

MANDAN REMEDIATION TRUST (MRT)
May 3, 2011

Meeting: 213th Official Meeting
Date: May 3, 2011
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 were present. Also attending were Scott Radig and Marilyn Mertz, Department of Health;

Minutes. April 5, 2011 minutes were reviewed. Revisions were made.

Motion. Glatt moved approval of the April 5, 2011 minutes, as amended; second by Schwindt. All ayes. Motion carried.

Bank Statement. We have the Bank of North Dakota statement for the period ending March 31, 2011 showing a balance of \$8,446,507.68. Of that we have \$486,159.47 in the money market fund so we would have available cash to pay Morton County the \$240,000. Checking has \$440,000. We have two CDs: one for \$5 million and one for \$3 million. I think the \$3 million one is coming due shortly.

Agreement. Neubauer presented the signed copy of Release of All Claims and Indemnity Agreement signed by Morton County. It will be filed with the official files at the Health Department.

Morton County. Pay request for \$240,000, which was the Remediation Trust offer at the April 5, 2011 meeting with Morton County. Neubauer did not attend that county commission meeting, but they did approve and sign it.

Motion. Glatt moved to approve the payment to Morton County for \$240,000 covering repairs done to the Law Enforcement Center basement relating to diesel fuel and water related issues. Second by Schwindt. All ayes. Motion carried.

City of Mandan. Pay request for the city of Mandan for \$1,647.83 covering wastewater charges for February and March 2011. Radig has reviewed and indicated it is reasonable.

Motion. Schwindt moved to pay the city of Mandan \$1,647.83 for wastewater charges for February and March 2011. Second by Glatt. All ayes. Motion carried.

City of Mandan. Payment request of \$20,922.65 for the first quarter utility charges for the city's remediation buildings. Radig noted it is very similar to previous billings.

Motion. Schwindt moved to approve the payment to the city of Mandan of \$20,922.65 for the first quarter expenditures. Second by Glatt. All ayes. Motion carried.

LBG. LBG invoice dated April 22, 2011 for the month of March, which Radig e-mailed yesterday. Total amount is \$25,102.31. Radig recommended approval. There was nothing unusual. It is higher than normal because they did more maintenance this spring than their monthly routine. LBG had one of their engineers come up for a week.

Motion. Schwindt moved to approve payment dated April 22, 2011 to LBG for \$25,102.31. Second by Glatt. All ayes. Motion carried.

Map. Neubauer -- LBG sent a product thickness map dated April 29, 2011. The two hot spots where the old Conoco Station used to be and directly north of that on Main Street have 3 feet of thickness. The last one we looked at didn't seem to be that high.

Schwindt agreed they weren't, but the bookstore on the north side of Main was starting to accumulate stuff last time. It wasn't that much, but that was the area that had the deepest concentration that I remember.

Glatt is anxious to see the water table elevation. I know that product thicknesses may change with changing water levels.

Radig – They did a full round of fluid level measurements in March. They should have that data now. They don't usually show the water levels on these maps, but I'm sure they have one.

Schwindt – The other thing about this particular map, I wonder if this was actually done in March or not. It could have been in March. The last time I was talking with Rusty Krikava he was saying they were having a lot of difficulty this winter with ice accumulating under the monitoring well cap and he said there is nothing we can really do. If you try to chip it you will break it off. If you look at the map, there are a lot of areas on here that were not monitored.

Glatt – That's why we want a complete round of monitoring data every once in a while to get a snapshot of the progress of the remediation.

Neubauer – You're saying this was a complete event.

Schwindt – If you look at it the blue dots are higher than the red ones were. A lot of the area on the whole south side doesn't look like it was even monitored.

Glatt – So it looks like it is clean. It's continuing to show progress. I look at these maps as providing some good information but they don't give the complete picture.

Ratz Block. Schwindt – The area around the Ratz corner they did monitor a good chunk of that and nothing really showed up there.

Neubauer – There is one well in the parking lot just east of there right behind the Kelsch building.

Glatt – So that property is up for sale.

Neubauer – There are no offers on it at this point.

Schwindt – It almost looks like the fuel from that area has moved north. I don't remember these behind the fire station and behind Kelsch's showing that much product before. It was always more to the south.

Glatt – As the water table comes up it pushes it around a little.

Neubauer -- Do you want to ask that question if they have a water table monitoring as a comparison to where it was?

Glatt – You see where the product is and then the water table.

Neubauer -- And see if there is any correlation or relationship.

Schwindt – It might have dropped a little bit over the winter. Radig agreed.

Glatt – Are we still getting any influences from the river?

Schwindt – Probably not this time of the year, but I guess if they are going to be maintaining the river pretty high all summer long like they are talking about it could. If the water table gets up really high, maybe we will be completely clean.

Remediation Building. Neubauer – I have had some communication with Waste Management on the potential damage to Remediation building 2. Their insurance agent has not returned any voice mails. I thought it strange because Waste Management said there is no way we would have damaged that corner of the building. They wouldn't lift the box up that high because there are overhead wires and not sure how way up there that chunk would have been nicked out. There is green paint up there too.

There is an area between the old clinic building and the Remediation building. The folks from the clinic building have their dumpster under lock and key.

RTO. Schwindt asked if Air Quality provided any information about reducing the temperature in the incinerator or the RTO.

Glatt – I did discuss the issue with the Division of Air Quality. I don't think it was an issue. I will get it defined. I will ask them if they can just reduce the temperature without any permit changes. My sense was that they could.

