

**MANDAN REMEDIATION TRUST (MRT)**  
**January 8, 2013**

**Meeting:** 231st Official Meeting  
**Date:** January 8, 2013  
**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 and Dave Glatt, Trustees, were present. Scott Radig and Marilyn Mertz, North Dakota Department of Health were present.

**Minutes.** December 4, 2012 minutes were reviewed. Revisions were made.

**Motion.** Glatt moved to approve the December 4, 2012, minutes; second by Schwindt. All ayes. Motion carried.

**Bank Statement.** We have the Remediation Trust bank account at the Bank of North Dakota showing a balance of \$7,604,462.42 for the end of December. We have acknowledged that we have received and reviewed. We also have the statement for November showing \$7,648,907.87. We have acknowledged November's statement.

**Pay Request.** Statement of Activities from Fritz Schwindt for the year 2012 showing 72 hours that he spent on the Remediation Trust for activities for \$7,200.

**Motion.** Motion by Glatt and second by Neubauer to approve payment to Schwindt of \$7,200 for working 2012. All ayes. Motion carried.

**Pay Request.** City of Mandan wastewater charges for \$2,592.26 for billings for the end of Oct., Nov., and Dec. 2012.

**Motion.** Schwindt moved to approve payment to the city of Mandan in the amount of \$2,592.26 for wastewater charges for billing periods ending October, November and December 2012; second by Glatt. All ayes. Motion carried.

**Pay Request.** Billing received from the city of Mandan for the 4<sup>th</sup> quarter for MDU charges and water bills for the Remediation buildings in the amount of \$15,040.10. Sending an email of the billing works fine and will continue.

**Motion.** Schwindt moved to approve payment to the city of Mandan in the amount of \$15,040.10 for utility charges at the Remediation buildings. Second by Glatt. All ayes. Motion carried.

**Pay Request.** LBG invoice dated December 19, 2012 for \$22,101.44. Radig noted that the only thing that is out of the ordinary is last month they had a load of

sludge go up to Sawyer. It was transported by Earthmovers. Their fees are getting very expensive. He doesn't think we have received the Clean Harbors invoice. Other than that, it looks fine. Cost per load is \$4,201.

**Motion.** Schwindt moved to approve payment to LBG in the amount of \$22,101.44 for their Dec. 19, 2012 invoice; second by Glatt. All ayes. Motion carried.

Neubauer – We had talked about the city hauling that out.

Schwindt – I think the issue was that the city had to get a Waste Haulers Permit.

Radig agreed. It will cost \$75 to get a permit for the first year and \$25 per year thereafter for 10 years and then the 10<sup>th</sup> year you have to pay the \$75 to re-register.

Schwindt – indicated that during a previous conversation, it didn't sound like, according to Rick that you had to worry about any special seals or anything like that on the truck.

Neubauer – You just suck it up with a vac truck and drive it up there and drive it back.

Schwindt – I don't think there would be any issues for the city hauling it to the landfill itself as far as the landfill accepting it (Clean Harbors).

Glatt – As long as it meets their criteria.

Schwindt – Just coming from a different hauler....

Radig – As long as they are a permitted hauler.

Schwindt – I guess if the city is interested in doing that, I wouldn't have any objection.

Neubauer – How many gallons go up?

Radig – I am not sure. I don't know what size it is when it gets approximately one truck load. Rusty Krikava will call them up and arrange for transporting.

Neubauer – Is there an issue with cleaning out the truck? The vac truck is down sucking sewer.

Radig noted it is kind of an oily waste so if you are going to haul some other sewer type waste to take out from your treatment plant you may get a little carry over your first load back after hauling the sludge.

Glatt – As far as quantity you just take one load whatever the truck will hold.

Radig – It ends up being about a load every 3 months or so.

Schwindt – It seems it was about 1,000 gallons that they were hauling out. If your truck isn't that large, you will have to make extra trips.

Neubauer will find out how big the city truck is for hauling. It just seems spendy.

Glatt – Do they have to bring a truck down from Minot?

