

MANDAN REMEDIATION TRUST (MRT)
February 11, 2016

Meeting: 268th Official Meeting
Date: February 11, 2016
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 10:00 A.M.

The MRT meeting was called to order by Jim Neubauer. Dave Glatt and Francis Schwindt were present. Marilyn Mertz, North Dakota Department of Health, was present. Scott Radig was absent.

This is the February MRT meeting that has been rescheduled a couple of times.

Minutes. The January 5, 2016 MRT minutes, as amended, were discussed.

Motion. Glatt moved to approve the January 5, 2016 minutes as amended; second by Schwindt. All ayes. Motion carried.

BND. The Bank of North Dakota Trust statement of January 31, 2016 shows a balance of \$6,626,516.26. Pay requests 379, 381 and 382 have been paid. Last month we did not have the bank statement for December. Pay requests 375, 376, 377 and 378 went through the system and it is showing a balance of \$6,659,595.37. These statements have been acknowledged.

Pay Request: Pay request 380 regarding Fritz's services for 2015 which totaled 91 hours. It is detailed out by date, time spent and issues.

Motion. Glatt moved to approve pay request 380 of \$9,100 to Underground Soaking Systems; second by Neubauer. All ayes. Motion carried.

Pay Request: Disbursement request from LBG for \$17,029.26 for their invoice dated January 22, 2016. Neubauer did not hear of any issues from Radig that would not be in line with the past work that has been done.

Motion. Schwindt moved to approve payment to LBG for \$17,029.26 on their invoice dated January 22, 2016; second by Glatt. All ayes. Motion carried.

Pay Request. Payment request for \$1,319.91 to the city of Mandan for industrial wastewater charges for December 1 through 31, 2015. Total volume was 82,494 cu. ft.

Motion. Glatt moved approval of payment to the city of Mandan for industrial wastewater charges of \$1,319.91 for December 1, 2015 through December 31, 2015; second by Neubauer. All ayes. Motion carried.

Wastewater -- Schwindt talked to Rusty after the last meeting since we had a question about the volume of wastewater at that point in time as well and he said they do not adjust the drop tubes after it freezes in the fall because when you access the well generally you get moisture under the well cap. If you try to chip the ice out to get at it, you break the well so you end of causing a lot more trouble then so they don't even try to adjust them in the winter time.

Glatt – That makes sense.

Schwindt – So maybe the water level has come up. I didn't ask him whether the water levels are coming up because they aren't monitoring that during that time period either.

Glatt -- It is pretty dry so there isn't much of a recharge kick this year either. We'll see.

Site Closure Plan Letter -- Received the letter from Radig on the Site Closure recommending that the conclusion and recommendation that manifolds number RM12, 13, 14, 21, 22, 23, 24 and 27 and all the wells connected to those be permanently decommissioned because of them meeting the site closure criteria and also, that the manifolds not listed here be held open until the wells attached to those remote manifolds meet the site closure criteria. Is that a fair summary of the letter?

Motion – Schwindt moved to accept the recommendations from the Department and close these manifolds and wells associated with them. Second by Neubauer to accept the recommendations from the State Health Department on well closures Remote Manifolds 12, 13, 14, 21, 22, 23, 24 and 27 and all the wells in these areas be permanently decommissioned. All ayes. Motion carried.

Neubauer – Do you know how many wells that amounts to?

Schwindt – I thought it was somewhere around 70, but I don't remember the exact number.

Concrete and Asphalt -- Schwindt received a call from Jeff Wright the other day and they were going to include the concrete and asphalt quantities for taking out those wells that are in the streets and sidewalks associated with this. That will be in the bids that the city will be requesting sometime in the near future.

Glatt – It is easy to be broken out cost wise.

Schwindt – They included those quantities in there and the Engineering Office should have a spreadsheet of the locations and well numbers so they will be able to track those costs. That's what Wright indicated the other day.

Neubauer – Do we need to ensure, I talked to Engineering too that when we cap

that well that it will be 2 pipes leading to that and then those are capped also so there is no chance of stuff moving through the system?

Schwindt – We weren't planning on capping those pipes.

Neubauer – Should we just to eliminate potential future or something going from one well to another well. It's just a plastic cap, I am assuming.

Glatt – A glued on cap.

Schwindt – The issue would be to just get access to them because then you would have to dig down 2, 3 or 4 feet to get down to the bottom one. One is up here and one is down below so you will have to dig down a fair amount to get to that bottom pipe. That's probably going to be 3 feet. We are trying to keep the size of the repairs at a minimum so to try to go in and do that I think would be difficult. But what we can do is when Roger, I assume we would authorize Roger to go ahead and we can talk about that in a little bit, but if Roger is going in and plugging the wells we can ask him to make sure that the bentonite is up high enough that he covers both of those openings up so they would be plugged that way.

