

MANDAN REMEDIATION TRUST (MRT)
September 1, 2015

Meeting: 263rd Official Meeting
Date: September 1, 2015
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 and Marilyn Mertz, North Dakota Department of Health, were present.

Minutes. The August 4, 2015 minutes, as amended, were reviewed.

Motion. Schwindt moved to approve the August 4, 2015 minutes as amended; second by Neubauer to approve minutes as amended. All ayes. Motion carried.

BND. Bank of North Dakota statement received for period ending July 31, 2015 showing a balance of \$6,797,954.32. Requests 361, 362, 363, and 364 were approved and paid. Interest was \$289.11.

Pay Request. We have a bill from Brady Martz for the 70 percent share of the audit for the 2014 year. The total bill is \$5,550; 70 percent of that is \$3,885, which is the MRT's responsibility.

Motion. Schwindt moved to approve the bill to Brady Martz; second by Neubauer to pay Brady Martz \$3,885 for the 2014 audit. All ayes. Motion carried.

SEP Trust. Neubauer will arrange a telephone call with the SEP Trust so the SEP portion can be paid.

Pay Request. We have the LBG invoice for \$15,099.86 dated August 26, 2015.

Comments: Radig questioned the Sam's Club expenses. They were not specifically listed. He sent an email to Brad Peschong. Just reviewed yesterday so he has not received a response yet; amounts were \$44.86 and \$319.28.

Motion. Schwindt moved to approve payment to LBG in the amount of \$15,099.86. If there are issues with the Sam's Club charges, they can be adjusted next time; second by Neubauer to pay LBG \$15,099.86. If issues come up on the Sam's Club charges, we will handle next time. All ayes. Motion carried.

Pay Request. A city of Mandan wastewater treatment bill dated August 31, 2015 for the months of June and July for \$2,567.32; June's bill was \$806.48, volume 50,405 cu. ft.; July's bill was \$1,760.84, volume 110,052 cu. ft.

Discussed the volume increase.

Motion: Schwindt moved to approve payment to the city of Mandan for wastewater charges; second by Neubauer to pay the city of Mandan \$2,567.32 for wastewater charges for June 1-30 of \$806.48 and July 1-31 of \$1,760.84. All ayes. Motion carried.

Well Closures. Neubauer referred to Tim Kenyon's email on August 25, 2015 relating to some confusion over when we close wells. Is the Health Department signing off?

Radig – I will have to talk to Glatt about who is giving approval. Is the MRT deciding they are ready and then the Health Department approves it or does the Health Department say go ahead then the MRT approves it? I'm not quite sure which procedure we are using.

Schwindt – Has the Health Department been sending stuff in the past on other areas that it is OK to close these?

Radig – I have never actually written a letter saying that it is OK to close this area. As far as my knowledge it has just been a MRT decision. You guys approve it here and then that's the way it is to be done.

Schwindt – That's what I recall, I didn't remember a letter.

Radig – So I am not quite sure what the questions are.

Schwindt – Can you go back through the correspondence when we closed either the area where the bank is at on Collins, the former Ratz building next to the fire station? Those are 2 areas that we have abandoned and also the Library Square and see if there are letters that you guys have sent in the record. I'm a little confused myself.

Radig – I don't recall any.

Neubauer – The Health Department has blessed the closing of these wells. If that's the case, we should probably have that documented so we are all on the same page.

Schwindt -- It would be in the minutes of the meetings where we moved and approved the motion to abandon these areas.

Neubauer – But the question is does the Health Department need to bless that separately from what the MRT blesses?

Radig – It sounds like Tim Kenyon is asking for that, but we haven't done it

before.

Neubauer – Or ask for the process. If the Health Department is OK with the MRT saying these wells are going to be closed then I think we are fine. But if the Health Department

Radig -- If I wasn't comfortable with it or Glatt wasn't comfortable with it that would come out in the meeting and it wouldn't get approved.

Neubauer – I understand. It seems he has some concerns over the liability here.

Radig – He was probably looking at documentation for the future, maybe. I'm not sure.

Neubauer – My question would be the State of North Dakota is probably going to have to sign-off a blessing when we are done. Or is it just the MRT? That might be a legal question because ultimately if the MRT says it is closed.

Radig – That may be a question we have to ask our attorney Maggie Olson and the State Risk Management Division.

Neubauer – I hate to have them get to the point where the State is not comfortable saying and in turn well OK we have already closed half of it down. We just want to make sure we all know what the process is.

Radig – It's probably something we need to clarify.

Schwindt – I guess I didn't recall a letter being forwarded to LBG. It could have happened without my knowledge.

Neubauer – I don't recall any letter coming from the Health Department saying it's OK to close these. I think it has been implicit by Scott, Dave and Marilyn being here, but we are all comfortable with these being closed.

Radig – I remember over here at Library Square I that I wrote a letter to the developer. I think it was approving--that was when they were required to close the wells themselves and hire someone to do it. I wrote a letter to them, but that was just basically according to the Institutional Control law they had to have an assessment plan, and what they were going to do if they ran into contaminated soil and whatever. They sent that in and I approved that as part of the plan, but if it wasn't necessarily approval to abandon the system – slightly different.

Papa Murphy's. Neubauer noted that brings up an interesting question because the Papa Murphy's building wants to now put additional concrete in. On the south side you've got fenced in area where the garbage rolloff is. He wants to take concrete and extend that back. Take the fence that is on the north side and move that back. It hides

the transformer and gives himself additional parking and then move the garbage back. They will have to disturb minor grass and soil behind that.

Radig – That shouldn't be any significant issue.

