

**DICKINSON COUNTY BOARD OF SUPERVISORS
TENTATIVE MEETING AGENDA**

Monday August 27th, 2018

Dickinson County Courthouse, 1802 Hill Avenue, Suite 1510, Spirit Lake, IA

**JOINT INFORMATIONAL MEETING BETWEEN DNR, WASTE MANAGEMENT, BNSF, &
DICKINSON COUNTY SUPERVISORS REGARDING DICKINSON LANDFILL**

10:00 A.M

I. Pledge of Allegiance to the Flag.

Chairman Leupold introduced those in attendance for the Joint Informational meeting between the DNR, Waste Management, BNSF and Dickinson County Board of Supervisors. Bruce Trautman, Acting Director of the DNR, Alex Moon, Land Quality Bureau Chief, Ken Hessenius, Environmental Programs Supervisor, Andy Williams BNSF, Director of Public Relations, Greg Jefferies, Environmental Mediator Officer, Allan Stegmen, General Director of Environmental Hazmat, Julie Ketchum, Government Relations, Waste Management, Terry Johnson, Director of Corporate Engineering, Waste Management, Debra McDonald, Engineer Waste Management.

Leupold said he would like to welcome all of you and as a representative of Dickinson County, thank you all for coming here today. In any interview he's given he's always said the DNR, Waste Management, and the Burlington Northwestern Santa Fe are not our enemies, ignorance is and that's why we've gathered these people here today to dispel some of our ignorance and fears, to get some answers for things we've been asking. As they've come here on their own volition, except maybe the DNR people, maybe Ms. Reynolds had something to do with their appearance. He would hope that everyone will treat them very kindly and they can have a civil discussion. To start out they will have the DNR give them the background and a timeline.

II. Iowa DNR

Bruce Trautman began by saying greetings from the Governor and also from the Iowa Department of Natural Resources, the Governor asked him to come up here, schedules just made it impossible for them to be here, but what she wanted to make sure is they came and let everyone ask their questions and try to answer those questions as well as they can. If there are questions they cannot answer or do not answer to your satisfaction in this one hour period, he'll make sure they stay around a little bit and answer questions one on one. Trautman turned it over to Ken Hessenius.

A. Background and timeline

Ken Hessenius is the Supervisor for the regional field office in Spencer, they have 16 counties and Dickinson is within their jurisdiction. They respond to incidents, spill of all kinds through their pager system. On the 22nd of June they got a page as to the derailment of a Burlington Northwestern Santa Fe carrying crude oil near Doon and Lyon County. They responded to that spill as they normally do. The Lyon County Sherriff, ER, EPA, DNR, BNSF were all on site the same day, an Incident Command

System because of the size of the incident affected was implemented. They got a status report from BNSF on June 26 about deployed booms, frack tanks, back trucks and roll offs of oil contaminated materials so the response was strong and quick to the incident. On July 3 a waste flow authorization was issued by the DNR to dispose of the petroleum contaminated waste at the Dickinson County landfill. They received a soil sampling plan from BNSF by DNR, and that was approved on July 5. The 9th of July they received a request to discharge treated waste water from water that accumulated in the triangle area. Those waters were treated prior to discharge. On the 11th of July they received an updated report about the amount of spilled material. Mr. Williams said that it was more in the neighborhood of 160,000 gallons rather than the original report of 240,000 gallons. The discharge watering plan was approved on the 11th of July, also on the 11th of July they started having loads of petroleum contaminated material transported to the landfill in Dickinson County. He said he is trying to hit the highlights, there are multiple things that happened every day. On the 26th of July, their field office investigated a report of oil running across a haul road at the landfill. They responded immediately and determined that was a leachate seep from all of the rainfall received in the area in the spring. So it was not oil from the spill leaking at that time. The incident status summary from BNSF on the 3rd August, he did not go through all of those, but that material will be made available. As of the 3rd of August, the following are the types of material that has been taken to the landfill; soil impacted with crude from excavation clean up, vegetation impacted with crude oil, this will largely be corn and other vegetated materials that came into contact with the initial spill, vegetation and soil impacted with crude oil surface scraping, he has those amounts, if you want to know that, absorbents and oily debris like the booms and other material. He has a total amount. That is the timeline and highlights until now.

B. Iowa Landfill Regulatory Compliance Standards

Alex Moon said that he would talk about the compliance standards for all of Iowa Landfills. So, Iowa as all of the other states, we adopt EPA federal requirements for landfills. The short acronym is Subtitle D Standards. There are 6 main points. First, before you build or site a landfill, they ask the landfill agency to determine which way the ground water beneath the landfill is flowing, and figure out the background water quality at the site. All landfills have to do that, when you design a landfill, you have to put down a liner. So you dig a hole, take 2 feet of clay, re-compact it, and then put a plastic layer on top of it. (passed around sample) The reason Moon is showing this is so people understand that the plastic is not like a Glad bag, it's a heavy duty plastic. That plastic goes right in contact with the 2 feet of compacted clay. Next on top of that they want to make sure any liquids that percolate through the garbage, called leachate, they want to get it out of the landfill and treated. So they have a sand layer with perforated pipes on the bottom of every landfill. That is there to get the liquid away from the solids. The level of liquid is measured, they do not want more than a foot of liquid, called head, on top of the liner system. Along with that, they have garbage dumped every day and that is covered with 6 inches of soil, or similar material. They want to keep the garbage covered, every landfill has to do that. They also have, as he said in the beginning, when they are looking at groundwater quality determining which way water flows, an extensive groundwater monitoring well network. That could be, McDonald and Johnson can go into more details about their landfill in particular, but it could

be anywhere from 10 to 30 wells in the downgrading area. The reason they are doing that, is because there is quite a bit of confidence in the liner system but it is a backup. They also have groundwater monitoring wells and to determine if there has been a leak at a landfill. Along with that, they're also having landfills check gas quality to see if there is too much methane coming out of the ground. They are sampling that as well. The other final piece, is all landfills are required to have financial assurance. These are real dollars that are set aside while the landfill is in operation for two things. One, is to be sure when the landfill closes that the landfill agency has all the money necessary to put on the final cap. The final cap looks a lot like the liner, it has the 2 feet of clay, then plastic, and vegetation on top. So they want to be sure they have money for that, but they're not done, for the next 30 years landfills are required to maintain the site, sample the groundwater, and make sure there is no erosion or any leachate coming out the sides of the landfill. Those are the main components. All landfills in Iowa are required to meet those standards.

