MANDAN REMEDIATION TRUST (MRT)
November 5, 2019

Meeting: 313th Official Meeting
Date: November 5, 2019
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 10:00 a.m.

The MRT meeting was called to order with Jim Neubauer, Francis Schwindt and Dave Glatt present as Trustees, along with Leon Vetter from the North Dakota Department of Environmental Quality.

Minutes. MRT minutes from the October 8, 2019 meeting were reviewed.

Motion. Schwindt moved to approve minutes of October 8, 2019 meeting and second by Glatt. All ayes. Motion carried.

Bank of North Dakota statement. Neubauer - The most recent Bank of North Dakota statement was unavailable at the time of this meeting.

Billing from WSP. Invoice dated October 23, 2019 was received from WSP for $1,042.53 for charges for period September 4, 2019 through September 13, 2019.

Motion. Motion by Schwindt, second by Glatt to approve paying WSP $1,042.53 for the invoice dated October 23, 2019. All ayes. Motion carried.

Neubauer reported that as part of the audit for 2018, we've gotten a Subsequent Events Information Request from North Dakota OMB; he signed it because there haven't been any subsequent events for MRT or MSEPT since June 30, 2019.

Vetter recalled discussions held at the last meeting regarding winterizing the buildings and whether electricity will be left on. He said he spoke with Ken and was told that there is heat in the buildings. Rusty will check on the buildings later this week and start weekly checks over the winter. The water treatment system is winterized. He said, however, the zone 3 building still has water in it as the city has been unable to locate a curb stop to shut off the water to the building.

Neubauer: I was in the main remediation building last week for a group tour on the Main Street stuff. Heat was on; lights are on; so it's not freezing in there. From that standpoint, the building is fine. No water in that one, the main, the south side Main Street one. Schwindt said that's the one that should have the water in it because they can't find the shut-off.

Glatt led discussion about when dismantling can begin or what point it's at for the next phase of the shut-down.

Glatt: I understand the shut-down process is that they operate with the product and when it gets to the point where the fluid levels are de minimus or there's not much left there, less than a tenth, then we can shut down and monitor for a period of two years; and then based on that, if nothing shows up, then we can start decommissioning.

Glatt: So where are we at the end of the shut-down cycle? Do we just shut down the recovery system? There's kind of a differential if we want to shut down earlier than hoped.

Schwindt: The monitoring was done the end of 2018 and 2019. There should be three episodes of monitoring after we discontinued operating the system.

Glatt: What are the water levels were at?

Vetter: I don't know.

Glatt: The next step in the process is the MRT needs a letter from the DEQ saying we've completed our shut-down process and at this point in time we do not see any need to continue on with remediation based on information we have to date and the shut-down/decommissioning process can begin. DEQ will evaluate within the next two weeks and send a letter if appropriate. If not, I will get back to the MRTto let you know what the questions are.

Schwindt: Is there anything else DEQ needs to do with Risk Management at the state level?

Glatt: With decommissioning, there aren't any issues there. It's just what do we do with the remaining money in the fund? We've had that on and off conversation. I think we can still have that conversation, the cost to decommission all the buildings, and we'll have to see what that costs and what the balance is at the end.

Neubauer: It should be determined what to do with the building behind the Old Towne Tavern; that one was a potential useable structure; whether remediation was necessary for it to become a useable structure for the City.

Glatt: What about the one by the fire station?

Neubauer: That would probably be the first one started when approval is given to start decommissioning.

Glatt: What about the garage behind it; is that still useable?

Neubauer: I think that's still being used by the fire department.

Glatt: So, do any of those need to have a deed or something filed indicating ownership or is that all taken care of?

Neubauer: I don't recall if there was a deed on the building or if it's …

Glatt: Or the MRT just says it's now your responsibility.

Schwindt: I don't think there's a deed specifically. I don't recall one being created for either building.

Glatt: I don't think there is, but I think at some point, we'd just have to say the ownership now is yours and it's your responsibility to maintain.

Schwindt: I don't have any problem with that either. I think we should communicate something to the City.