Neubauer – OK. I can't remember what size pipe.

Schwindt – Four inch.

Neubauer – As they pump in does that start moving through that pipe? I don't know what a bentonite slurry looks like.

Schwindt – It will be bentonite chips. It will pieces of bentonite like this that he pours down the well and then it brings it up and then he pours water in it to hydrate it so it will start swelling.

Glatt – It's not real soupy.

Neubauer – Like ready-mix?

Schwindt – Less than that.

Neubauer – Is there a way to cork those pipes so nothing—my own concern is we come back 3 years from now and we have a depression where we maybe put a fix in. Is somebody going to come back and say you didn't plug those and now you have to come back and fix it.

Glatt – I think what you can do is leave it up to Roger to bring the chips up high enough or if he has another suggestion to cap those pipes with bentonite and how can it ... work? And I think it will, but if he has any other concerns.

Neubauer – My concern is any future liability because all the goo moved out of that ... pipe.

Glatt – It's not going to do that. It sets up. It's not going to flow....

Schwindt – We can see about putting a cap on the well itself and I think we have talked about that in the past maybe when Jeff and Justin when they were here that time about trying to cap the well. It depends on whether the contractor when they are coming in to reclaim that location if they cut the pipe off and pull it out you could probably put a plug or cap on it, but if they break it off then it will be nearly impossible to try to do it so it kind of depends how the contractor's approaching that.

Glatt – With 70 wells, they will break it off.

Schwindt – They may take the quick and easy.

Glatt – But Roger will be abandoning from the bottom to the top.

Schwindt – Yes, it will be plugged from the bottom to the top.

Neubauer -- They will leave the pipe in there and fill it in--just how far down they crack that out, right?

Glatt – Any pipe remaining in the ground will be sealed from the bottom to the top. Then if he goes up to cover those additional pipes, I don't see that there will be a lot of issues there. We can see how the first one or two work. If is going well, do the rest.

Neubauer – What did we do with the other ones?

Glatt – I think we capped them.

Schwindt – I think it was just plugged with bentonite and then whatever happened just happened. That is something I could probably take a look at when we begin that reclamation work.

Glatt – That might be the way to do it and see what works.

Neubauer – As I was explaining to someone the other day here's how the system works. What about these 2 pipes how do we deal with those? Put a cap on the end of them or how is that?

Schwindt – It seemed like I had asked that question at times in the past if I remember correctly LBG was saying that they typically do not plug the horizontal lines because then you are dealing with a lot of quantity. We have about 22 miles of four-inch pipe.

Glatt – You're not asking about the pipe?

Neubauer -- No, I'm just saying is there pipe there now, just put a PVC cap on it or if it is a rubber plug. You shove something in there and say OK. None of the bentonite stuff is going to be moving through that system or if there is decomposition going on in the soil now we will have to make some bentonite trap. When the contractor comes along and digs, I don't want to be sitting here 5 years from now or 2 years or 10 years from now and someone says you were capping them

Glatt – That being said we ran across that at BNSF properties pipelines.... As long as they don't have any product in them, I suppose they could be a conduit for something else something in the future. And that has happened periodically in other places it involved contamination migrating.

Neubauer – If someone comes along and they are doing underground work, there is pipe and they cut the pipe or break it out so all of a sudden we have stuff moving. That's not our issue and I don't want it to be our issue. It is their issue, but if they come back and say we have infiltration from somewhere else how do we prove that?

Glatt – I think when they get out there Roger knows that we may have to modify things. If they're out there looking at it, it's working and it looks like the bentonite is taking. It does a good job of plugging it.

Schwindt – And the bentonite is high enough where it is covering both the entrances to the pipe.

Glatt – It may require a couple extra bags, but so be it. And it looks good and Roger thinks it looks good I am fine with that.

Schwindt – We can go take a look at it when the contractor is working and can get a feel for how it looks. That might be something we have the contractor look at if there was settlement or he didn't get enough material in the well to cover that last pipe maybe they have some bags of chips there that they put in right at the time because they are ripping stuff out. This one is exposed so we will cover and cap it. How is that?

Neubauer – At the end of the day I don't want somebody coming back and saying you provided for a pathway for other stuff to migrate through.

