

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

ORONOGO-DUENWEG MINING BELT SITE
JASPER COUNTY, MISSOURI
MINE WASTE REMEDIATION
PHASE 2 PRE-BID CONFERENCE
SOLICITATION #PR-R7-07-10359

TRANSCRIPT OF CONFERENCE

10:00 a.m.
August 14th, 2008

U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

STAFF:

Mr. Mark Doolan, Project Manager
Ms. Marie Noel, Contracting Officer
Mr. Chester E. Stovall, Jr., Small Business Specialist
Ms. Yolanda Nero, Contracting Officer

Mr. Mike Naughtner, Black & Veatch

I N D E X

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1 ins and outs about the site so that you can see
2 just as much as if you had actually walked the
3 site, okay? Maybe more in some cases because it
4 inconveniences so many people.

5 Okay, the way we're going to do this is
6 first Chester is going to say hello or something,
7 then we're going to do the slide show. Then, we're
8 going to collect your cards during a little break.
9 We'll give you a little break, you can network and
10 stuff. Then, we are going to start up again with
11 the questions and answers that we prepared, based
12 on what you sent in already. Then, we will get to
13 the cards and answer them. Then, we will take
14 questions from the floor, if there are still
15 questions. So that's kind of the way we're going
16 to be going through it.

17 Now, there is a sign-up sheet going
18 around and it started when a lot of you weren't
19 here, so wherever it is, please start it moving
20 around the room again, because we want every single
21 one of you to be on that sheet, okay? And please
22 fill out all the blanks so that we have your
23 information. Okay, thank you.

24 Chester, would you like to say a few
25 words?

1 MR. STOVALL: Very good. I'm Chester
2 Stovall, the Small Business Representative for
3 Region VII's Office here in Kansas City. I'm going
4 to welcome all you men and women and thank you for
5 coming. The reason I want to say thank you
6 because, we're really in a process of showing our
7 agency that small businesses can be very effective
8 in doing contracts and not just one for 100,000 or
9 200,000 or 500,000 or 1,000,000; okay?

10 We're setting the course, as you see,
11 for some very major size contracts. The month of
12 August, we've got over 60 million dollars of
13 contracts that are hitting the streets. 45 million
14 of those are set aside for service disabled veteran
15 owned small businesses. Hello. Don't know of
16 anyone else in the country that's done that. Even
17 DOD doesn't do some thinks of that type and they're
18 a much bigger organization than we are.

19 And then we have a small business set-
20 aside. So if you have received an email from me,
21 very good. If you've not received an email from
22 me, I need to know that, if you would like to get
23 emails directly from me. Now, if your company
24 received it and you didn't personally receive it,
25 that's fine; okay.

1 So welcome, pretty much. Let me just
2 kind of give you a couple of things of what I do.
3 I'm going to talk about very quickly, a quick
4 overview of the other two contracts we have on the
5 street. We would love for you to consider bidding
6 those.

7 And number two, I'm going to have you
8 spend, take a few minutes to have each of you stand
9 up, introduce your name, the name of your company,
10 whether you look to be a prime or a sub and the
11 city and state where you're from. The reason why,
12 because this an ideal forum, okay, not to see who
13 your competitors are, that's not the issue here,
14 the issue is to team up; okay. There's some primes
15 here that's going to be looking for subs. There's
16 some subs here that are going to be looking for
17 primes, and there's some folks here looking for
18 either one, okay, haven't quite decided yet; okay?
19 So that's going to be a really, really good deal.

20 In addition, at the end of this, we have
21 networking time during the break, but then at the
22 very end, I'll hang around. If you want to network
23 in here, that's fine, that's no problem at all.
24 One thing, we need to escort you if you go other
25 parts of the building because this is a Federal

1 building and that's kind of what the requirements
2 are.

3 So one other thing, I'm going to talk
4 about the other two contracts, the assembly of each
5 of them. This is a page - this is a headline page
6 from the EPA contracting sites for regions. All of
7 our contracts will be actually placed on the
8 streets, solicitations and the awards, okay, are on
9 this page, on the site.

10 I'd like for you to do it, if you want
11 to. We'd be more than happy to give one page, one
12 copy per person, if you would please, and at the
13 bottom of it, or at the - yeah, okay, at the
14 bottom, it gives the site where this information
15 is; okay. So we'll pass this out, you can have it.

16 Let me tell you right quick about the
17 other two contracts. March is the biggest of the
18 three, so you're at the right spot, the right time
19 today.