Radig – It's a little bit farther going into Minot.

Neubauer – They are charging us for a full day for a truck and driving it.

Radig – Plus a mileage charge.

Neubauer will do some checking to see what he can do.

Schwindt – It seemed when I talked to Jeff Wright back when we first started talking about this he didn't necessarily have any objection to it that I can recall.

Neubauer – Every two-week period make a run.

Schwindt – We have storage in the building so it's not a matter that it has to be done today. Radig recommended planning further ahead than that.

Neubauer – The email trail was last week how many times do we have to sample or test the wastewater.

Radig – I think they have to do it every quarter at a minimum.

Schwindt – I did talk to Steve yesterday and again this morning and he said what they have to do is at least semiannual on the BTEX, oil and grease and pH. That would be the minimum. He's thinking kind of like I was as well. It doesn't make a lot of sense to keep doing the VOCs, the SVOCs and the metals when we have nothing there. What he is thinking is that he would be OK with going semiannual on the BTEX oil and grease and the pH and then continue to do the oil visible sheen. If there is a visible sheen, then they would sample doing that. That's what he said when I talked to him this morning. We can go back to LBG and have them make that request. They were going to do everything annually at least but I don't see any reason to do that, if you guys are OK with that.

Radig -- If Steve is OK with it.

Glatt – If they abide with the plan and requirements, I don't have any objection.

Schwindt – We will make the request and he still has to come back and formally approve it. If he comes up with something different, he can always say no.

Glatt – If you want to do the minimum as allowed under the plan, we have a track record of data that shows...I would be more than happy.

Schwindt – I will go back to LBG with that, and just say this is what my conversation was with Steve and change the request to reflect that and if Steve doesn't approve of it, he doesn't approve of it. OK, I will do that. It's not a huge cost, but there is still extra work that is involved, but it is still not generating anything useful.

Neubauer – Any items of strangeness, oddness in the operation system for next year?

Radig – It is almost exactly the same as the previous year with the exception that under biorespiration they have added reimbursed costs for the travel which for whatever reason wasn't in last year's proposal and they did increase the cost for transporting and disposal of the sludge. If they do end up having Earthmovers do the hauling, it will be built in otherwise, it will be a savings off of what this budget is.

Glatt – I understand these numbers will be adjusted based on the Cost of Living.

Radig – Yes, the hourly rates are still the same for 2012. When we get the final documents they will change that. We should get those late January.

Radig noted the COL percentage is between 2 or 3 percent. (Note: On October 16, 2012 the COLA was determined to be 1.7-percent.)

Schwindt – Is this number similar to what it was last year, the total amount?

Radig – It is about \$25,000 more than last year.

Schwindt – It seemed like it was about \$220,000.

Neubauer – Do they buy a metal detector every event?

Radig – They get charged rent for it.

Glatt – They said they needed it for the snow covered well caps.

Schwindt – To find the covers in the ice and snow.

Radig – It's all done under Time and Materials anyway. Each quarter is almost exactly the same.

Glatt – Based on last year, are we pretty close to that?

Radig – We are a little bit under budget.

Schwindt – What makes up the difference then? Is it the sludge disposal?

Radig – Sludge and the transport is the biggest one plus like I said before the previous budget for whatever reason didn't have any travel expenses associated with the biorespiration testing. They had the expenses and charged us for it, it just wasn't built into the estimate and this time it is.

Neubauer – Plus it's costing us \$15 grand a quarter for utilities or \$60,000.

Radig – And averaging \$600 a month for wastewater.

Schwindt – So if we operate another 3 years about another \$1 million.

**Motion.** Glatt moved and second by Schwindt to approve the Operation and Maintenance request for 2013 operation of the Remediation system budget totaling \$294,292 (\$243,095 + the \$18,904 + \$32,293 (liquid levels)). All ayes. Motion carried.

Neubauer – My notes from the last meeting are we want to talk about the Site Closure Plan and Long Term Plan on how long we want to continue.