C. Testing Requirements.

Moon said that he would talk specifically about the testing for material that is going into the landfill. He will try to keep it brief, they can go into more details with questions. The two primary things for any landfill in Iowa, they're are known as a nonhazardous waste state. Some states can take hazardous waste, Iowa and Alaska are the two states that don't do that. So that means that both landfills and/or waste generator need to insure that materials that are being landfilled are nonhazardous. In the case of the crude oil spill, benzene is your primary constituent of concern that one needs to look at. Also, they cannot put liquids into Iowa landfills unless you have a special research permit for that. Iowa is still a state that performs what's called dry tombing, one cannot have a liquid waste go into a landfill. Those are the two primary things that BNSF and Waste Management are looking at. When the DNR gave their approval for the material to be landfilled, it specifies they have to be sure that they're not taking a hazardous waste. So they're looking at benzene primarily because this is crude oil from the Alberta Tar Sands, one of the things they want to be sure is that they are not putting any type of material with a heavy metal content into the landfill. The EPA has 8 heavy metals, they're the RCRA 8 Metals, if the level of a metal in any waste exceeds any of those limits then it is considered hazardous. So the NSF has looked at what would be the types of metals that might show up in the Alberta Tar Sands, and the two primary ones of concern are Vanadium and Nickel. Vanadium and Nickel are not on that RCRA 8 heavy metal list. So between the liquids, making the hazardous waste determination, looking at benzene and then the metals, those are the primary test for this material.

III. Waste Management

A. Background on the facility, compliance, and leak prevention

Leupold introduced Julie Ketchum with Waste Management. Ketchum introduced Terry Johnson for a presentation on their landfill.

Terry Johnson introduced himself, he is a geologist with Waste Management, and he introduced Debra McDonald who is the engineer for the facility. They're going to talk about environmental protection systems that are in place at the landfill, anticipating come of the questions

to be asked. What they have on the screen is a listing of the environmental protections, the key components and systems. Alex Moon touched on a number of these in his 6 points. At this facility there are 5 major systems that are used to protect the environment. First and foremost the site is situated in a low permeable glacial clay till area where groundwater movement is relatively slow and that the immediate setting that the landfill is constructed in, it is approximately 250 feet thick in the area of the landfill. The second system they rely on that Moon alluded to was the engineered containment, they have a composite liner and a composite cover system. The third piece is engineered removal, where they're removing gas and leachate, it's not sitting there stagnate, pooling, it's actively being removed. The fourth thing at this particular site which is somewhat unique is they have a groundwater collection system that underlies this site that provides another safety net for protecting groundwater. Then lastly they have an environmental monitoring programs that surround the landfill for surface water, length of gas, and for groundwater.

Johnson said he will go into each of those in a little bit of detail. Showed a picture of what an engineered containment system looks like including the waste material, drainage material that Moon referred to, the geo-membrane liner that is being passed around the room and underneath that is two feet of clay, and a network of pipes in that plastic and clay liner is sloped so that it drains to the pipe and is moved out and pumped off. Showed photos from 1996 from the facility where the compacted clay is being placed, then the geo-membrane where it is sloped inward at about 4% to that central area where it is conveyed out of there. Another photo of the center leachate drainage, and where it is pumped up the slope. Showed a cross section of what a leachate collection trench looks like, it is a compacted clay layer, a low point and then there's sand and gravel placed in there along with pipe, and then a fabric over that to protect the sand and gravel. Showed a side view where they are continually removing leachate pumping out of the landfill into ponds or tanks and they maintain as Moon said, 1 foot of head in the low point area. The majority of the liner at the landfill is dry and does not have head build up on it. The cap system that they typically use for final cover is vegetation, rooting soil, drainage layer, geo-membrane or equivalent clay soil over the waste. One way to think about it is, the bottom is kind of like we are building a Tupperware base, and then they put the same thing on top. Hence the dry tomb approach that Moon mentioned.

Transitioning now to collection. They collect leachate and landfill gas at this site. This is a very small landfill in Waste Management terms. Smaller landfills do not trigger the requirements for active gas collection where they have to put wells in and a blower with suction/negative pressure on the field but they do that here, and that's a voluntary decision, so they have that network. Gas is collected from the vertical wells through a header pipe and burned with a flare. The environmental monitoring program's they have in place are that added layer after they have the engineered containment then they have these systems that surround the engineered landfill to make sure that everything is functioning correctly. First and foremost is the groundwater monitoring program, they have 16 groundwater monitoring wells at this site. 12 are used for water quality, 4 for water levels, there are 62 parameters that are tested twice per year, and that includes metals and volatile organic compounds which would be man-made compounds. It does include the vtechs compounds that are in the waste materials that we're talking about today. They also have a surface water monitoring program at two locations, that's monitored annually for 25 parameters. There is a landfill gas monitoring program,

these are probes like wells that surround the site but they are not in the water generally, they're in the unsaturated zone because that is typically the zone that gas will move in, those are tested quarterly. The well heads that are in the landfill under suction or negative pressure are tested monthly for pressure, temperature and oxygen to try to optimize pulling the methane out. Leachate performance monitoring, for the 1 foot of head, they have pressure transducers that reside in the landfill continually, that are measured monthly. All of this information has to be reported to the Iowa DNR. In the case of groundwater, report that twice per year, other systems they bundle it into an annual report. Anything they see out of the ordinary, they report immediately to the DNR. There are specific deadlines and requirements on groundwater especially.

Johnson described what the systems look like, there are blue dots on the map that indicate gas probes/ground water wells. They have wells up flow, as Moon indicated they need to know the ground water quality coming on to the site, but they're really interested in what's leaving the site. From the groundwater flow stand point, it flows in this direction (NE to SW) so they have most of their wells on the downgrade or down flow site. They're comparing against that up flow to see if there is any change. For landfills, and this is an important point Moon mentioned a part of Subtitle D in the Iowa DNR landfill code, we are unique, we have to look at our data statically, so they cannot just measure the water quality and compare to a standard. Many other industries just compare to a drinking water standard. They have to look for any change. So they run statistics comparing the up flow to the down flow. If it's different, even if its unrelated to the landfill, they have to tell Moon's staff what the difference is and why. They usually go down two times per year to talk about programs and engineering, but that's unique to landfills, they are a lot more stringently regulated than other industries.