20 The second contract we have on the
21 street is called Baxter Springs, Treece. Baxter
22 Springs Treece is a service disabled veteran set-
23 aside, values estimated around 20 million. That
24 contract is going to be very similar to this one,
25 not identical, but similar. Instead of being in

1 Missouri, this one's in Kansas, and Baxter Springs
2 is located ten miles from the state of Missouri and
3 two miles from the state of Oklahoma, so they are
4 very similar.

5 In fact, Baxter Springs is in Cherokee
6 County which is directly west of Jasper County in
7 Missouri. That lead follows the whole bottom of
8 Missouri and some Kansas. That contract, very
9 similar, reformation of - remediation of mine
10 waste.

11 The pre-bid conference of that is going
12 to be next - well, it's a site walk and a pre-bid
13 conference. It covers over 300 some acres, okay,
14 and we've got the schedule for Baxter Springs, next
15 Tuesday and Wednesday. Feel free to go - if you
16 have not got an email from me, you can click on
17 that site and find out where it's going to be.
18 Basically, it's in Baxter Springs, and it's at the
19 Walmart. Be at the Walmart on Tuesday morning at
20 9:00 and the Walmart is next to the McDonald's, at,
21 I believe, 9:00.

22 The site walk will go that day, Tuesday,
23 and half a day the next morning, Wednesday, finish
24 at noon and then at 1:00, the pre-bid conference
25 starts. That's the second contract.

1 The third contract, just in the street
2 yesterday, that was called Madison County. Madison
3 County's contract is a small business set-aside
4 with an estimated value of about 15 million. All
5 three of our contracts are as a month, a year. On
6 Madison County, we are doing a remediation that
7 roughs up the yards. Basically, among other
8 things, digging up with backhoes and shovels in
9 over 800 properties.

10 Madison County is located about two
11 miles straight south of St. Louis. And at the pre-
12 bid conference for that site visit and pre-bid
13 conference for Madison County, it will be on the
14 same day and that would be on Wednesday, August
15 27th. Okay? You may have some questions about
16 those. I recommend checking onsite.

17 If you plan on attending any of the
18 other two, business pre-bid conferences, I
19 recommend you send me an email, especially for
20 Baxter Springs. Baxter Springs next Tuesday and
21 Wednesday, we're going to be on school buses and
22 hay rides. There's going to be a lot of interest
23 on that. Try to get everybody around to keep from
24 having to walk about 15 or 20 miles.

25 So with that, Yolanda Nero, please be

1 passing out this one page. We're getting them up
2 here. Also, get my business card. If you've not
3 got an email directly from me, your firm has not
4 and you'd like to, make sure I get an email from
5 you - I'm sorry, a business card from you and I'll
6 put you on the list.

7 So with that, let's go around the room
8 and if you would please, if you will stand, give
9 your name and then your company and where you're
10 from. And if you're looking to be a prime, sub
11 contractor or both. How about starting on my far
12 left?

13 MR. DOUGLAS: My name's Tom Douglas, I'm
14 out of Memphis, Tennessee and I'm with TKMM, and
15 we'd like to be a prime.

16 MR. STOVALL: Very good.

17 MR. OCHS: My name's Douglas Ochs, I'm
18 also with PKMM. I'm out of Lacy, Washington and we
19 will be a prime.

20 MR. STOVALL: Very good.

21 MR. McJILTON: Mike McJilton, I'm from
22 Atlanta. I'm also with PKMM.

23 MR. STOVALL: Okay, very good.

24 MR. MAYHUGH: Andy Mayhugh, I'm with TL
25 Enterprises out of Garnet and we're looking to be

1 either a prime or a sub.

2 MR. STOVALL: Garnet?

3 MR. MAYHUGH: Kansas.

4 MR. STOVALL: Okay, thank you.

5 MR. NAUGHTER: I'm Mike Naughter with
6 Black & Veatch and I'm actually a design engineer
7 and I'm working on the job.

8 MR. COTASAENZ: Adrian Cotasaenz,
9 Atlanta, Georgia. I'm going to be applying for
10 general contractor.

11 MR. YENSAN: John Yensan, EarthCare
12 Solutions, Virginia Beach, and we're looking to be
13 a prime.

14 MR. MANGAN: Don Mangan, Earthcare
15 Solutions, Virginia Beach, Virginia. We're looking
16 to be a prime, as well.

17 MR. MURPHY: Mike Murphy with H&M
18 Environmental, Kansas City, Missouri, right here.
19 Undecided on the prime.

20 MR. STOVALL: Okay, good.

21 MR. WELLS: Chris Wells with AMX Veterans
22 Specialty Services out of Dallas, Texas, and we're
23 looking to be a prime.