Glatt – What I would like to do is propose...I don't know if you do it by manifold by manifold or well by well or which ones currently would meet the criteria and which ones don't. That kind of gives us an indication of what areas we may want to potentially be shutting down and starting their monitoring period. I think that's something we can do and the Health Department can take well by well and how it complies with our closure plan and gives us an indication where we are at and maybe we can look at closing out some of those areas. Right now I don't know.

Neubauer – Like taking manifold by manifold. Look at that and see if we get anything.

Glatt – You could do that or well by well. See what the wells say as far as free product. If that meets your criteria, we would do well by well and how many wells are tied to that manifold.

Neubauer – And go into a monitoring phase.

Schwindt – I would think that the logical way to go would be to use manifold systems rather than go well by well just go by manifold.

Glatt – I think you could. There are some anomalies in some of the wells. I think we could look at it. I think that would give us an overall snapshot of where we are at. Once we can identify that, then we can start talking about long-term closure, 3 year

plan. I would propose that initially we get that information and then we look at long term. I would want to go back to look at what the agreement is and what the state's liability is and the city's. I know as soon as we start talking closure, there is going to be, how much money is going to be left over and can go back to the city? As long as the state has any liability tied into that we will have to look at how we look at that. We talked about long term insurance to deal with that. We talked about shared responsibility between the city and state and long term liability. I think the risk is going to be small, but as long as we still have risk, the state is going to be concerned about having that risk on the books without anything to back it up.

Schwindt – I think the liability long term lies with the state. I am not aware that the city is in that loop.

Glatt – Right. That's what my understanding was but I want to make it clear. So long as the state has long term liability, we are going to be very reluctant to terminate it. At the same token, knowing that remediation from what I see now has been pretty good. I don't expect to see any problems. There's another side of me is just have that money sitting there doing nothing so we have to work that out.

Schwindt – What we could have LBG do is look at the manifolds that are north of First Street. It seems like those along here except around the Law Enforcement Center because we always have that one well that's right on the north side of First. It shows up stuff every once in a while.

Neubauer – Your fringe manifolds.

Schwindt – Right where City Hall is here maybe and the ones over where Library Square is at. We could probably get rid of those. And maybe where the court house is, but there is that other manifold or 2 manifolds over by the LEC.

Glatt – We can task LBG to do that. Once we have an agreement among the MRT, city and the state...and LBG as well I'm thinking publishing a public notice just to see if there are other comments or something we missed.

Neubauer – There are 14 or 15 manifolds. I've got these 5 that are on the fringe areas and we haven't seen any product in any of the wells that are connected to those manifolds for now so we are going to power down the switch. If those manifolds in the long term for a year and if nothing changes, come back and do a public hearing on closing these 4 or 5 manifolds. If nothing comes up and we haven't seen anything then start cutting. Do you think monitoring for a year or more?

Radig – I think we said 2 years.

Glatt – Two years--would like to see a re-charge event. We will see if anything pops back in.

Radig – Just as important now as the recharge event is what’s going to happen if these water levels keep dropping.

Neubauer – Cut the power now. We are going to go out and set the biorespiration test on wells in that area to see what we have in there what kind of air we have in there.

Schwindt – I know one of the biorespiration sites is on this intersection right out here. It’s across the street right around that corner. I don’t remember where the other one is. Maybe it’s over on the old railroad property stuff south of Main, but I’m not positive, but there is one right over here.

Glatt – We still have some areas of free product. Some areas are shrunken and those areas may take a little more effort and a little longer to definitely reduce the size in the remediation footprint and cost.

Schwindt – We have been continuing to operate some of those manifolds. It is cycled between all the manifolds up here so if we start cutting back on some of those, we could probably reduce the amount of gas that we need to burn to heat the RTO, and that kind of stuff.

Neubauer – Maybe it will get to the point where there is not enough in there.

Glatt – Where are water levels?

Radig – They have been dropping.

Glatt – That’s a good thing, then we can open up that space for biorespiration.