The groundwater flow conditions at this site, are lines that they call equipotential, lines of the same elevation in groundwater and the flow is perpendicular to that. People who farm and are familiar with tile lines, this is how that works as well, this would be the highest water level and the lowest. The arrows on the chart are the direction of the groundwater flow, they're kind of converging in a specific area because it is a closed contour. When this facility was built, the rules in Iowa were such that they had to put in a groundwater collection, under flow capture system. So all of the groundwater is really captured underneath this site and it's placed into this pond where it's tested before it is released into the environment. During the groundwater monitoring process, they don't react to opinions in this field, they have to look at the science. It's a scientific process that they follow in every one of these systems. That's the expectation of the DNR as well. As Moon said, our question is, are they having an impact on the environment, on groundwater. They collect the data, test that hypothesis, form a conclusion, that conclusion goes to the DNR and that is constantly repeated in each event that they monitor.

Johnson said the components of the groundwater program is they use third party sampling teams that go out and collect these samples. The samples go to third party certified accredited laboratories, and then they use an environmental consulting company who interprets that data and sends that into the DNR. He has a few pictures of equipment used to sample wells. They use dedicated equipment, they don't want to be using a bailer and pulling water samples out because it will cause that statistical difference, and then we would have to explain that to the DNR. So they put permanent air operated pumps in all of their wells, it is a Waste Management standard. They use rubber gloves,

there are controllers that control the flow rate on all those wells. They fill sample bottles that are sent under a custody seal. When they put them in to the cooler on ice to go back to the lab, there is a seal, if that seal is broken, they have to repeat the process because that data has to be defensible. The degree of intricacy of the process is needed because they are regulated at the part per billion level. A good analogy is one mouth full of food in a lifetime of eating. They're regulated at a very low level, and they take that very seriously. They do everything they can to minimize the variance because they have to answer to Moon and his staff.

They understand how important the Iowa Great Lakes are to the community and to the state and they want to protect them as well. They believe this facility for all of the reasons he just went through is a safe place. They have a lot of redundant systems in place and as far as information, he will answer his phone or emails from anyone. They're willing to share any and all information, it's all public information. McDonald and Johnson have worked together at this facility for 25 years, they understand not everyone loves landfills, but the purpose of this is to get to know the people involved and they're doing the best they can. They're doing a good job and providing an important public service.

IV. BNSF-Burlington Northwestern Santa Fe Railway

A. Overview of Material taken to the Waste Management Facility

Allan Stegman, General Director of Mediation of Environmental Programs for BNSF introduced himself and Craig Jefferies Manager for Environmental Remediation. Jefferies is their lead person at the derailment site. Also in attendance was Andy Williams, the Regional Director of Public Affairs for BNSF. Stegman said that he's going to give an overview about what happened at the site, materials taken to the landfill, and give a little explanation of why BNSF choose the Waste Management landfill.

Just a real quick summary, they had a derailment in Doon, IA caused by extreme flooding. They rapidly mobilized their hazmat response team and some of their other BNSF resources to respond to the derailment and after some investigation they determined the release of about 160,000 gallons. Most of the release occurred in what they're calling the triangle area and majority of the product has been recovered in that area and has been shipped off for oil recovery. The remainder of the release went to uplands mostly, and evaporated in or absorbed onto crops. They will show some pictures in a little bit what that looks like. One of their key initiatives, other than protection of human health and environment, is to be able to clean up the site as rapidly as possible to get the farmers back into their fields. One of their standard commitments when something like this happens, is they're going to stay here and work on the site until all of the issues are resolved.

Stegman said what is not going to the landfill, just to be clear, they are not shipping any hazardous waste to the landfill, no liquids, and no sludge. He believes there were some previous reports that those things were going to the landfill, but that is just not true. What is going to the landfill is only nonhazardous waste, they have some cut vegetation, corn, soy beans, and other material with a film of oil solids on them. They have other chip debris, they took down tree branches and things of that nature that had oil standing on them as well. They have some infected soils that are going to the landfill, and other debris such as absorbents that were used on the river when they were responding to

that release. So one of the best analogies that he can give us is the materials that are going to the landfill is similar to painted surfaces. Everyone has painted something in their lives, the liquid components of the paint eventually evaporate and what you're left with is dried surface, and that is exactly what they're taking from a debris standpoint to the landfill. They showed some pictures of the debris, some wood chips when they were taking down some trees and branches with light oil staining, corn in the field with scant bands of oil solids on them and they were dried. Ultimately they cut them up as well as other vegetation and submitted that to the lab as well as eventually to the landfill. So just a couple other pictures of some of the debris that is being collected. Trees and branches being removed to be cut up to form the piles on the right, which is almost like a chop vegetation or mulch. He showed some examples of soil, on the left there is a soil pile with a white square, on the right a close up picture of the white square with debris that will be submitted to the landfill.

BNSF is a very old company, they've been in operation for over 150 years and a part of his job is to manage all of their liabilities from the 150 years of operations. They have multiple cleanup sites and their responsible for their operation, cradle to grave, they are responsible for the waste they generate forever. Over these last 150 years of operation, they've used landfills in the past and some of them have gone bankrupt or ultimately their closed and problems are discovered after the fact, BNSF is responsible and has been held responsible to go and resolve any said issues and clean up the site with others as needed. Because of this BNSF has instituted policies and practices to insure they partner with responsible companies and landfills to manage their waste responsibly for both the short term and long term. As an example in the last 10 to 12 years, they've cleaned up numerous sites and spent around 400-500 million dollars, that's their commitment to restore the environment based on previous operations.

B. Decision to utilize Waste Management landfill

Stegman continued as mentioned they pay a lot of attention to the disposal companies they partner with and BNSF requires, based on their own operating history and loss history, they partner with really responsible companies. These responsible companies have to be pre-approved, so they evaluate their disposal locations and one of their partners is Waste Management. They've already talked about the characteristics of the landfill as detailed by Waste Management. They're an approved Subtitle D landfill. There is a groundwater monitor network and the ability to handle the disposal of the volumes generated, so they can get the farmers back in the fields as soon as possible. It goes without saying that Waste Management is a large company, a multi-billion dollar company that can insure short and long term protectiveness. Stegman said that he's not trying to say anything about other local/county landfills, but Dickinson County has superior technical resources versus other options. So how do they know if the material is safe for disposal at the landfill. Moon talked they also sample and use consultants and third parties to sample the material, and use third party certified labs to analyze the waste that we're sending to the lab. They've looked at the key parameters as discussed by the DNR earlier as well as Waste Management with regards to the material being disposed. The materials have been profiled, they're reviewed the analytical and it was approved ultimately per the permit for Waste Management being an acceptable location for disposal. They understand what the waste streams are,

they were generated from a common source, being the derailment and released from those railcars. Ultimately they have a good feel for the waste being generated and obviously the analytical supports the conclusion of ultimate disposal. One of the questions they've heard is will BNSF complete additional analytical on future waste for disposal, he thinks there is a little misunderstanding about how sampling takes place. They clean up a lot of sites, they do not just take one sample, you take a sample from a pile, you take multiple samples, you composite them together, and that gets you an analytical result, and that what we use for the profiling. When we dispose of the soil, since there could be a little bit more variability or heterogeneity with regards to the disposal of soils, they'll conduct additional soils sampling as needed. Somewhere around the every 500 to 1000 cubic yards they'll pull a sample to ensure that it is consistent their initial profile and the material that is being disposed of in the landfill.