Schwindt – I guess just to finish that part of the conversation do we want to enlist Water Supply, Inc. to plug the wells? I assume Roger is still interested, but I haven't talked to him since last fall.

Glatt – We can ask him.

Neubauer – What was it \$200 a well that they would charge?

Schwindt – So much an hour, I think he was charging \$70 an hour plus the chips.

Glatt – If he is willing to do it and if he has time to do it.

Neubauer – It would be \$14,000. Would he be doing the remote manifolds or are we needing someone else?

Schwindt – We would probably need someone else to do that. We would need to do something in the lawn areas where we have the concrete collar around the wells. We need to reclaim those in some fashion as well.

Glatt – Do we want that concrete collar out and re-sod it?

Schwindt – I would say so.

Glatt – Is that something Roger is going to do?

Schwindt – I doubt it. He is just plugging the well.

Glatt – Do we have bids on something like that or is that something the city can do bringing it to grade?

Neubauer – I can't remember if Jeff's guys were going to do the asphalt patch or if we were going to have someone else do the asphalt. I thought we were going to ask one of our street contractors to do that.

Schwindt – That's what I thought because either bid it or add it as a change order to the quantities on one of your other existing projects going on for the asphalt portion. We would bid the concrete portion.

Neubauer – Concrete we are scheduled to have the Commission approve the concrete bids next week so we know who the concrete folks are in March. We would need some coordination going on between Water Supply, Inc. and the concrete folks, and the asphalt folks so we don't want to leave holes in the street or the sidewalks. Is that something you want to take on or do you want someone else?

Schwindt – We can probably do some of that. I was thinking if we can if we are OK maybe I need to make a motion.

Neubauer – The Health Department doesn't have anything to do with

Schwindt – Their issues have gone away, but what I was thinking was if we authorize Water Supply, Inc. to proceed I am guessing it would be in April or May. If we give him plenty of lead time and he can pick at it with his own schedule. I think we can

get that done early enough before we start the concrete portion of where we are actually doing something with the well tops.

Neubauer – I'm thinking if we have wells in the street, parking areas, obviously there is going to be—I don't know if you want him in there and the concrete guy following right up and doing that all in one fell swoop. Otherwise we will have to cone off areas and that doesn't work very well.

Schwindt – I think if we give Roger enough time that he would be able to work around the parking places and things like that. I will talk with him and just see how he wants to handle that.

Neubauer -- Between that and whoever are concrete contractor is. Like I said from Pubic Works we can fill something in with asphalt and then have them come back and finish the job later, but just so there are no holes in the sidewalk or things like that.

Schwindt – Roger can go in and take the metal cover off and do his thing and put the metal cover back on and then he is done. Then it could be days, weeks, and months later before the concrete guy comes in.

Neubauer -- I was thinking he would have to go down and break them off.

Schwindt – He wouldn't be doing that part.

Glatt – Bentonite will come all the way to the surface then. Is that how you do it?

Schwindt – I can ask him that.

Glatt – Then whatever they do break off he will have it all taken care of or at least from the surface or a foot from the surface or two feet from the surface. He covers that first pipe.

Schwindt – I think that is the way he has been doing it.

Neubauer – We can really decommission a well whenever Roger can do it. My guess is that the concrete guy who comes in probably will want to do all of them at one shot.

Schwindt and Glatt agreed.

Glatt – The wells can be done whenever they want to do it.

Schwindt – So it would probably be over a week or two that the contractor would be working on the wells. However long it takes him, it is going to take a fair amount of concrete sawing and that doesn't go real, real fast.

Motion: Schwindt moved to have a conversation with Roger Schmid from Water Supply, Inc. to plug and abandon roughly 70 wells in coordination with the remote manifolds that are associated with those manifolds that are to be decommissioned provided the price is reasonable to what previous charges were. Second by Glatt. All ayes. Motion carried.

Schwindt – I don't think we need a motion to include that concrete and asphalt work with the city bids. Do we need something? We talked about it at that meeting when those guys were here. I don't think we took a formal motion.

Neubauer – I would just entertain a motion.

Motion. Schwindt moved that we would request the city of Mandan to include in their bid packages for the concrete municipal sidewalk repair-replace project the aforementioned wells to be plugged and abandoned. We also look to the contractor that the city has to be currently engaged in any other street project for asphalt work. To also do the patches that require asphalt patches. Second by Glatt. All ayes. Motion carried.

Neubauer – Mariner is under contract for part of an approved district in the east Main area and we have Northern Improvement as the current low bidder on another street project down in the Lakewood area so we could probably ask both to provide a cost.