Neubauer – That sounds reasonable—when I get quizzed by my 5 bosses, this is where we are at. We might even look at saying, maybe we need to write a story for *The Mandan News* where we are at and here is what we have been doing for the last couple of years and here is where we are now and here is where we are going to in the future. It might be within the next couple of months. They want to dig dirt on the south side of Main Street and not have it smell. The digging over there it hasn’t had the odor that there was on the other side of the building. When we tore Mandan Motors down, it was dig out a bunch and there was decent fill in there so didn’t expect a whole lot.

Glatt – But things are better. I know there are some positive things that happened downtown.

Radig – When are you thinking of doing a public notice or article?

Glatt – Let’s get on a manifold by manifold analysis and start verifying.

Radig – You’re thinking of doing that before the 2-year final monitoring period.

Neubauer – I'm thinking of doing just an article to let John Q. Public know where we are at. The plan would be to look at some of the manifolds that are connected to wells that haven't shown any product or vapors or stuff for a period of time. We in turn will in essence cut the power off to that manifold and see what kind of a recharge event there is if there is any. After a year or 2 years of monitoring the site, now we can start taking that manifold out of the system.

Glatt – Yes, that's how I envisioned it is. We have a map showing the areas of contamination and the zones of this manifold and overlay left of manifolds and say, based on what we see of contamination and the data we are getting out of this area we can look at closing these areas down.

Schwindt – Do we have to look at continuing monitoring in these areas over here? I'm just trying to think in terms of a process we used around the Iverson building. We just did away with that manifold and plugged all the wells. Partly because of the development that was occurring. I don't necessarily disagree with what you are laying out I guess I am just wondering if we could consider part of the monitoring that has been going on for several years here as part of that monitoring process.

Glatt – I would like to see how much of an impact the system currently has on those areas. I don't know if we are still seeing some of the remediation benefit in some of these areas. When it is completely shut down, I would like that 2 year period of monitoring to make sure we didn't miss something.

Neubauer – You're saying, we've got the area that free product has shown up in the past 2 years.

Radig – That's what they did south of Main Street.

Glatt – It's a different scenario in my mind. You have a manifold operating in that zone even though there is no product this manifold is operating. If we shut down could we see something, especially BN product. That might be a different scenario.

Schwindt – We talked about that at the last meeting. I think I said at the last meeting is that I would like to see the Health Department at least continue to do some monitoring along the BN property line. When we have the whole system shut down, we are no longer in existence. It seems like the Health Department should be doing some kind of checking along that line to make sure that nothing is coming back north.

Radig – BN does have 8 or 10 wells along that property line on their side and they are required to check those every year.

Glatt – Could ask them to do that.

Schwindt – Could use their data and you have 1 or 2 monitoring wells that currently exist there.

Glatt – Maybe we could even task them to do that. You have the ones on your property and take 1 or 2 off their property. Their wells aren't showing anything.

Radig – They aren't showing any increases.

Glatt – Are they still showing free product?

Radig – Can't remember. Not sure if there is free product or if its soluble.

Schwindt – One of the issues I'm thinking of is if you are going to be thinking of continued monitoring up here. I don't know how many monitoring wells are around City Hall or Library Square. If there aren't any monitoring wells, we would have to save at least 1 or 2 of the existing wells in order to have access.

Glatt agreed. In my mind, the monitoring plan we wouldn't approve all the wells, but would scale down the set of the wells in the.... That makes the question, too, if we do find something so I'm not so sure I want to disconnect everything right away.

Schwindt – OK.

Glatt – Hopefully, at the end of the day there is some money left over and the state feels comfortable.

Schwindt – I guess if you guys want to take a look at that process, like I said, I would recommend we start looking north of First here and see which ones we can do that process on.

Glatt – Can we task staff to do that?

Radig – The first thing I need to do is get the actual data from LBG because we don't have the database spreadsheets.

Glatt – If it looks like it is going to be way out of line, we can have LBG work on it.

No further issues.

**Next Meeting.** Feb. 5, 2013 at 10 a.m.

**Motion to Adjourn.** Glatt moved to adjourn at 10:50 a.m.; second by Schwindt. All ayes.