V. Question and Answer facilitated by the Iowa DNR

Leupold said that he was going to start with the questions from the Board of Supervisors, and they've pretty much answered all of his. All of his centered around the Waste Management part of this discussion. The two things he did not hear was, what's the life span of the liner?

Terry Johnson said that it is a good questions, in the order of 500 years. There are a lot of variables that play into that for the plastic component that is being passed around. The clay component is a natural material that has an infinite lifespan.

Leupold said that is pretty much the answer he got from another person. He likes that. Now should a leak occur, what's the cleanup plan in place?

Terry Johnson said that they do contingency planning for situations like that, the groundwater monitoring wells are generally within 50 feet of the waste limit. The groundwater flow rate at this site is roughly 6 to 7 feet per year, it gives us a lot of time to react to that if they do see something like that in the groundwater. In this particular site, they have that safety net systems built in, so they would utilize that. Most sites to not have that, they would actually have to go in and place wells, place pumps, pump that water out, treat it, and then fix the issue. One thing that he thinks is important, Waste Management has about 265 modern Subtitle D landfills, and they do not have any evidence that a single one of those has caused an offsite impact to groundwater. They state that in their report that they provide to the sustainability index on Dow Jones.

Leupold said Paul Johnson to proceed with his questions. Johnson deferred to later in the discussion.

Leupold moved on to Pam Jordan and her questions.

Jordan said that Mr. Hessenius went through a timeline in terms of approving the material for inclusion of the landfill, we have different reports that say the timeline is a little different, but the main part was that the materials started flowing into the landfill before the tests were completed. Can you refute that or corroborate that?

Hessenius said that the information that he has is the spill had occurred on the 22nd of June, the first loads were delivered on the 11th of September and all of the appropriate sampling to characterize the waste was done prior to that time. However he does not have that information with him, he can get back to you. Or maybe Moon or the railroad folks could respond to the second half of that.

Jordan said I believe you misspoke it was July 11th not September when the trucks were rolling to the landfill.

Hessenius apologized, he meant July.

Jordan said that she would some resolution of the timeline because is it a typical practice due to of the common nature of these spills that one would approve their inclusion in the landfill before the tests are returned.

Hessenius said that he's sure they would have had to have a certain amount of testing done, Moon?

Moon said as Stegman mentioned there is ongoing testing so their approval that they gave in the permit specifies that the material cannot be hazardous and cannot contain liquids. So it's an ongoing testing, they would not just look at one test and say that it's safe to go. Its ongoing testing. So to answer your question, yes when we approve a material other than household garbage to be included in a permit they would specify that this material needs to be nonhazardous, it can't contain liquids and that's on the waste generator and the landfill to ensure throughout the process that it doesn't occur.

Mardi Allen said that Jordan is referring to a document that they received from the DNR, it was one of the original red flag documents. They got that long after the process has started. If you read this timeline it does appear that the materials were tested, then the materials were transported, then the test results from Test America came back, and that definitely for us lay people sent up a big red flag. That is what Jordan is referring to.

Judy Ketchum said that the timeline is inaccurate, they received the test results and the DNR approval of the material and they starting accepting the material after the testing was completed.

Allen asked if that was done by Test America.

Ketchum said that is correct.

Allen said that their actual document is also dated after what they were told was the first transportation date, she doesn't want to put them all on the spot, but she does want them all to know why they started to get really concerned, other than the public concern.

Ketchum said that the initial round of testing showed the material was nonhazardous. They began taking it after the testing was completed.

Jordan was finished with her questions. Leupold asked Fairchild if he would like to ask his questions, unless Johnson was ready.

Fairchild said that his only question was for whomever is representing the Governor on this and his questions is should there be any local control or local involvement in this, if the answer is yes, is there any plans to proceed that way, if the answer is no, then these meetings are basically fruitless aren't they?

Bruce Trautman said he would answer the last part of that. He believes these meetings are very beneficial for all of us. It gives us a chance to hear what the concerns and the questions are. In terms of the local control question, he's not going to attempt to answer that one, because he does not know. He knows that there are certainly some state regulations that are involved and that would be something that needs to be addressed in Des Moines in terms of what the code requirements are, the Iowa Department of Natural Resources, certainly operate under those rules. Not trying to dance around that, but he can tell you that it is beneficial and that's a positive. In terms of exactly what control you have, the Supervisors, versus what they have in the legislature, versus what they have with the Iowa Department of Natural Resources, he'll have to defer that to and maybe have the Governor's staff or someone else get back to you on that one.

Fairchild said that he'll wait for that response.

Trautman said that he'll get it.

Fairchild said that the other questions he has are on behalf of Jim Fairchild, not himself and one of his questions is, what was done with the highly impacted soils (characteristically hazardous materials). How much was designated highly impacted soil and where was it taken. Has there been any soil mixing or land farming activities at the site?

Stegman said he thinks just a little bit of background of what makes something hazardous, the regulations determine what makes something a hazardous waste. There are two things, it's either a characteristic or listed. So the material itself is not a listed hazardous waste so the only thing that could make it hazardous would be a characteristic that Moon talked about earlier based upon the metals content. The things that could make it characteristically hazardous would be metals content, benzene content, and/or a flammable liquid, but it has to be a liquid first before it could be hazardous. So that's the answer to your first question. Those are the things that make something either hazardous waste or not. Material that was generated as stated before, they are not sending any liquids, they've analyzed for the components that could make it hazardous waste, and those were below the thresholds which makes the determination whether its hazardous or nonhazardous. At that point it's able to be disposed at a nonhazardous landfill. To your third question, is there more impacted soil or less impacted soil, the triangle area which they're just beginning excavation or recently did, is probably the more heavily impacted area, but they're going to run the same type of analytical on it to determine if it is a characteristically hazardous waste or not. They'll run the analytical, wait for the results, and that will determine where it can be disposed.