24 MR. FRANKLIN: Don Franklin, Blackwater
25 Creek from Davis, Oklahoma. We are prime.

1 MR. GRISHAM: Justin Grisham, Grisham
2 Grading & Excavating. We are local, Kansas City,
3 Missouri area, prime or sub.

4 MS. GRISHAM: Theresa Grisham with
5 Grisham Grading & Excavating.

6 MR. STOVALL: You are from where?

7 MS. GRISHAM: With him.

8 MR. STOVALL: Just making sure everyone
9 understands.

10 MS. WEI: I'm Michelle Wei, from Des
11 Moines, Iowa, GWA International. I'm looking for
12 sub at least, and in the future, would like to be
13 sub and prime.

14 MR. STOVALL: Very good, very good.

15 MR. COOPER: David Cooper with A&M
16 Engineering for ALT and A&M joint venture. We're
17 out of Tulsa, Oklahoma, looking to be a prime.

18 MR. ERTUGRUL: Turgay Ertugrul with ALT-
19 A&M joint venture from Tulsa, Oklahoma, looking for
20 prime.

21 MR. HORN: I'm Jim Horn with ALT-A&M,
22 Tulsa, looking to be a prime. Jim Horn, ALT, out
23 of Oklahoma.

24 MR. INGRAM: I'm with ALT, I'm Larry
25 Ingram with ALT-A&M joint venture out of Tulsa,

1 Oklahoma.

2 MR. STOVALL: Speak loud so people in the
3 back can hear you.

4 MR. ZERKEL: I'm James Zerkel with Snyder
5 Construction, Joplin.

6 MR. STOVALL: Joplin, okay.

7 MR. RIPPEL: Ron Rippel, Rippel's, Inc.,
8 set up, Pittsburgh, Kansas.

9 MR. STOVALL: Okay, welcome.

10 MR. ZERKEL: Jim Zerkel, Jr., Snyder
11 Construction, prime.

12 MR. SNYDER: Rusty Snyder, Snyder
13 Construction, prime.

14 MR. STOVALL: And you're from?

15 MR. SNYDER: South Missouri.

16 MR. STOVALL: Very good, Rusty.

17 MR. PICARD: Bill Picard, Environmental
18 Solutions, Massachusetts, Atlanta and Oklahoma
19 City. We're looking to be prime and I have a
20 division of my company that's looking to
21 subcontract, AES Logistical Solutions,
22 transportation.

23 MR. STOVALL: Okay, welcome.

24 MR. SNOW: Danny Snow, Prudent
25 Technologies, Kansas City, Missouri.

1 MR. MUDUMALA: Samuel Mudumala, Prudent
2 Technologies, Kansas City.

3 MR. GROSE: Josh Grose, Larry Bair
4 Excavating, sub.

5 MR. BAIR: Larry Bair, Bair Excavating,
6 Louisburg, Kansas, sub.

7 MR. PARKER: Mike Parker, Silver Star
8 Construction, prime, Kansas City.

9 MR. PARKER: Warren Parker, Silver Star
10 Construction, we're prime out of Blue Springs,
11 Missouri.

12 MR. STOVALL: Okay, welcome.

13 MR. MORGAN: Mike Morgan with WRS Compass
14 from the Springfield, Illinois office, be prime.

15 MR. GARDNER: Mark Gardner, George
16 Siebers & Company, bond insurance looking for
17 contractors.

18 MR. WOELPER: My name is Alex Woelper
19 from Encon, we're based out of El Paso. I've
20 worked with the government for 20 years. We're
21 looking for a lot of subs, so all of you sub-
22 contractors, please talk to me.

23 MR. SMITH: Jeff Smith, Environmental
24 Specialists, Incorporated, here from Kansas City,
25 Missouri, here as a sub. Alex is my new best

1 friend.

2 MR. STOVALL: One of them.

3 MR. WARTICK: Duane Wartick with Asbell
4 Excavating, prime or sub.

5 MR. EZELL: I'm Brad Ezell with Asbell
6 Excavating, sub.

7 MR. UNDERWOOD: I'm Lynn Underwood with
8 TL Enterprises out of Garnet, Kansas, prime or
9 possibly sub.

10 MS. BAIR: Tonya Bair, Bair Excavating,
11 Kansas City.

12 MR. CORDES: Art Cordes, Cordes
13 Contracting, prime.

14 MR. GULLEDGE: Russ Gulledge,
15 Environmental Restoration, sub.

16 MR. DOMLING: Jarrett Domling, SCS
17 Engineers, sub.

18 MR. STONEMAN: James Stoneman, White Rock
19 Solutions, sub.

20 MR. BETLEJEWSKI: Todd Betlejewski with
21 White Rock Solutions.

22 MS. COOK: Liz Cook, White Rock
23 Solutions. We are (inaudible).

24 MS. NERO: I'm Yolanda Nero, I'm the
25 Contracting Officer. I am the Contracting Officer

1 that will be doing Madison County. Let me hear
2 from you in a couple of weeks.

