

MANDAN REMEDIATION TRUST (MRT)

October 8, 2019

Meeting: 312th Official Meeting
Date: October 8, 2019
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 10:00 a.m.

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

Minutes. MRT minutes from the August 6, 2019 and September 3, 2019 meetings were reviewed.

Motion. Schwindt moved to approve minutes of August 6, 2019 and September 3, 2019 meetings and second by Neubauer. All ayes. Motion carried.

Bank of North Dakota statement. Neubauer - The Bank of North Dakota statement for period ending August 31, 2019 shows a balance of \$5,755,133.61.

Bank of North Dakota investments. Neubauer – A couple of CDs with the Bank of North Dakota came due in September. They were redone to 2 CDs of \$500,000 each for 6 months at 1.81% which is an improvement on the rate being earned in the past.

Pay Request. Billing from BradyMartz in the amount of \$3,670.00 for the audit of the financial statements. Neubauer wanted to confirm that the tax return preparation payment earlier approved wasn't being duplicated. Schwindt asked whether the amounts were the same. Neubauer stated the tax return preparation was \$450.00 and the audit bill (Payment Request #481) was \$4,475.00; this would be split based on the percentage of assets in the MRT versus the MSEPT, so there's 82% in the MRT and 18% in the MSEPT, so that makes the MRT portion \$3,670.00.

Motion. Schwindt moved and seconded by Neubauer to approve the payment of the BradyMartz audit fee in the amount of \$3,670.00. All ayes. Motion carried.

Billing from WSP. Invoice dated September 24, 2019 was received from WSP for \$3,979.60 for charges for period August 5, 2019 through August 30, 2019. That's a little higher than normal because they were doing some collection of sampling and fluid levels at that time.

Motion. Motion by Schwindt, second by Neubauer to approve paying WSP \$3,979.60 for the invoice dated September 24, 2019. All ayes. Motion carried.

Billing from WSP. An older billing from WSP dated June 14, 2019 for period May 4, 2019 through May 31, 2019 in the amount of \$6,208.39 was presented.

Motion. Motion by Schwindt, second by Neubauer to approve paying WSP \$6,208.39 for the invoice dated June 14, 2019 for the period May 4 through May 31, 2019. All ayes. Motion carried.

City of Mandan bill for the third quarter utility bills for \$3,973.30. It appeared it was a little above normal because the insurance is due on the buildings.

Motion. Motion by Schwindt, second by Neubauer to approve paying City of Mandan for third quarter utility and insurance billings totaling \$3,973.30. All ayes. Motion carried.

Neubauer mentioned having received the new fluid measurement level map. Schwindt indicated he felt everything still looks fairly stable. He questioned whether the DEQ had reviewed it and taken a position as far as continued remediation; or does it appear stable and a decision should be made to shut the system down? Vetter agreed with Schwindt's analysis on it that the trend for the free product wells is definitely going down, especially compared to the year-to-year basis and it looks good. There's one well that has some free product in it that looks like an abnormality; Vetter doesn't quite understand why it was there. Schwindt said perhaps there's an issue with the pipeline that was going by there, the line going to the extraction system, and possibly leaking right there. Vetter believes that's as good an explanation as any because he doesn't understand why there would be free product there all of a sudden. But the rest of the wells all around there and in the different zones look really good. Schwindt stated it appeared there was that transfer line that comes from the zone 1 building over to the main treatment building on the south side of Main that was hit when Braun replaced that one well, when they tore out Furniture First and removed a bunch of wells around it to accommodate the new building. And on that corner is where it is showing up is where they hit that transfer line. And the only thing he can think of is that there was some product that was in that transfer line. The LBG at the time said they had to abandon one of the lines because they were losing vacuum. So perhaps there was some product that was in that line and that's accumulating in that well because that's where the hole in the pipe is at. That was the only thing he could think of for that particular location. Vetter said it really was an anomaly when you look at all the other wells as a whole that there are downward trends year-to-year and then this one shows something different. Neubauer questioned whether, in order to deal with that, would they need to individually look at that well to see if they need to suck it dry and see what else comes in there or accept that it just is what it is. Schwindt felt it should just be accepted that it is what it is. They could go in and remove the product; he believes it's a foot and a half or something like that in that particular well. So if that is removed out of the well, he doesn't know how far out it goes, but you might only be removing a couple gallons of a product. It doesn't show up in any of the other wells around the area there, so how extensive that area is is unknown. Vetter questioned whether this was after it had been repaired. Schwindt said it was not repaired; it was just abandoned because when they put the lines across there, they had put in an additional stand-by one, so they just switched to that. Vetter wanted to clarify that then there hadn't been anything going through there at all, and Schwindt said that was his understanding of what happened there.