Schwindt – Sounds good.

Neubauer – At least we would have some competition there.

Schwindt – Last fall when I was looking at trying to get the manifold outside the Law Enforcement Center on the east side reclaimed, I had gotten a telephone number from Jeff again and I think it was from Mariner. They have some kind of a vac truck. I never did call the guy because we ran into that whole issue of about whether we were abandoning the manifolds properly or not. But I tried a number of contractors last year and couldn't even get them to call back so I could make contact with them and see if they were interested in it. We have several remote manifolds that the property owners are interested in continuing to use— one on Library Square and probably 2 on the LEC grounds. So there are 3 of them that the property owners want to retain the structures so we need to go in and perhaps suck out the gravel around the pipes and cut them off and recap them and get them below grade. I don't know what costs are involved in doing that.

Neubauer – For those folks that want to keep them on their property get some kind of Release letter that says we want this kept on our property and have them sign off so 5 years from now so we don't need this anymore so come back and take it out.

Glatt – Use as is and dispose of it as you want.

Schwindt – One of the initial recommendations that Radig was talking about was having us tasking LBG to do all that kind of stuff. To me it makes more sense to kind of continue—I can add it piecemeal, it's not that big of an area that it would require.

Glatt – It seems to be working that way, it's cheaper.

Neubauer – Make sure they are informed on what is happening.

Schwindt -- Do we now need to indicate that we have done this and we have made our motion? Do we need to write a letter to LBG?

Glatt – Maybe we should let them know what is going on. Just give them a call.

Neubauer – They're included on the copy.

Schwindt – I understand that, but so that they have a formal document in their file because it seemed what they were concerned about that the MRT has agreed with the recommendations.

Glatt – Basically, that is all we have to do. In the meeting we approved this to move forward. This letter is to us. So a quick letter saying it was approved in such and such a meeting.

Neubauer – The recommendations in here, I can't remember that far back, but the same recommendations LBG made to close.

Schwindt – They had made more recommendations to close, but that is why Radig has that second paragraph in there.

Neubauer – Our commission has been to when all the wells on the manifold are done then close the full manifold.

Schwindt – Are you going to draft something like that Jim or Dave?

Neubauer – It's probably better coming from the Health Department as the state.

Schwindt -- This would be coming from the MRT though.

Glatt -- All it is going to say is that on the February 11, 2016 meeting the issue was discussed and motions taken and approved on the decommission as well.

Schwindt – Whoever drafts it, if you want to do it and sign the letter.

Glatt – I will draft the letter and send it around for review. If you want to email it and if you do I can sign it.

Schwindt – I met with the sheriff on January 18, 2016 and he indicated that there is one of the offices on the west side of the basement of the LEC where we have had some odors in the past. Whoever was in that office was complaining about some odors so I met with him that day and we did go into the office. There was some kind of an odor in there so Kyle Kirchmeier and I talked about it—we checked and the ventilation system is operating. It certainly has made a difference in that utility room where there was an odor where the sump was at. We talked about maybe trying to isolate those 2 wells that are out in the garage so we are not drawing anything out of there and create more negative pressure in the basement of the LEC. There weren't any valves on that. I then talked to Rusty about putting a packer in to isolate those. We hadn't gotten any of that done. I have a meeting tomorrow morning at the LEC with Rusty and the maintenance guy from the LEC to take a look at what we might be able to do.

Glatt – So is it a very distinct odor?

Schwindt – It was almost kind like I remembered the odor from before we sealed the floor, but it is right next to where that wastewater sump is at in the basement. When I mentioned it to Jake it might be coming from that sump.

Neubauer – They may have had some water issues in there of late. On the east side of the building I think they had a sewage pipe break. On the west side of the building they have had water from the shower area upstairs has been leaking in the offices downstairs to the point where they have had 5 gallon buckets and tearing out the sheetrock in halls and stuff like that. Like I said there have been some other issues going on over there, too. If you go over there today there may be some sheetrock torn out. What I gather it was running down the walls and stuff like that. It was getting to the point that the carpet was soaking wet. Maybe some of that could have gotten down the walls.

Schwindt – Another thing I want to show Rusty what we did over there and then get his suggestions on his part what we might be able to do to enhance the air movement within our system. The other thing I thought about if there are some odors in that particular office, we could probably tap into that 2 inch line that we have running to the wells in that particular area and just drop a pipe into the corner of that office and provide some direct ventilation in that particular office. I want to discuss that with Rusty and Jake tomorrow just to see what their thoughts might be on something like that.