Fairchild said so there is no highly impacted soil, how would he respond to that.

Stegman said by nature some soils especially in the triangle area will be more heavily impacted than other soils, let's say in the uplands or farmers field, but ultimately because they are more impacted doesn't necessarily mean they are a hazardous waste.

Allen and Fairchild asked if all of the material is coming here then, there's no pile for the heavily impacted, it's all coming to Dickinson County.

Stegman said based on the waste streams that they've generated to date, everything is able to be disposed of at the Dickinson County landfill.

Fairchild said the next question Jim Fairchild had was what is Waste Management's acceptance/profile procedures for the materials they have taken in the Dickinson County Landfill from this oil spill? How many samples were taken before Waste Management accepted the materials? Was the diluent natural gasoline based and what was the initial percentage of diluent in the crude oil? Are any of the soils being used as daily cover or cap at the landfill?

Judy Ketchum said that she can answer part but Allan Stegman will have to answer the second half of that. Their waste profiling process is that the material is tested by a third party independent laboratory. Those test results go to the DNR, they review those and approve them. They received document showing the analytical results from the site, they reviewed the analytical results and they showed the material was well below hazardous waste limits. So they accepted the material for land disposal.

Stegman asked what the second question was.

Fairchild said how many samples were taken and what was the dilute, was it natural gas based.

Stegman said what was released was something called dil synbit, that is part diluent, part synthetic crude, which is really a crack tar sand for lack of a better term, and bitumen, so it has three components. Ultimately a lot of dilbit is partly from natural gas, which he believes the bases for that question. In this particular case the dil synbit actually had very low levels of benzene compared to other dilbit's which is just diluent and bitumen mixed together. There is a natural gas component, but it was probably lower than when it was a typical dilbit, a diluent and bitumen mix.

Fairchild asked if any of these soils are being used as a cover cap.

Ketchum and Stegman responded no.

Fairchild asked if Waste Management is inspecting or monitoring the individual loads as they are coming in and have they rejected any loads.

Debra McDonald said that they do watch every load that comes in the door, she is not aware of any loads that have been rejected.

Fairchild asked if the DNR is inspecting any of the loads as they are either leaving the contaminated site or coming into the landfill or does the DNR observe the excavation.

Hessenius said they have a daily presents at the spill area/site for at least a couple weeks, then they're going there weekly. They've observed all of the material stock piled, and the material examples. He had a few bags brought into the office, so he personally looked at the material. He does not inspect the individual loads, they look at the process as a whole. They have a very significant presence in the whole operation. It is not being done in a vacuum.

Fairchild said the next question was for Waste Management, will you share the boring logs and groundwater monitoring results with the County.

Terry Johnson said yes.

Fairchild said that they're aware that there has been some leakage at the landfill, what remediation is currently taking place (Active or passive remediation?) Where is the leakage, what are the testing results of this leakage, have the contaminants been fully delineated and what are the groundwater gradients in the area.

Terry Johnson said the old area, part of the landfill that he showed in some of the photos is the older unlined area that when they purchased the site many years ago that was there. That does not have the liner, there is no longer any waste going in there, it is a side issue. There are some groundwater impacts associated with that area, part of the reason they put the active gas collection system in is to pull out the organic compounds that are a part of that. It has fully delineated, it is much improved since the late 90's when they started that, levels are really low, nothing is leaving the site. But there are some impacts from the old area, which is not uncommon.

McDonald said part of the remediation would be capping that old area, which they are in the process of putting a 20 acre final cover right now. So if you are seeing some of that activity out there, the scrapers and the movers of material, which is actually the cap going down. If you look at the east side of the landfill, you will see a beautiful side slope, with prairie type grasses, that is what they're going to get established there, it will take a little while for that grass to come in, but you will see a much improved surface out there.

Fairchild asked if Waste Management would call that active remediation.

Johnson said yes, he would call it active.

Fairchild said the last question would Waste Management and Burlington Santa Fe agree to answer any reasonable request and cooperate with an outside consultant hired to reassure the County that his material is being handled correctly and is safe.

Stegman said sure. Ketchum agreed.

Fairchild said that he is finished with his questions. Leupold offered the floor to Allen.

Allen said that she had just a couple clarifications. She just wants to make sure and perfectly clear that all of the materials being transported from the Doon site are coming to Dickinson County.

Stegman said that is the current process right now. Say they do some further analytical in the future and it indicates it's not acceptable for the Dickinson County landfill, then they would send it somewhere else.

Allen asked if they know how much longer they will be transporting these materials.

Greg Jeffries said he would like to be done by the end of October. He wants to clarify that there is one waste stream that cannot go to the Dickinson County landfill. It's the waste stream of activated carbon, they're using it to treat the water. It is classified as a remediation waste and doesn't meet the exemptions that were provided to the Dickinson County landfill. So they'll profile that to a different landfill, because it doesn't fit with what they can accept.

Allen asked when that would be transported.

Jeffries said when they're done treating water, so towards the very end.

Allen asked in the future, the communication particularly between Waste Management and the Board of Supervisors has been difficult over the last 3 years. Some has not been very good and she believes that it is terribly important when they have situations like this that they as Supervisors and the Governing body are made aware of the situation and what is going to happen prior to the public. Not that she doesn't want the public to know, it's so they could maybe get these answers out before they have phone call after phone call. Some of the conversations have been maybe exaggerated or misunderstood. She thinks if they could come out of this meeting with some kind of plan of action and not necessary will it be BNSF next time, but most likely it will be the Board of Supervisors and the DNR. So keep that in mind and see what we can do. Hessianus and Allen have already talked a little bit about that today.

Stegman said that is a point well taken, they've learned a lesson at this derailment. It's something they've experienced before where they've had some questions from the community about the waste being disposed, but he thinks that they are going to put in their play book as far as making sure they communicate with the community to make sure they get the right information early and be transparent.

Allen said they as supervisors can take some of the blame, but very honestly, speaking for herself, she did not know this was taking place until after it had started. That is a very bad position to be in to try and answer questions from the public.

Julie Ketchum said from Waste Management's perspective they were really focused getting the area restored, getting it cleaned up and back to its agricultural use. They have had a change over in staffing at the site and that individual is now attending the Board of Supervisors meetings and also the landfill commission meetings, and quite frankly they'll put it in the play book too. They were looking at this as petroleum contaminated soil, and it's fairly common. Johnson mentioned that WM has 265

landfills nationally and it is a very common material accepted at Subtitle D landfills. They didn't anticipate the concern for the acceptance of this material. They went through the process and hoping to get the site back to normal as quickly as possible. They will work on that in the future.