Glatt: The equipment buildings, those types of things, if there's any requirements that we have to …

Neubauer: Was there anything back in the early creation of the trusts that clarified that the buildings are the City's unless … I think there needs to be something that says the Trust transfers the buildings to the City.

Glatt: We don't have to bid those things? We should check with legal to make sure we're okay.

Schwindt: It seems like there was something about, like you said, Jim, they are on City property, all three of those buildings are.

Glatt: So, at the end of their useful life, with remediation, the City would have the option to take it over. That would make sense.

Neubauer: Or do they have to go to MSEPT and then to the City; I don't know. I asked and they said that the MRT had moved to …

Glatt: There's really just salvage value on those, the State has no need for that, so we can just demolish them. Well, we'll find out a couple things there. So, Vetter & I will sit down & go through the plan for shutdown and make sure we hit all of those, I think we have. And then we can have a letter that says they can be decommissioned.

Schwindt: I guess if you want to, assuming that we're going to proceed forward, if you want to check with your folks at the fire department to see whether they want to tear out all that stuff in that building or some of your other city crews want to tear all that stuff out.

Glatt: Yes; whatever way you want to do it. If we have to pay for it, we'll pay for it.

Schwindt: Yes. Otherwise, we'd have to hire a contractor and go through that whole process and all that gets to be cumbersome.

Neubauer: I don't think I've ever been in there. I've looked through the windows at the fire station. I think a new floor would have to be put in to make it useful because there are some curbs and containment things in there. But the main remediation building, I think we'd have to contract that out.

Schwindt: The work would be more extensive there. And maybe even this other one over here behind the law office.

Glatt: Maybe while we're looking to put together our letter, the City should make a list of what buildings they're interested in and which ones are as-is and which ones can use some work.

Vetter: All those feet of pipe that are underground, are we talking about taking those out too or just leaving them in place?

Schwindt: We have not taken any out.

Vetter: But would we leave them in place or take them out?

Glatt: I think we leave them in place.

Schwindt: The ones that I have questions about are the deep ones that run from zone 2 or whatever it is, the law office, over to the main remediation building. There are three or four lines that are down there about 13 or 14 feet, and they go from that building over to the other one, those, I have mixed feelings about them, whether we should plug them all the way.

Neubauer: Like with a slurry or something?

Schwindt: Yes. Fill them with some kind of bentonite slurry or something like that. And then the other ones, the old original ones that went from that treatment building by the fire station all the way over here to the bank, there's like 6 lines there as well. Now those might be more difficult to try to plug because they're slotted. Where they come up, I think is where, on both ends, is where those are solid pipe. But I think that whole 1,000, 1300 feet or whatever it is, that's kind of in the middle, I think those are all slotted in there.

Glatt: What's the risk of leaving them in there?

Schwindt: I guess on those, you can transfer things a lot longer distance; some kind of potential contamination. And maybe on those real long ones, maybe if we just plug both ends where the solid pipe is, maybe that would be sufficient because you really can't plug the stuff that's screened.

Glatt: Unless it's super thick, maybe. I don't know.

Vetter: And so if they're slotted, they're considered to be recovery/monitoring, right? So that might be another thing. Do we require that to be …

Glatt: Is it feasible and what is abandoned? That's something we may need to look into. These are the ones that have pipes in the buildings and all that kind of stuff and decommissioning the buildings themselves, that's all easy, so the question is are the pipes in the ground, just leave the bigger diameter ones? I don't know. I think to abandon some of those, how well do we have to figure something out that's good enough. I just don't see us pulling those out of the ground.

Schwindt: I don't either.

Vetter: Yes, I don't know what the protocol is or how easy it would be to do that.

Glatt: Or do we slip line them with something and then abandon?

Schwindt: I guess to me that doesn't make a lot of sense. But like I said, on these big long horizontal ones, those I think are 4-inch lines if I remember right. If we just plugged each end, I'd be okay with that. But on those that run under Main over to the other treatment building, I'd feel better if we actually plugged those. Maybe I could talk to Roger to see whether he has any ideas how to go about plugging that.

Neubauer: Or see if there's any other purpose; would we be able to run conduit through them or wiring and stuff like that that may be needed? I just don't know.

Schwindt: I suppose you could.