Neubauer suggested an item for the next meeting in November could be for DEQ to make a recommendation officially on how this should proceed and have the MRT make a

determination that it appears remediation has been done and to start decommissioning the system. If the MRT gets something official from the DEQ that says the wells and the readings have been analyzed, and it is believed the project is ready to be closed up, then the decommissioning process could be started.

Schwindt was trying to recall what process was followed for the area north of 1st, and it seems like the Department of Health (now DEQ) provided an analysis to the MRT basically concurring with LBG's recommendation in abandoning all of that area. Neubauer wondered if MRT should then request that DEQ take a look at the most recent fluid level measurements and confirm or deny that they can start decommissioning. Schwindt confirmed he thought that's how to proceed.

Schwindt also stated that then influences a couple of other things such as that they won't be able to do much of anything this fall and winter anymore as far as closing anything up. However, do they want to have Rusty continue to monitor the building and all those kinds of things over the winter or are they going to be discontinuing operations, can they just make sure everything is drained out. He thought that the only thing that may still have some water was some of the plumbing in the main building on the south side, but he thinks the water has been shut off; it should have been shut off a year ago. Vetter believed it had been winterized last winter already. Neubauer said it should be confirmed that all the buildings are fully winterized so they know where they're at going into this winter because if they turn the buildings over to the city, he wants to make sure that everything is set for this winter. And if they decide not to have Rusty go in and walk through once a week, then maybe the City takes that over and walks through once a week to see if there's anything they need to be aware of.

Schwindt said he recalls there was an issue with them trying to find the water shut-off valve for the building on the south side. He never heard whether they actually found it and had it shut off. Rusty would know. Neubauer thought Rusty should take a look through the two buildings to see if there's anything that needs to be done and if they are fully winterized, and let them know; that if they're not, they need to find the shut-off for the south side and maybe there's not one.

Vetter questioned whether the buildings were heated last winter; so when they talk about winterizing, are they talking about turning the heat off too? Neubauer thought not because once you turn the heat off, it will deteriorate pretty rapidly on the inside and if there's a reuse purpose, it would be a problem. Schwindt pointed out that if the buildings are heated, then there isn't such a significant issue whether things are shut off. Neubauer stated that then if somehow this winter they want to start the scrapping out process, there will need to be heat and electricity in there for someone to go in and start working.

Neubauer said that he met with Marathon last week, and Marathon mentioned they have a scavenger guy that comes up from Texas who goes through their metal pile and valve pile and buys a bunch of it, so Neubauer asked for his name and contact information figuring maybe he might have some interest in the valves and stuff they have. Neubauer will touch base with Marathon again.

Schwindt stated that the other issue they may be able to take care of this winter is that the chiropractic office on main would prefer to have all that piping removed as soon as possible. Schwindt had received a call and met with them this summer, and told them it was possible things may be abandoned this year, so it's possible they might be able to get it out this fall or winter but he couldn't guarantee it and that if it couldn't be done then, that it would be taken out next year for sure. Neubauer stated it might be winter work. Schwindt said he had talked with Roger about a month ago and asked whether they would be interested in working on some of those buildings through the winter and was told that as long as it was inside work, it shouldn't be a problem, so they might be willing to do some of that as well. So step one would be to get the DEQ's blessing to start decommissioning, and while that is being done, Schwindt should contact Roger to confirm if they are still on board. If they get the green light at the next meeting, they can probably start having conversations with all of the building owners. Schwindt said he has talked to most of them, but there are a few he hasn't been able to talk to like the restaurant catering business and the theatre owners. He will double check with the wooden furniture place again because the owner was trying to decide if he even wanted MRT to go in and tear stuff out. There are a few Schwindt will follow up with, but most of the other ones were okay with coming in and removing stuff.

Vetter said he will talk with Glatt about how DEQ will proceed to recommend decommissioning as it is different than other sites and DEQ may need to speak to their legal counsel and risk management. Schwindt suggested going back in the records to find a letter previously written by the Health Department (now DEQ) to MRT agreeing with LBG's assessment at that time to abandon areas north of 1st, so that would have been a couple of years ago. Schwindt assumes it would be a process similar to that that DEQ would follow. Vetter mentioned his office was in the process of reviewing all past documents and preparing to scan everything so the paperwork could be eliminated.

Neubauer said it was discussed some time ago about whether they need to have a public hearing on the abandonment and decommissioning of the site and that Glatt was recommending that since this was a public process, perhaps a public meeting should be done; this should be discussed with Glatt. Neubauer stated he thought it would be good to have a public meeting that could be done some evening showing the results and announcing they will be going forward with decommissioning the site so the public knows the status before the decommissioning process is begun.

Vetter wondered if there was a requirement for how far ahead of time notice of the meeting must be done. Neubauer thought it might be a one or two week notice in the newspaper; Schwindt said if it was just an information meeting, it could be done quicker than a formal hearing.

No Further Business.

Next Meeting. November 5, 2019 at 10:00 a.m.

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