Allen said it's important to understand that we feel like Dickinson County has a special, she didn't know what to call it, but we always say we're unique.

Jordan said environmental sensitivity.

Allen said that the landfill is a mile and a half from East Lake and 2 miles from Upper/Lower Gar, it instantly raises a concern and the more out of control that concern gets, the worse the whole situation ends up being. She does have one more question for the DNR. Maybe the Board misunderstood, but the Sheldon landfill by code or policy was to deny this material before it was to come to Dickinson County, and that did not happen, it's part of a...

Leupold said state emergency plan.

Moon said that he does not believe it is a part of the state emergency plan, but Iowa is set up somewhat unique from other states. Iowa has something called flow control and so every city and county in the state is aligned with a disposal facility, it could be a landfill or a transfer station and so when a waste is generated in a planning area or service area for a landfill, that landfill has that first right of acceptance for that material or they can release the waste to go elsewhere if they cannot take it all, for example. During the bird flu outbreak they had some landfills that just because of the unknowns of the bird flu, they just didn't want the material, and so they said they don't want it and they need to find another location for it to go. So in this situation, Northwest Iowa is willing to accept some of the material, but at the same time released the waste to come to the Dickinson County landfill. Their role in that they require an approval process, but its primarily to make sure the landfill is agreeing to release the waste and two that there is a landfill that is willing to accept it so that the generator is not left on the hook trying to figure out where they can dispose of the material. The reason they want to get that approval in place is for an entirely separate reason. In Iowa they track how much garbage is landfilled because that is how one figures out how much waste they are recycling, diverting and paid tonnage fees. It's a documentation procedure.

Allen so was opposite that they understood, which is another reason why they should be talking.

Leupold gave the floor to Paul Johnson for his questions.

Johnson said first of all he would like to thank all of them for coming here this morning and taking time out of their schedule, he knows it's been a hectic time for everyone and it's a testimonial to their dedication to the public and trying to do their job to the best of their abilities. We thank everyone for coming. He turned to the audience and thanked them for coming to show that they are concerned about the future of the County. Their children and grandchildren are involved in this process, he commended them for coming. He encouraged them to listen attentively to some of the issues that maybe have been unanswered up until now. As he walked into the meeting, he had a biological

engineer stop him, he doesn't know much about biological engineering, but he asked him a question. Just to break up such a serious session here, he asked what do you get when you cross a mink with a kangaroo? He asked what does that have to do with this, he said a fur coat with pockets.

Given that as a starter, he tried to figure out what do they know, and what don't they know about the process and maybe everyone can learn from it and benefit from it. So future Boards will have a better understanding of their role and responsibility in this whole process. There was a timeline here that was referenced. It was very helpful for them to get that timeline to chase back on a series of events, but it points out there's some questions that are raised when one studies it. Just a review, on June 22nd the spill occurred, there is no dispute about that, it did occur on that day. On July 3rd there was a report issued from the DNR and that was roughly a little over a week later that it was okay to dump that material at the Dickinson County landfill. On the 11th of July another week had passed and the trucks started rolling. He does not know how many trucks thus far have deposited material at the landfill. Maybe you know? The second question is how many are destined yet to be dumped so that they have some understanding of when they're all done there is going to be a lot of material here. There is no going back, they cannot ask them to take it back up and take it away. The question is what are they going to do with it now that it's there, how are they going to protect it. The answer to that is not going to be answered tomorrow or next year, it's going to be answered in 10 to 20 years from now. They'll make the determination whether they did their job right. There are going to be other spills that happen in the future, they can all benefit from now. We'll try hard to prevent it, but it's going to happen. As a Board of Supervisors they are helpless to set down any guidelines, set rules, or regulations. They have no local control right now. Maybe someday the future Governor will decide that it's appropriate for them to have those controls here at the local level to control our County. They take great pride and recognize the responsibility in protecting what they have. They as Supervisors have been entrusted with responsibility to protect this environment for the constituents who elected them. That their job. It's disturbing that a truck load of material would leave on the 11th of July for Dickinson County landfill but no testing results from Test America began until the 14th of July and the test results of that was issued in their report on the 18th of July. So the trucks were rolling down the road and an assumption was made that it was safe, but when one studies the report from Test America they got that 47 days after the spill, he's a chemist and an engineer, he studied the report 6 times and every time he looked at it, he came away with more questions than answers. Why would it take 47 days before the Board of Supervisors would find out what was in the stuff that was being dumped. He does not know the answer to it, somebody is going to have to explain it to me. He appreciates John Wills getting a copy of the report for them, they asked repeatedly, and he managed to get the DNR to give him a copy. When they got the copy, its 20 pages long, it's filled with acronyms, you need to be a chemist and more to get figure out everything that's in it, but there's no summary. There no test summary of findings attached to the report that they got. So he has no idea if a general layman would pick up this report and remotely understand, as a chemist himself he had to look up all of the acronyms. One of them is COC, it is an acronym that appeared very early, it means Change Of Custody. What that's referring to is, samples were instructed to be gone out and collected and then transported to Test America. The samples were collected on the 13th of July and sent to Test America. They came

back with their report on the 18th, there were 4 samples, not a dozen or 2 dozen. How big were the samples, they filled a 4oz jar, a 4oz jar is less than your fist. They took 4 samples out of 160,000 gallon of material that had been spread. The samples when they got to Test America, when they opened they jars, they smelt them, there was no smell. When they touched them, it was dry. They have to have been instructed to take samples that resemble that, they were to be dry and have no smell. Then they ran analysis, not surprisingly when Test America ran it, they were not going to find any liquid in it. So the samples were consistent, but were they representative of what existed out in the field. He does not know, and he's guessing that they don't know either. Time will tell, they have to figure out just what kind of test procedures in the future they should be adopting and urging to be followed and who has the authorization to do it.

Stegman said he feels that it is important just to address this issue as Johnson's talking, as Stegman mentioned earlier when one takes a sample, they don't just take one piece here and one piece there or from one spot. They generate a waste pile and take a composite sample of that material into the sample jar. So the initial waste being generated was dry. It was the material that he was talking about earlier, and those materials were dry, and he showed the pictures earlier.

Leupold asked if Johnson had questions for the panel.

Johnson said other questions that have come up that he would like to know, is there a dumping fee paid to the DNR and Waste Management for each truck load that was dumped, and if so, how much were those fees.