3 MR. STOVALL: With that, again, welcome.
4 I hope this will be productive for you, if not also
5 profitable.

6 MS. NOEL: Okay, now that we have that
7 done, let's get to the slide show, because that's
8 what you're all really curious about.

9 MR. DOOLAN: Before I even start, I want
10 to show a little map here. I have to apologize
11 right off the bat because I'm a computer idiot. I
12 actually got on line and found an old, and I don't
13 even know the date on it, it's been cutoff, this is
14 an old mine map of the section we are working in
15 that you're going to see slides of today. I'll
16 leave it up here. I tried to blow this up and
17 actually get it put on a cardboard but it was just
18 blurry and I couldn't get it done. So this map is
19 here, it's available.

20 So what you'll see, is this is the
21 entire section. This piece right now is what's
22 already under construction, so this in here is what
23 we're bidding today. And as you can see, a lot of
24 that is undermined and I cannot stress enough that
25 there is a real hazard of these things collapsing

1 on you. I'm going to show you some pictures of
2 some mine shafts.

3 The work we're doing right now, we've
4 uncovered literally dozens of shafts we didn't know
5 were there when we started. A lot of them are
6 overflowing water, a lot of it collapses underneath
7 equipment sometimes, so I'm wanting you all to be
8 aware before you even go into this thing that this
9 area is undermined and can be a real problem.

10 So with that - and I do understand there
11 was an issue about doing the site walk. I can tell
12 you right now in August, because I was just down
13 there last week taking these slides, some of the
14 weeds are up over your head, you'll see in some of
15 these photos. Getting a crowd this large, walking
16 300 acres would have just been practically
17 impossible, so hopefully, if I did my job well,
18 we'll get a real good flavor of what we're looking
19 at. I would say, if this really doesn't do it for
20 you and you still think you want to go down to the
21 site, we've got access agreements and I don't know
22 if there's anything preventing you from going down
23 and taking a quick peek. We don't want 50 people
24 tromping around all over the place down there. The
25 landowners might get a little irritated, but let me

1 know in advance and it's probably okay if you go
2 down there and take a walk through anyway, but I
3 think you're going to get what you need today, I
4 hope.

5 UNKNOWN: Quick question. Will this
6 presentation be available on the internet?

7 MR. DOOLAN: Yeah, I think we can
8 probably--

9 MS. NOEL: Make it into a pdf file, I can
10 post it.

11 MR. DOOLAN: We've probably got somebody
12 in our building that can figure out how to do that
13 stuff. We will try to get the slides made and get
14 them posted on the internet with the amendments and
15 the, you know, the transcript from today's meeting.
16 Try to. Can't promise, but we'll give it shot.

17 MR. STOVALL: The transcript will be
18 available, as will the list - the sign-in sheet.
19 Where is that sign-in sheet, by the way, so we can
20 copy it?

21 Make sure you sign that before you get
22 out of here. And please do it early enough so I
23 can copy it and get it back to you today, okay?

24 MR. DOOLAN: Marie just tells me that she
25 has no problem just putting the actual PowerPoint

1 file right on the web, so we'll do that. We'll get
2 it on for you.

3 What I've done here is - well, let me
4 start out showing you where we're working and
5 unfortunately I cannot get the pointer to work.
6 This area right in here, this triangle is what is
7 under construction right now. That's 75 acres that
8 Snyder Construction is doing for us right now. The
9 area that's outlined in yellow is what's open for -
10 what's included under this solicitation.

11 I've got this again at the end, so this
12 will be the last slide, so when you have questions,
13 you know, it will be up on the screen, I may be
14 able to point to it later.

15 What I've done is try to organize this
16 into generally what the mine waste piles look like.
17 There's not any huge piles like some of you might
18 be used to seeing down there. Most of those piles
19 have all been removed. The biggest we have is
20 probably only about 20 feet tall, which is the
21 pictures I've got. A whole series of photos in
22 here of what the mine waste itself looks like, then
23 I'm going to show you what the subsidence pits look
24 like that we're going to put it in and then we'll
25 talk about some other issues, like open shafts and

1 wet seep areas, we will get to that.

2 This is probably one of the larger
3 piles. For scale, the tree over there on the side,
4 it's only about 30 feet, that's kind of a scrubby
5 little redbud or something. The area that looks
6 grassy is really mine waste that's just starting to
7 have some vegetation grow on it, so it's - a lot of
8 the piles have been removed. Remnant mine waste
9 left at the surface that needs to be cleaned up.