Glatt: I suppose that would be up to the City to see what the need is.

Neubauer: I don't have a clue on what …

Schwindt: Those are some pretty big pipe that run underneath there,10 inch or some number like that.

Vetter: How about that one, the original one put in by West Plains Consortium? It was under the LUST/UST contract.

Neubauer: Yes, that runs east/west from the Wells Fargo lot to the fire station.

Glatt: Those are the ones we're talking about, perforated and such.

Vetter: Yes, if I remember right those are a big item.

Glatt: What were they, about 8-10 inches?

Vetter: Yes.

Neubauer: I thought we had plugged those on the fire station end.

Schwindt: It's possible; I don't remember. And what we've been doing on all the manifolds and stuff like that, I think they've been just filling them a small distance. I think they just drop some bentonite into them and then they put a cap on them. They cut them down to below ground surface.

Glatt: The issue for the City is if you're going to be doing street work or utility work and you run across some lines that right now you know it's MRT remediation stuff, but 20 years from now, what issues would there be. But you'll have all the plans on that, so …

Schwindt: Yes, there'll be lots of pipe dug up when they go in to excavate for water and sewer and stuff downtown.

Glatt: At that point, would you want some type of best management practices if they ever do dig up a portion that's to cap them off or something like that?

Schwindt: I don't know whether if you're digging with a backhoe, you're just going to cut them, and I don't know whether you'd get a square enough end to cap them off.

Glatt: Yes, you could make a square end, but I'm just wondering if there's any benefit … as you run into them, you cap them off, but you don't go in and make a special trip. I don't know.

Schwindt: Why don't you talk with your public works guys and see what their thoughts might be. I think we addressed that issue the last time we did north of main, and I think they were okay, but I don't remember specifically.

Neubauer: Okay. If they were all capped, just take a SawzAll and cut them; you've got a piece of pipe here, you need to cut it. Because if your backhoe gets in there and starts ripping out, I don't know if pipe tears that easy?

Vetter: How deep did you say they were buried at the deepest point, you know, the most horizontal ones?

Schwindt: Most of the gathering lines, they're probably only going to be about 5 feet deep.

Vetter: But the ones WPC put in, they're like 15-20 feet, so you probably wouldn't hit them.

Schwindt: There's one set that's below the water table and the other is above the water table.

Glatt: So that would be 20 or less feet.

Schwindt: Those at the ends, on the parking lots, they're not going to be a problem. And that's why I say, if we just plug those ends, if they haven't been done already, I think I'd be okay with that.

Neubauer: We had talked about whether we want to do a public input meeting before announcing site closure or do you, from the Department standpoint, do we need to do anything before you issue the letter that says we're done? I have to go back and look at the site closure strategy.

Glatt: Yes, let's go look at that strategy to see if we committed to going to a public meeting or a public notice at the very minimum saying we're at the end of … that probably wouldn't be a bad thing to do at the very minimum, do a public notice saying we have reason to believe we're at the end and see if there are any comments.

Schwindt: That might be an okay thing to do.

Neubauer: I think we talked about it before. There might be something out there in the world that we're missing. Put a notice in the paper that there's a meeting at the fire station or City Hall or something like that and then say this is where we're at, DEQ takes comments, City takes comments, MRT takes comments.

Schwindt: Or even just a notice that says … I'd be fine just going with a notice without going to a public meeting necessarily.

Neubauer: Yes, I'd like that, if we provide folks an opportunity to say here's the map, here's where we're at, we think here's the timeline of when we did the soft shut-down measuring event, here's where we did the measuring event, nothing's changed, we think it's time to close shop.

Glatt: Yes, give the rationale of why we believe we're done.

Vetter: Yes. Looking at the numbers, if you look at that latest monitoring result, they've improved over a year, except for that one particular well, which is interesting.

Glatt: That's why I asked one time if the water table rising might be masking some of that. But I think even before all that, I think it was getting to the point where there's a few spots there but nothing widespread or significant reduction.

Schwindt: Actually, part of Jim's presentation, if you look at that, you see there hasn't been a whole lot of change in the last 4 years or so.