Debra McDonald said that they do charge a tonnage fee for every ton that comes into the landfill. Whether it's from the railroad spill, from municipal solid waste, or household garbage, a portion of the fee that is charged goes to the state. Moon could probably talk about the state disposal fees and what that entails.

Johnson said that he does not know how many dollars are involved in a dumping fee, is it \$10.00 dollars, a \$1,000.00 dollars, what is it.

McDonald said that she does not get involved with that and does not know the exact number.

Terry Johnson did not know either, and differed to Julie Ketchum.

Ketchum said that it depends on the location, in this region somewhere between \$25.00 dollars and \$40.00 dollars per ton. Also the type of material is a factor, and the state taxes and fees, those are nationwide. It's not just this facility, other states have different taxes, Wisconsin has \$13.00 dollar per ton tax, Minnesota has a generator tax. So her as a waste generator, they types of waste she put out on the curb that's taxed. So there are different types of state and local taxes, but it's very common. It's kind of an absolute because what those taxes do, they go for waste reduction, recycling and state solid waste programs. All of us, as a part of a member of society, we all generate waste and it all needs to be taken care of. Some of those tax dollars in Iowa go towards supporting those local recycling programs.

Johnson said \$40.00 dollars per ton, how many tons in a typical dump.

Ketchum said she does not know exact tip fee here at the Dickinson Landfill and a landfill depending on the waste flows and materials that are generated, it depends on how large that facility might be. She does not know the exact per ton, or ton per day number going in to the Dickinson Landfill, but they can sure get that information for him.

Johnson said he did not hear how many truck loads have been dumped, and how many are yet to be dumped.

Ketchum said she does know not.

Greg Jefferies said they've taken 342 loads of material to the landfill. So that's a combination of side dump trucks as well as roll off boxes. They've taken 4,225.9 tons as of Friday (August 24, 2018).

Johnson asked how many tons.

Jefferies said 4,225.9.

Johnson said multiply that by \$40.00 per ton.

Jefferies said close, yes.

Johnson said they're talking a significant amount of money.

Ketchum said just to reiterate some earlier statements about that. They do have to set aside funds for closure of the facility, the cap that McDonald was talking about is an operating expense for them. So some of those funds are for an ongoing operation of the facility.

Johnson said he has a question of chemical nature. In the report that was issued on the 18th of July by Test America, the analysis was professionally done, it was very impressive. They did find the presence of benzene, as you know that is a carcinogenic, even though the sample was a dry sample they found presence. They also found xylene, which is also a bad customer when you're dealing with the environment. When he tried to find out more information on the procedures, he contacted Shawn Haze at Test America asking chemical questions. They would not answer his call, they would not respond whatsoever. He is assuming this was a private report that issued to BNSF and it was not intended to be answered by the general public or the Board of Supervisors. How do they as the Board of Supervisors get access to the information. Can you tell him what they're supposed to do.

Stegman said the process for shipping waste to the landfill is first you have to create a profile telling what the material is, depending on what the waste stream is, the analytical information is provided to the landfill. They ultimately determine if it meets their acceptable criteria for waste disposal in to the landfill. Waste Management had an approval to take petroleum contaminated material. There're a criteria that they were asked to run on the waste stream by Waste Management and the IDNR. They ran the requested analytical, reviewed the reports, provided that to the Waste Management and IDNR. Ultimately the waste was accepted into the landfill, knowing that it met their criteria for approval. It's not a private report per say, it's not privileged or protected in the since, they

shared it with the landfill. He's not sure what their process is for making sampling public. If they would have asked them what the analytical said, they would have provided the copy.

Johnson said thank you. One last question. There is someone he wished would have been here today, but he has to raise the question and maybe someone can get the information back to them. In Chapter 29 C in the Iowa Code, under Emergency Management and Security, it spells out responsibilities to people when something like this occurs. Who is to be held accountable and how much authority do they have and details what they must do as a part of their job. In that listing in Chapter 29 C it clearly states that the Governor has the authority and responsibility along with the other executive heads of the governing bodies. They have a responsibility to us, we elect them to office, and we expect them to perform those duties and he knows they conscientiously recognize it and perform. He was hoping that they could get some explanation from the Governor on what instructions she gave to the DNR on how to proceed. Did you (Bruce Trautman) receive any instructions sir?

Trautman said they had a meeting with Emergency Management, the Governor called those executive heads together, he was at that meeting. They talked about this disaster and also some flooding and other things. He was directed to make sure they followed the rules and regulations that they have and the code. The answer is yes, she was responsible for it and gave him the directions to follow.

Johnson asked what was the date of that meeting.

Trautman said that he's not sure, he'll have to get it to him. He does not have his schedule, before the day is over he will give Johnson that date of that meeting.

Johnson thanked everyone for coming this morning, he really appreciate them taking the time.

Leupold asked for the questions from the audience.

Stegman said that he would like to clarify maybe one thing as well, he thinks there are some issues with the timeline. Ultimately, he does not want to say it's virtually impossible, but he believes it is impossible to ship waste to a landfill without an approval. Their process, they profile the waste, send it out for analytical, and before it can be approved and shipped and accepted by the landfill, they need and must have reviewed that analytical, for that particular profile for them to give us an approval/profile number to be able to ship the waste. He's not sure what's wrong with the timeline, but somehow that timeline is flawed, because it is impossible for us to ship waste to the landfill without the backup analytical support, profile, and approval of the waste stream.

Allen said maybe they or the DNR could take a look at it. Jordan and Allen agreed that the timeline came from the DNR.

Leupold said they collected the questions from the public and the first asked about the timeline, which has been addressed. They also ask about the air quality and discharge, where does it go.

Lady from the audience said her question was about air quality because these are volatile chemicals and there is a lot of smell from this. Are there any tests on that and how it affects human health. Second part someone was talking about measuring discharge from leachate, where does the discharge from the leachate go. Someone said initially they collected and measured it at the site.

Stegman said their standard procedure when there is a derailment is to mobilize a third party to monitor air quality in the area. They collect data to evaluate air quality and from what he can recall there were no issues with regards to air quality. There are materials evaporating, such as those volatiles that you mentioned but it didn't pose any sort of risk based on the concentration, he believes most were non-detected outside the impacted zone itself.

Greg Jefferies said that they monitored air quality for both the residents in the greater areas as well as the workers safety air quality. Stegman was right there some "momentary exceeds" in the work zones, and they have policies and procedures in place in their health and safety plan to stop work and correct the issue before they went back to work.