10 I'm standing in your way, aren't I? No?
11 Okay.

12 So we've got these little piles that are
13 scattered around the side and then you just assume
14 that the rest of the site has contamination on it
15 and will need to be addressed even though it's been
16 contained.

17 Again you can see there are just small
18 little piles that are scattered here and there.
19 Generally when you get back into the heavy trees,
20 there's not much mine waste in there, but
21 everything that you see in that photograph will
22 have to be excavated.

23 Oh, by the way, that's kind of hard to
24 see the bridge in the background, that's Highway
25 171, that's the south boundary of the site. This

1 is standing up off of Lewis Street, looking to the
2 south, so it's that little bottom of the L shape,
3 is for reference, that's where these photos were
4 taken from.

5 Area where a lot of the piles have been
6 removed. You know, we've done test pits in here.
7 If you go and look at the actual specifications,
8 you'll see the depth of this material from the test
9 pits, so even though there's not a pile, some of
10 this material is three, four, five, six foot deep,
11 even though it's been leveled off.

12 You see a lot of these kind of piles
13 laying around. This is a lot of boulder size
14 material that's - it's kind of waste rock, and when
15 they were putting the adit down or scrap rock that
16 wasn't good enough to go to the mill, didn't have
17 enough ore in it, but there's a lot of boulder
18 piles and that we mixed in with concrete
19 foundations and the chat and everything else, have
20 a hodge-podge of stuff.

21 We won't talk about everyone of these
22 because they are all real similar. This one kind
23 of shows that you've got remnants of a boulder
24 pile, somebody's hauled a lot of it off, but it's
25 mixed in with the chat, and then there's going to

1 of the site, looking towards the southwest corner.
2 The pits that will be filled are down in the treed
3 area there along with a creek that runs through the
4 site. Most of this, and I'm going to talk about it
5 in a lot more detail later, but all of this green
6 area down in there is low standing and in the
7 spring and the fall, it is under water. Usually a
8 foot or so of water standing in there, very wet.

9 Can everybody hear okay? You guys in
10 the back, can you hear me okay?

11 This is a pile that's been worked
12 recently, so you can see that it's still active,
13 people down there taking mine waste off the site.

14 This is actually an old tailings
15 impoundment, there's around in the trees there,
16 there's like a rock dam that's been built and this
17 is tailings, starting to overgrow. The trails
18 through where people ride their motorcycles and
19 ATV's all the time. The only negative comment
20 we've gotten from our cleanup so far is from the
21 ATV riders that are mad that we're taking their
22 riding recreational area away from them.

23 Throughout those sites, you'll see these
24 rock walls. Some of them were built to channel
25 water out of the mines. There are some old miners

1 ditches that run down through the site where the
2 old miners would actually pump water out of the
3 mine, run them into the ditches and send it
4 downstream. Some of them like these two, are
5 actually a sort of a low dam that was built at one
6 time for the tailings to be pumped into.

7 The mills would process the material,
8 crush it into sand size particles, pump it out into
9 a pit and to keep from flooding the neighbors
10 property, they would put these rock dams up and
11 those have all been filled in with tailings. Most
12 of them have been breached and the tailings have
13 leached out and run down the creek and so we've got
14 a pretty significant creek area that I'll show you
15 some pictures of here in a little while that has to
16 be cleaned up as well.

17 Just another picture of one of the rock
18 dams. That one actually, I think, is along the
19 edge of the creek. I think this photo as I'm
20 standing down in the drainage way looking across
21 the side and that is a rock wall that kind of lined
22 the bank of the stream at one time.

23 It's actually very interesting,
24 Roosevelt and his back to work program, had people
25 come in and build these drainage ways for the

1 miners to help them out, so it's kind of a neat
2 little story fact about the site we've got all
3 these little rock walls down there that were built
4 by people back to work during the depression.

5 That's about the tallest chat pile that
6 we've got on the entire site anymore. There's not
7 any really big ones like we used to see years and
8 years ago. That one is probably 25 feet tall,
9 maybe, and I don't know, 200 feet across. That's
10 just a little willow tree for scale, there in front
11 of it.

12 And you can see how the vegetation is
13 starting to encroach. I think clearing and
14 grubbing is going to be a really big deal you need
15 to pay attention to on this one as we go through
16 these photos. You'll notice a lot of these piles
17 are overgrown with trees, some of them pretty
18 large. There are some 20, 30, 40 foot tall trees
19 that are on the mine waste and we've, you know,
20 we're going to have to go to get to the mine waste.
21 I hate killing trees like that, but there's no
22 other way to get to them. So pay attention to your
23 clearing and grubbing line items. In my opinion,
24 it's going to be pretty significant.