Glatt: As it relates to 3 phase product. I think you could argue that soil vapor and what not is reduced. So then as it relates to the Department, we want to make sure all the i's are dotted and t's crossed and the letter may, depending on whether or not we're going to go public comment, is that preliminarily would you recommend closure.

Neubauer: So, you'd see kind of a preliminary closure statement from DEQ which would kick in the public notice and then a final phase down.

Glatt: I think that's appropriate and covers some bases.

Schwindt: Do we want to set a public notice and a meeting today like for the middle of December, because I suppose you have to give like a 30-day notice on those.

Neubauer: I think 2 weeks.

Glatt: Or do you want to do something after the first of the year? It can get kind of crazy.

Neubauer: I'd rather do it before then. So, I think we should wait until your preliminary letter comes out and then we can set a time and then we can start calling contractors and see what we can get as far as starting dates.

Glatt: And then you'll have your list of what buildings they'll take over and the ones that will be abandoned or decommissioned totally and then any other things. Do we have any surplus stuff that needs to be taken care of or equipment?

Neubauer: There's a ton of valves.

Schwindt: We had some interest from Pioneer Engineering in the materials.

Vetter: I talked to Jarda from INTES; they were moderately interested. There can be some issues with materials as they age. He said their experience has been that it's just about as cheap going new just because they can become so clogged and full of gunk, especially if they've been sitting quite a while, they become mineralized. So, he wasn't terribly interested. He said he would take a look if we wanted him to.

Glatt: Well then during the decommissioning process, we can make that available. The intent is if they want it, they can take it or we'll take it to the dump or some recycler.

Schwindt: The other thing Paul had said was they may be interested in some of the water treatment stuff in the building; the dissolved air floatation I think is what he said.

Neubauer: Yes, they should probably take a look at that, sooner rather than later; just because of the environment when that system was working, there's some corrosion, especially around the door handles and doorknobs.

Schwindt: I think most of it is going to be recycled. I think that's where we're going to end up with most of that; either that or landfill it.

Glatt: I'd rather recycle.

Neubauer: The valves in there might be a mere pittance, but better than if we hadn't done it.

Schwindt: So, did we want Rusty to be checking the building on a regular basis?

Neubauer: Monthly would be fine; I don't think they need a weekly check, but he knows more about those buildings. There might be a time when we have to put our folks together with him to walk through. When I was in there the other day, there were even small questions like 'what does this light switch do; what does that light switch do.'

Glatt: Monthly would be fine and then work it out with the City.

Schwindt: We're going to need to communicate that back to Ken. Also, I had a call from the contractor over at the Law Enforcement Center; they're doing all the remodeling with the jail moving out and that kind of stuff. And he was asking about all the piping that we had in the elevator chases in the Law Enforcement Center. Initially, I thought he was talking about all the pipes that we put in since we've been in existence and come to find out that's what it is; that sheet metal that was put on the bottoms of the elevator shafts and some kind of ventilation system. I'm not sure if it was a forced one or just passive.

Glatt: There's no need to keep that. We have the other type.

Schwindt: He said he was going to give me a call when the elevator people came out at the end of October; I didn't get a call.

Glatt: Does he have concerns that something's not up to code?

Neubauer: In the elevator shaft, you can't have anything in there that's not related to the operation of the elevator by code, so this stuff would be foreign.

Glatt: Well if we've got to take it out, take it out.

Schwindt: That's where I left it with them. He was talking with Al Fitterer, the architect on the whole thing, and I said those are not the Trust's because those were put in back in the late '80s early '90s, long before we ever came into existence, so whatever they decide to do with those is between them and the County.

Glatt: Did Burlington Northern put those in?

Schwindt: They might have paid for them, but I'm sure the County put it in because it's their building or they hired somebody to put it in.

Glatt: Let's wait to see what they have to say about it.

Schwindt: Like I said, I don't know if they ever resolved it because I haven't had any further contact with them, so I don't have anything more to report on it.

Glatt: I would assume that it resolved.

No Further Business.

Next Meeting. December 3, 2019 at 10:00 a.m.

Motion to Adjourn. Glatt moved to adjourn; second by Schwindt. All ayes. Motion carried.