Andy Williams said just one point, all of the monitoring that was done was overseen by a joint, unified command, between the EPA, DNR, BNSF. It was not being operated in a bubble by BNSF.

Terry Johnson said he would answer the question about the leachate at the landfill.

Lady from audience said it was a two part question about the leachate at the extraction site and the landfill.

Johnson said that they have a lined pond that they place the leachate in when it pumps out, that pond is aeriated. So that treatment process is on site and then it's hauled to a waste water treatment site in Spencer, Iowa for final treatment.

Hessenius said regarding the discharge on site in the triangle area, there were a couple of gravel pits that were impacted by the flooding, therefore impacted by the release. BNSF moved in portable waste water treatment units to treat that water down to an acceptable level, once those parameters were agreed upon. The waste water went back in to the lower area, the area that was impacted to begin with and just soaked into the ground, it was not discharged to the river.

Jefferies said the discharged water after it is aeriated goes onto a field.

Leupold said the next two questions go hand in hand. When does Waste Management plan on closing down the Dickinson County landfill and who's responsible financially after the 30 year cap. Is it local tax payers.

McDonald said as far as closure, they've got a ways to go. As long as people keep generating garbage, they'll be there for a number of years to provide that service. She can tell them right now at current tonnage rates it could be 40 years or more, just depends on the tonnage rates.

Johnson said regarding long term care, Waste Management has a dedicated team of professionals that manage their closed landfills. They have a number of facilities that have gone

through their active life and are now closed and are in that monitoring and post closure care and they continue to monitor those sites. At the end of that 30 year period they would apply, and look at the groundwater data, leachate data, the gas data, because over time especially as their pulling the gas out, they're pulling out a lot of contaminates and burning those, there's natural degradation that occurs in the waste mass so they would reexamine the risk/profile in the waste mass and either continue that monitoring beyond 30 years or petition the DNR to do something else at the site. They have a lot of sites that they've been monitoring past 30 years. They don't just walk away.

Leupold said he believes the next to have been answered, but wants to make sure. Are the individual analytical results of disposed materials available to the public along with the quality assurance, quality control data, including analytical recovery rates.

Stegman said yes, he believes it is public information. Hessenius said they receive all that and once they receive the documentation, all of their records are public information.

Moon said that the records specific to the solid waste program are uploaded to an electronic system that are accessible through your home computer.

Hessenius said the yearly report from Waste Management is kept in their office, they keep several years, the public is always welcome to come to the office and view them. They do that on a daily basis.

Other unidentified lady asked Hessenius if that includes the disposal materials or that just the groundwater data, because it seems like the groundwater data flows to the DNR, but the disposal data that Paul Johnson was talking about seems like it is in a report that isn't going to the DNR.

Hessenius said that all flows to them, and it will be made available to the public.

Leupold asked if there were proprietary chemicals that were used in extraction of the tar sands, and if so, does BNSF have access to those chemicals, a list of proprietary chemicals for purposes of accessing hazardous nature, the debris.

Stegman said BNSF said they're not involved with extracting tar sands from the environment. They're a common carrier so they're are obligated, required to provide transportation services in compliance with regulations. He does not have the background in this specific case with ConocoPhillips. What they do get from ConocoPhillips MSDS is the material that they're shipping and they have to demonstrate that they're in compliance from a Department from Transportation standpoint. From what he understands, when you look at the flashpoint from the materials that they ship they were definitely in compliance with the requirements for transporting material and they provided them MSDS's for a look at what components were in the material, what contaminants were in the material. So they could also run their analytical and meet the analytical requirements of the state and also for Waste Management. In general, crude oils are fairly similar even though this is a tar sand material it has more what he would call heavy long chain carbon materials in it. This material also had a dilbit in it which is a cracked crude or cracked bitumen, but the MSDS's give them the information for them to understand what the nature of the material is, for them to not only manage from a disposal

standpoint, but for worker safety standpoint, and from a standpoint of how they're going to approach cleaning up the site.

Leupold said the last question is, has Waste Management adopted the following program, the Iowa Department of Natural Resources introduced a new program in 2009 to encourage Iowa landfills to decrease the negative effects they have on the environment, the Environmental Management System EMS, has that been adopted by Waste Management.

Ketchum said to her knowledge they have not but in terms of the EMS system, she believes there are 9.

Moon interjected 13 now.

Ketchum said those are all public facilities and part of the objective is funding for the local agencies. There are certain criteria that need to be met by those EMS systems and part of that is working with the Board of Supervisors through the comp planning process and working with the Iowa DNR to gain EMS status. Maybe Moon could talk about the last program and whether that will continue in the future.

Moon said along with landfills as mentioned earlier cities and counties are all tied to a disposal facility. One of the requirements of that planning area is to divert as much waste from the landfill as they can, they call that solid waste comprehensive planning. There is a long complicated formula and rules and you come up with a percent diversion and compare to a number in 1989 and a few years back in 2009 an alternative came up to the comprehensive planning known as Environmental Management Systems. Rather than using a formula those Environmental Management Systems, a planning area would become designated as an Environmental Management System. They in 6 different program areas, recycling, organics management, education, etc. They set their own goals and targets so they get away from this number. It's an optional thing they've had 13 of 30 planning areas that have moved that direction and some are still moving that way, it's just another alternative to the existing comprehensive planning. One isn't better or more sound than the other, they just wanted to provide an alternative to cities and counties.

Leupold said he would like to thank all of the guests from the bottom of his heart, he knows it's not always easy to sit before the public. They are grateful to the panel and to the public, they no longer have opinions, they have data. Now how one uses it is up to you. Leupold closed the public meeting at 11:33 am.

Senator David Johnson interrupted the chair asking if the board was taking questions from the public.

Johnson was informed that was what the sheets were for when coming into the meeting.

Allen asked if Johnson had a question.

Johnson said yes. There will be a next time, he agrees with Paul Johnson. Why is the NTSB (National Transportation Safety Board) not here, since the railroad is citing extreme flooding for this

incident, were the inspections done for the tract and culverts according to whatever standard the NTSB might have or what the railroad might have.

Stegman said that he is not involved with the NTSB.

Johnson said that he feels that it is an important question whether the inspections of the track were done, he understands there is some kind of protocol there.

Leupold said Johnson might contact those folks

Johnson said that he's been trying.

Leupold released the room, he did request that if someone emails the panel and receive an answer, to please carbon copy the County so it can go on the website.

A request from the public was to compile all of the emails and put them on the County website.

Allen asked for a few days to compile them.

(For More Information See Recording BOS 08 27 18)