Neubauer – Do we have that remote manifold that is in front of the west side of the courthouse? Do they want to keep that one?

Schwindt – That one goes away.

Neubauer – We have had a request from Morton County to replant a decent sized tree there. I think you talked to Jackie Buckley before on that too.

Schwindt – I did. I was hoping at that point in time that we would have the manifold out of there so I don't know if we will be able to do it in time this spring or not.

Neubauer -- At an appropriate time. Anything else?

Schwindt -- As far as the closure plan, do we need to formally adopt that?

Glatt – Let me put it together. I have your comments but I just haven't put them all together. I'll try to get that done by the next meeting so we can formally adopt the final version.

Schwindt – That's one of the things that LBG asked about. They reference the non-finalized or draft document.

Glatt – Work in progress.

Neubauer – With this being done today do you want to ... the map that Radig provided a month or two ago that showed here are the zones or here are the manifolds, here is the cover that we are closing? It might be a good idea if we do a presentation to the City Commission.

Schwindt – That is right that is something you mentioned before.

Neubauer – Would either one of you like to do that?

Glatt – When is that, sometime in the future? It doesn't have to be right away.

Neubauer – It could be the 15th of March or 5th of April. I will update them with what has happened today.

Glatt – Sure, I don't have a problem doing that.

Neubauer – Do you have a date that works better?

Glatt – Probably April.

Neubauer – April 5 or 19?

Glatt – Let me get back to you.

Neubauer – We had discussions previously about some type of an insurance plan as part of our site closure. Are we thinking we don't need that?

Glatt – I will have to go back to our risk management people.

Schwindt – I guess I have been a little reluctant to pursue that right at the

moment until we are a lot closer.

Glatt – A closure plan and ... and we have all that documented. What's the cost?

Neubauer – At some point in time to be able to say do we need some type of backup plan or is the state of North Dakota willing to say we are done. And if something happens is the State going to come in to fix the issue?

Glatt – My sense is if the State has to come in and fix something we are probably looking at an insurance policy down the road. If it's a joint effort between the city and the state saying we will work together on this. Totally, beyond the state's.... I'll have that discussion.

Neubauer – If it's appropriate, if we are done we are done.

Glatt – We wouldn't be closing things if we didn't have a good feeling. If we are at that 90 plus percent sure we are going to be done. ... I just know how risk people think. Anything we can do to reduce the risk means good money used.

Neubauer -- Buy a policy for \$100,000 and it frees up \$6 million, I will give you 100 grand.

Glatt – That's the issue, too. I think the tough one is going to be you have "x" amount of dollars in the MRT do we want to cut our ties and what is the best way to do that. Leave the money in there or ..., a trust policy, or is it to let the money go and buy an insurance policy for \$50,000. I think we have had this discussion going round and round. Let me talk to our risk folks.

Schwindt – My feeling is if we do end up having to buy an insurance policy I think if we follow the same procedures that we did this section and any subsequent section where we close the system down and we monitor it for a year that gives us a year's worth of time to pursue the insurance policy that is what my thinking is as far as time frames.

Neubauer – Just want to keep that one on the table. We have folks saying when are you going to be done and the city's use of projects.

Glatt – I understand that, but I was asked if the shoe is on the other foot, you guys know we have that understanding, we want to proceed cautiously and want to give the city as much money as we can, but we also want to minimize....

Neubauer – The Sub Task order for the pricing worksheet that was sent out I would guess we would have to consider that for the Operation and Maintenance.

Schwindt – Was that attached to the invoice?

Neubauer – I am not sure when this one came out. Do you want to take that up in a couple of weeks to give you a chance to look at it?

Schwindt – I don't remember seeing it.

Neubauer – My guess is with the abandonment of several remote manifolds and 70 wells the prices should go down. ... I know that last year we spent \$240,000 with LBG. In total we probably spent \$240,000 plus \$85,000 or \$300,000 to run the system so it will probably decrease.

Glatt – That's what he indicated.

Schwindt – This is \$270,000 is what they are proposing.

Neubauer – The \$85,000 is really the operation of the buildings, water, heat, MDU and lights. If they are adjusting drop tubes and things like that and your cost of treating water. Once it gets to summer time, it will be a little less.

Tax returns should be done this week or next week.

Supplemental Environmental Trust [tax returns] should have trustee's signatures.

Glatt – Fixed costs.

Next Meeting. March 1, 2016 at 10 a.m.

Motion to Adjourn. Schwindt moved to adjourn the meeting at 12:03 p.m.; second by Glatt. All ayes. Motion carried.