usefulness of the survey. Glatt noted that we won't use those numbers really anyway.

Kytta indicated the vertical numbers you wouldn't but the horizontal we would. You could never get a GPS point that we get on a map. You can look out there and see. We can rough them in pretty closely. Glatt indicated he would be OK with that. Schwindt agreed he would too. He doesn't see any particular need to have them surveyed in. Kytta will just tell Bob Kruck not to so you will see a supplemental invoice from him for \$600 but we will need to include that on our next invoice.

**Sodding.** Schwindt indicated we were able to get the sodding done. Kruck thought he had some sod lined up when he got here but something happened and it fell through.

Kytta noted there was a drug store in Bismarck that took all the sod. He was

going to get some from the cities and haul it up here. Then you were able to find someone.

Schwindt called someone that had a load come in on Thursday morning and the guy said he would lay it for him, too. They worked out the details that needed to be worked out. Everything was done on Thursday (August 27, 2009). That was when all the signs were picked up and the sprinkler systems operated well. There was one zone that wasn't functioning right. They had cut one wire but patched it back together. The city had someone come over and look at it again. We will be getting a couple of more bills from the city. They hired an electrical contractor to come in and repair the conduit and pull the wires and re-string them so we will have that bill and the city concrete contractor that did the sidewalk. We decided to replace – there were two chunks of asphalt that were taken out (10' x 12') in the parking lot east of the Movie Gallery so rather than put those back in and build a concrete apron around each well. Then you have all the little pieces of asphalt all over. It would probably be simpler just to put concrete in so they did that. So now you have white peninsulas and black asphalt.

Schwindt questioned. How deep did those lines end up being from the slant well over to the existing well? Kytta indicated at the curb some of them are shallow at 2.5 feet and then they drop down and are connected at 3.5 or 4 feet deep. We know winter time operation is going to be an issue in January and February. It is interesting that we do have few connections here north of First where we had to go over some sewer lines and they are very shallow too but we really have not had any issues with those. That's an area that is not going to have any snow cover.

Huber asked if a special meeting would be required, could the MRT meet.

Glatt asked for a couple of days' notice for review. Huber indicated at the last meeting it was indicated that the MRT would have to formally approve any relocations or abandonment. That was kind of a preliminary plan but you would need to formally approve that and see his plans. Glatt indicated he may want that for his protection. Schwindt recalled they would just be meeting on site with the developer, the underground contractor, and myself and anybody else that wants too and just go through which ones and see how each one ties in where the electrical lines run, where the plumbing lines run those kinds of things. That's what we did on Library Square. Glatt is OK with that as long as we document it well. Schwindt can bring the information back and say they can't absolutely live with this one and this one. Are we OK with doing away with that? Glatt noted this one may be more complicated. Radig agreed. There are a lot more wells there. Kytta added and we still have product. Schwindt indicated once you have their final plans and the underground contractor that is going to be doing the digging, then you can actually talk about other things. Glatt agreed.

**Next Meeting.** October 6, 2009 at 10:00 a.m.

**Motion.** Schwindt moved and Glatt seconded to adjourn the meeting at 2:12 p.m. All ayes. Motion carried.