25 Again, this is a chat pile that's been

1 removed, a lot of the grasses are starting to grow
2 in on top of it. Looks like it's starting to be a
3 kind of a nice field, but it's all mine wasted,
4 it's all got to go. You see the trees that are
5 starting to grow in amongst the chat piles in the
6 background.

7 This is an area that's up in the, about
8 the northwest portion of the site. Used to be a
9 lot of chat piles up there, they've all been
10 removed, scraped down to where you're starting to
11 see native soil on some of the areas. It's pretty
12 thin, but the soil, I can guarantee you, it's
13 contaminated. You'll see excavation depths on the
14 plan but there's a lot of soil that used to
15 underlay the mine waste piles themselves are going
16 to have to be excavated on this project as well, so
17 it's not just scraping off the chat, it's scraping
18 off the chat and the underlying contaminated soil.

19 This is a view standing just south of -
20 there's kind of a road that runs along sort of the
21 north part of the boundary, what's that name of
22 that?

23 UNKNOWN: Lewis?

24 MR. DOOLAN: No, it's not Lewis, it's
25 Sharon Drive, the site's separated by Sharon Drive.

1 This is on the south side of Sharon, looking north,
2 it's an old mill building in there that I've got a
3 little bit better pictures of later on. Lot of the
4 chat piles have been removed but the thickness here
5 is still pretty significant.

6 That's actually, there's a little 40
7 acre tract that you'll notice on the design that's
8 north of Sharon Drive. This is the prop, that's
9 what it looks like. You can see almost the whole
10 entire 40 acres from where we're standing with this
11 photograph. It's just remnant piles that's been
12 scraped down, might be a couple of feet thick
13 underlying soil. Some people have actually gone in
14 and cut soil out of it - some of this area for
15 pits, so I know the material's not too thick. But
16 there's still a few remnant piles here and there.

17 There's Sharon Drive, you can see right
18 there in the foreground. This photograph is
19 looking north so you it gives you a better picture
20 of what that 40 acres to the north looks like.
21 It's kind of rough but you can get out and drive a
22 pickup truck around it, it's not too bad.

23 Same area. Now, I'm going to show you a
24 whole series of photographs of the pits that we're
25 actually going to fill and we'll talk about a few

1 of them here and there, so you know, if you've read
2 the design, the idea is to pick up all this
3 contaminated material and put it in the old mine
4 subsidence pits and fill those up and then cap
5 those pits over. Basically a pretty simple design,
6 it's just excavate and haul type project.

7 These first few pits I think I'm going
8 to show you around the south end of the project,
9 south of Lewis Street, between Lewis and 171, the
10 south side of Carterville. This is a rather small
11 one, I don't know, 100 feet across, 20 feet deep,
12 something like that. Almost completely surrounded
13 by trees that will have to be cleared so you can
14 get into it.

15 This one is a little larger, probably
16 the same area, down south of Lewis Street, south of
17 Carterville. Shallow along the side, gets deeper
18 as you go out into the middle of the pit, probably
19 200 foot across, something like that and I honestly
20 don't recall the depth right off the top of my
21 head. I think these are - well, I guess we didn't
22 measure these, did we, south?

23 MR. NAUGHTER: Estimated around 30

24 MR. DOOLAN: Estimated them about 30
25 feet. Same area, south of Carterville. I think

1 that's the same pit, just looking at a different
2 direction. Some of these will be real easy to just
3 drive right up to, some of them are all surrounded
4 with trees. Have some with some tricky banks
5 getting into them.

6 Same area, south of Carterville, looking
7 to the north. Older pile along the side of the
8 pit. Old abandoned house that somebody built right
9 out on the chat fields that we're going to have to
10 work around. Nobody lives there, but we're not
11 removing it. Chat's all over the front yard. It's
12 a new buyer, new owner of the property and he'll be
13 absolutely happy, will let us just work up against
14 his house, so that's not an issue.

15 Small little pits that's on the south
16 side down near 171. This one's not very far
17 across, but it's about 30 feet deep.

18 Another one of the pits on the south
19 side, this is one of the larger ones. I think this
20 is the one that you look in design, we're actually
21 not filling this one, we're going to be doing some
22 rerouting of the existing creek down through there
23 and dumping the creek into some of these pits to
24 act as sediment basins during the clean up, and
25 eventually will be replaced with a wetlands complex

1 to treat metals that are coming down this
2 tributary, but those wetlands and things aren't
3 part of this plan at this time.