Schwindt – I guess we just need to make sure if there are any wells there so they don't get covered and we have access to them all of those kind of things.

Neubauer – Looking at the aerial shot I didn't see anything.

Schwindt – OK.

Neubauer – Surrounded by concrete.

Schwindt – There is a well on the southwest corner of that one right here. That's about where that thing is at, isn't it – that fences in area, the garbage?

Neubauer – I'll make sure that he doesn't go over the top of those. If there just talking about moving it back.

Radig – Here is an air photo.

Schwindt – There's that ... back there. There might be a monitoring well there, too.

Neubauer – I will walk over there with him and check to make sure.

Schwindt – We had initially planned on having Gray Ghost come in and install the system yesterday. That was the arrangements that we made. So I came over to make sure that he had access and all that kind of stuff and he never showed up. So I called him a couple of times and he finally answered his phone and says, I'm not sure when I'm going to be able to make it. I'm running way behind on everything so I said a week or two. Well, I don't know. So I don't know when it is going to happen.

Neubauer – Unfortunately, we are kind of at his mercy.

Radig – That might be why he is so busy.

Morton County. Schwindt I did get that authorization from Morton County to proceed. I will give that letter to you guys. They put it on their letterhead so we can put that in the record. Yesterday when I was waiting for the contractor to show up, I did talk to Jackie Buckley, Extension Agent, from Morton County. We talked about the tree out on the west side of the courthouse. Well, I would like to have that building to stay. I said, you guys figure it out. It doesn't matter to me. She says I'm not sure we should even put a tree in there. I said, OK. You guys decide that too. We did talk about maybe putting in a smaller tree. She didn't think a big tree like a Linden or oak would

be appropriate because of the small area. The other thing is they are going to be putting that security system over at the courthouse so that may entail some construction where the entrance to the courthouse is so I said it is probably not a good idea to put the tree in this fall. She says, well, probably not. We would probably have a better selection next spring. Well, let's just plan on doing that, which allows us time to do all that. If you are not in a big hurry, so I said do we need to hire somebody to put it in? No, I can come over and help dig the hole. She said, I can help you plant it too.

Neubauer – Is she in communication with the Morton County Commission on that, do you think?

Schwindt – Well, she came late to that Commission meeting where I was so when we had that discussion about the tree she wasn't there. She did say that Commissioner Zachmeier had talked to her about the tree.

Neubauer -- We'll let Jackie Buckley handle it with the Morton County Commission with the tree and the building.

Schwindt – We may have to buy a \$100 tree next spring.

Neubauer – Andy told me he wanted a great big one. He said \$400-\$500.

Schwindt – If you are going to put a big tree in like that then you have to bring in a tree spade, drive over the top of the grass.

Starion Project. Schwindt didn't stop by there, but assumes it is complete because there was very little work left. They had poured the concrete when he was there last month so he assumes everything is done. He did buy some fiber cement sheeting to fix the roof on that manifold so he was going to try to do that today before it gets too hot. It turned out to be more complicated than he thought because they used pole barn screws and the heads stick up this high above everything so he will have to pull all those out before he can put the new sheeting down.

Radig – They use those for sheet metal and they have little washers on the top.

Schwindt -- Other than that I guess I don't have anything else.

Next meeting. October 6, 2015 at 10 a.m.

Neubauer – Were we going to get some type of a map that shows the areas that are decommissioned?

Radig – This map shows it is color coded, which ones are candidates for keeping, and the rest for being decommissioned. The memo was June 11, 2015. The green ones we can keep either as remediation wells or vacuum sources for nearby monitoring wells. They have the table in here of all the ones that meet the criteria. I

don't disagree with any of the criteria.

Neubauer – We can hash that out by taking a marker and here is the outline of the area where we have wells and hash out here are the areas that have been decommissioned to date and these are the ones we are looking at in 2016 because I don't think we are going to take any other wells out this year. Here is a full set. Here is the whole area hash tag; the ones there that we have decommissioned. I will circle the areas that we have.

Radig – Probably do them manifold by manifold areas and then within that.

Neubauer – Something people can look at visually and say oh, you have 40 percent, 50 percent or 60 percent of the system is now shut down, therefore, that is a good thing. Color crayon and charting will probably be the easiest way to do it or by numbers.

Schwindt – Haven't gone through all that data again, but I guess I wasn't in disagreement last year and I think the data all showed nothing this year.

Radig – Yeah, no significant changes were popping up where it had been before.

Schwindt – I guess the one area that I might say we should keep is this very west end south of Main just because it is along the railroad tracks and there is some product right in here so I don't know what we gain by just shutting this part down. We can have that more detailed discussion in October when Glatt returns.

Neubauer – Maybe next year we can talk about where we are probably looking in 2016 as far as decommissioning any other parts of the manifold areas or system areas. I always have the fire chief asking can we get access to this. I keep saying it wasn't yours to start with, you will get it.

Schwindt – I don't recall if these go through here. I think maybe they do. I think all this stuff comes back into here. This is the fire building here so it looks like all this stuff comes back into there... As long as we have these issues going on here, we are going to continue to need that. It would be these 3 and this stuff right in here all goes back to the fire station.

Neubauer – Maybe we take a look at the Site Closure Plan if that would have addressed even how we – it might be worth taking another gander in October and say OK are we following through on some of the things that are laid out and maybe addresses a final blessing as far as closing a well or not.

Schwindt – As far as I know the system is operating as usual. There weren't any issues that I'm aware of.

Motion to Adjourn. Schwindt moved to adjourn at 10:34 a.m.; second by

Neubauer. All ayes. Motion carried.