Schwindt – I was wondering about is whether we can, in fact, do that without a permit change. Do we want to do that when they bring the people in to do the next change on the RTO or whenever they do their routine maintenance? Do they need to bring somebody up here specifically to do that because they were talking about changing the set points on it?

Glatt – What we can do is tell LBG what temperature they can go down to without the need for a permit change. They will need to notify the Department of their desire to change the operating temperature and when they propose to accomplish the change. It's up to them and we don't need to bring it up anymore.

Schwindt – If we are OK doing that and it's OK without a permit, do we just want to go ahead and do that?

Glatt placed a call to Air Quality. Terry O'Clair is going to double check. Their understanding is LBG just has to send in a letter saying we are going to reduce it to this temperature on this date. If you have any objections, let us know. If they don't have any objections just go ahead and do it. He is going to double check with Jim Semerad. They need some modeling completed to see if there are any issues. They just haven't received any requests from LBG. They thought it would take a lot of their time and cost some money to do some permit models and that's not my understanding. Just go ahead and change it and let us know. Glatt will get that checked.

Schwindt – When we go back to Ken Kytta's estimate of stuff they were looking at a permit modification and a \$3,000 or \$4,000 cost to do that.

Glatt – This is my understanding. Our staff will look at it.

Radig – You are going to double check.

Glatt -- That was O'Clair's understanding as well, but he was going to talk to Semerad to make sure.

Radig requested that confirmation when they respond and he will communicate that to LBG.

Screen Replacement. Schwindt indicated they peeled part of that top screen off. Schwindt will give Dakota Fence a call again. Do we want to replace that 50 foot piece on the top? I think the price we had last winter was to replace the entire screen for \$3,500. Or do we just want to replace the 50 foot section where it was torn? Schwindt will take another look at the screen. The bottom half was in decent shape. It was the upper stuff where the tears were occurring.

Glatt – If the bottom half looks good, just replace the top half, but will there be two different colors?

Radig – The sun damages and makes that stuff brittle.

Schwindt will call Dakota Fence again and visit with them about what they would suggest.

Glatt questioned how long the screen has been up.

Radig noted it was installed in 2006.

Schwindt will call Dakota Fence and see what they can do for just the top half and see how much that saves us. Do we want to proceed with it or should I just bring the prices back next time?

Glatt – If it doesn't exceed the price from last time by 10 percent just proceed with it.

Radig – If you wait till next time, it may be too late to get it done before Buggies 'n' Blues.

Neubauer – Take a look at the cost we had last time and use your judgment.

Glatt – Reasonable cost. Use your judgment on a portion of it or all of it.

Site Closure Plan. We have the approval from the legislature, Radig said, so the plan can now be approved and we just need to start implementing the final steps, which we can do in some areas. We will have to get estimates on the closure of the system from LBG--closing estimates on all the wells.

Glatt – For the next meeting, could you have laid out what areas of the system we can start to initiate that closure process and a time line? Also, the estimates to operate and so many samples of certain quality and then I think we are ready to go. Then we can get a proposal from LBG.

Neubauer – Have a plan in place.

Glatt – If people ask we can say we are starting the process to look at closing down certain areas. I think that is a good message.

Insurance. Do we need any more discussion on the insurance?

Radig – That will be part of it. We will have to have some more formal discussions either further with Aon [insurance company] if we are comfortable with that

company. I know the Risk Management Division had worked with them previously so they are OK with that company.

Schwindt – Seeking something like that does that fall underneath the procurement requirements where you would have to advertise for bids and etc.?

Radig did not know, but will ask Tag Anderson, Assistant Attorney General, if they have had to do that or if MRT just contacts them.

Glatt – Just lay out what kind of coverage we are looking for and the terms.

Schwindt – I don't know if you can just hire a broker because that's really what they are. They go out and get the policy.

Glatt – It's a service provided and we are paying for and we are using public funds.

Neubauer – Similar for professional services we don't have to go out for bid. On engineering firms like that you don't have to do that. We can tag onto your bid from a city standpoint if there has already been a proposal put out by Risk Management. We do that on our truck for our water treatment plant and we cost it out on our own and then on the state bid it is \$25,000 - \$30,000 less because they were buying several trusts of that nature.

Damaged Pipe Cost. Schwindt indicated we haven't pursued reimbursement of the cost for the changes to the system after Community Contractors hit that pipe. Do you want to pursue that? The repair was about in the \$8,000 range.

Neubauer – Well, we would need detail as to what happened to the pipe he hit. That's a trade out and we can say all right we haven't paid you for the tuck pointing I don't think on the other side of The Medicine Shoppe building. I think we need to have a number and say here is a detailed cost. We were going to give you six grand for the brick cleaning and eight grand for the modification we had to make to the system because you hit a pipe.

Glatt – We might as well bring that to a close so we don't have that hanging out there. Maybe a conversation with them first and figure out what the prices were in both areas.

Radig – I thought we had gotten a final from LBG. Oh, the programming or configuration.

Schwindt – There was that one detail in the December payment that was another \$700-\$800 for that and that should have been the last charge. That one was not broken out separately like they had in the past. That subsequent e-mail that you got from Brad Peschong they said this was the amount that should have been for that project.

Radig – So we do have a final number.

Schwindt – We had it in an e-mail. Whether I still have that, I don't know.

Neubauer – Was it about December 2010?

Schwindt – Kytta was up here in January. It was afterwards because we asked him at the meeting whether there were additional charges and then they came back after that.

Glatt – I think we need to bring that to closure.

Radig – Kytta was here in February.

Schwindt – It might be the end of February.

Motion to Adjourn. Glatt moved to adjourn at 10:42 a.m.; second by Schwindt. All ayes. Motion carried.