4 Right now, there's a couple of pits on
5 your right, Mike, that don't get filled that just
6 are used for sediment.

7 MR. NAUGHTER: There's two of them.

8 MR. DOOLAN: Two, and I believe this is
9 one of them.

10 Now, we're moving up to the north, this
11 is just immediately north of Lewis Street, which is
12 kind of the main road that divides the site, so the
13 road that runs between Carterville and Webb City
14 for those of you who are familiar with the area.
15 This one is just immediately north of that road.
16 I've actually floated in these pits, put little
17 pontoon boats in them and floated around and
18 measured them, so we know the depths of these. The
19 ones that are north of Lewis are real accurate on
20 the plans, I don't know, 30 foot deep, something
21 like that.

22 Note the vegetation is completely
23 surrounding it and the hillside in the background,
24 even though you can't see it, is all mine waste.
25 There's been trees growing up on it.

1 This is the small pit that's located
2 right up next to the railroad tracks on the plan
3 that you're looking at. Tracks that run
4 north/south through the road - through the site.
5 Just immediately north of Lewis Street, this is the
6 whole pit that's right up against the tracks.

7 We're kind of moving from the south end
8 of the site going north looking at these pits here.
9 This is one of the fairly large ones, it's in the
10 middle of that long north/south portion of the
11 project.

12 Same part of that same pit - or a
13 different part of that same pit I just showed you.
14 That one, I believe, is about 60 feet deep looking
15 into this hole right here.

16 This is what we affectionately call The
17 Monster. I don't know how deep this one is, I only
18 had a 100 foot tape measure and I couldn't reach
19 the bottom of this one. It's about 300 feet across
20 and it's over 100 feet deep, so I don't really know
21 what the volume is. We can put a lot in there, a
22 lot of material in there.

23 Now, I want to spend a little bit of
24 time talking about this because I think it's very
25 important for you to be aware of some of the

1 conditions on the side as you're preparing your
2 bids. We've got a lot of areas where there's
3 overflowing mine shafts, there's overflowing bore
4 holes, especially with the wet conditions we've had
5 in Joplin this year. We've got bore holes in mine
6 shafts that are flowing 20 gallons a minute that we
7 never had before.

8 A lot of the site during last spring
9 especially was completely under water, so you need
10 to be really aware of that. The plans note where
11 those wet areas are, but I'm going to show you
12 slides of what they look like. Fortunately, they
13 were dry enough that when I was down there last
14 week taking photos, we could actually drive around
15 in a little Kawasaki Mule, but there was a few
16 spots even now in the middle of August where I
17 almost got that little four wheel drive vehicle
18 stuck. It was wet and muddy enough, so pay
19 particular attention to that.

20 This is on the northern end of the site.
21 Sharon Drive runs right along here, this is the
22 western boundary and this little pit is right up in
23 here, so it's kind of up in the northwestern
24 corner. There's a mine shaft that's back over -
25 back over in this direction of the trees that flows

1 out about 20 gallons a minute and it flows out
2 through this little marshy wetlands area and it
3 starts overflowing and just basically floods the
4 whole northern end of the site.

5 This is looking the other direction,
6 this is standing up on this chat - there's a chat
7 pile right there on the right hand side of the
8 screen, so this photo is kind of looking to the
9 south. This photo is looking west from that chat
10 pile. That whole area out in there where all those
11 trees are growing in the springtime is under water.

12 Last spring when I was out walking the
13 site, it was about a foot and a half deep. And
14 it's all chat, it's mine waste that's overflowed
15 from upstream and just kind of been washed out and
16 carried through the creek. It's really flat,
17 you'll notice on the plans, so this is like a giant
18 out wash planed out in there. It's completely
19 contaminated. All of it's got to get cleaned up,
20 but be advised that it's standing water a lot of
21 the year.

22 Same thing. This looks like a nice lush
23 field, you know, the edges of chat going into the
24 woods; it's not. It's tailings. It's mine
25 tailings several feet thick that's all got to be

1 removed, and wet six months out of the year.

2 Same kind of area. We had to build some
3 haul roads on the site to get some material off of
4 there. You can see that even in August, it's still
5 wet and they hadn't had any rain for awhile when I
6 took these photos.

7 This is one of the reasons why we're not
8 having a walk-through down there, this grass is up
9 over your head. This is the creek. This little
10 photo right here, what I want you to see is this
11 shiny area, it's hard to see. This is the creek
12 that runs through the site that you'll see on the
13 plans. It's about that wide and about that deep
14 today. Three months ago, it was a half mile wide
15 and about that deep, so there's a lot of water that
16 comes down through this site.

17 This is just off to the side of that,
18 it's all tailings. You get a shovel and start
19 digging down in there, it's fine grain sandy
20 material heavily contaminated with cadmium and zinc
21 and the lead that we're worried about. It's all
22 got to be excavated. Even today, you can't hardly
23 walk through there, it's so swampy and wet.

24 This is just a little further to the
25 north upstream. Somebody had gone in here and done

1 some excavation and wanted me to dig some material
2 for something. This is just off the side of the
3 creek. The creek is right over here where the
4 trees are, but you can see how it flows over. This
5 is at a lower elevation than what the creek is, so
6 when it's sort of dry weather, the creek stays in
7 its channel, but as soon as you get a rain, it
8 overflows and washes the material out and basically
9 saturates and contaminates all the area on the
10 other side of the creek.

11 This is up on the north side again, the
12 northwest corner. This is actually the creek
13 channel itself. In dry weather, it hasn't rained
14 for awhile, the creek doesn't flow. It's a losing
15 stream system. The creek flows through the site
16 that we're working on right now that Snyder is
17 excavating and it comes down and it goes into a
18 mine pit and disappears and then it comes back up
19 about 2,000 feet downstream in that seat I just
20 showed you.

21 This is the area that's in between that.
22 This is an old channel that's lined with rocks on
23 both sides, full of sediment, it's all got to be
24 removed. In dry weather, it looks like this. We
25 get a two inch rain, there will be six foot of

1 water flowing through here.

2 Same way, just looking the other
3 direction. It's actually the constructed creek
4 channel that's lined with the rock walls on either
5 side.

6 This is almost up to Sharon Drive on the
7 north end, standing if you'll notice on kind of the
8 northeast side of the site there's some big larger
9 chat piles up against the railroad tracks. This is
10 standing on those chat piles looking back west
11 towards the seat which is off up in those hills.
12 But again, all that material that's green and
13 grassy and very lush is outwash and is contaminated
14 and saturated.

15 As I mentioned earlier when I showed you
16 this map, and please come by and take a look at
17 this, so you'll get an idea of how much this is
18 undermined. One of the biggest problems we have on
19 the site of a physical hazard is the mine shafts.
20 This, you know, just at the surface looks like a
21 little depression in the ground. The picture
22 doesn't do it justice, that's an entire cedar tree
23 off there on the corner that's fell and slipping
24 the hole. The timbers laying in the bottom are
25 railroad ties. This thing's about 30 feet deep.

1 It's just a cone and there's fractures all the way
2 around the top of it. You can see where it's
3 sloughing in continuously, it's up near the tracks
4 actually. The railroad is about to lose their
5 tracks because of this hole.

6 I can guarantee you that if we got in
7 there with a tractor or something, started messing
8 around, that's what we'd find. These shafts open
9 up all over the place. Generally, they are 4X4,
10 sometimes they are 6X6, sometimes they are 4X8, and
11 all the work that we've been doing in the tri-
12 state, the cleanup work we're been doing for the
13 last 15 years, we've never lost a piece of
14 equipment because the dozer just won't go down that
15 hole, but it's going to scare the snot out of the
16 operator when he goes over and it opens up
17 underneath him.

18 And they do have a tendency to collapse
19 bigger than that, so there is a real collapse
20 hazard on this site. We've had a lot of areas open
21 up on the 75 acres we're working on right now.

22 Mr. Zerkel almost lost a brand spanking
23 new D-8 the very first day, 15 minutes into the
24 project, had a shaft open up under that piece of
25 equipment. Made for an interesting start the first

1 day. Sometimes you don't see them.

2 I threw this picture in because that's
3 just a bunch of weedy brush off, you know, on the
4 side of a chat pile and if you weren't paying any
5 attention, you'd just go wandering right off in
6 there, but when you get down in there and look at
7 it, that's what's in the bottom of it, another
8 shaft. So these things are kind of hard to see, so
9 I really can't stress enough, the safety issues of
10 what's going on out there, and you all take that
11 into account as you prepare your bid.

12 The other thing we have on the site
13 that's probably not a big deal, but I just want to
14 make you aware of it. There's a lot of old mill
15 foundations that have all been abandoned, they are
16 just big concrete structures. Don't have any idea
17 what they were except they were some sort of
18 buildings sitting on top of them that processed the
19 ores that came out of the ground.

20 What we've been doing and what I would
21 like to do and I don't that it's necessarily
22 specified in the plan but where the concrete can be
23 removed easily, we'd like you to do that. These
24 little bitty pillars sticking up right here, these
25 things at the base are maybe 3X3 or five feet tall,

1 they just knock right over. So if we're in there
2 cleaning these things up, you get the chat out of
3 there, and we could knock these over, pick them up
4 and throw them in the truck when it goes to the
5 pit, that's great, we'd like to do that.

6 Some of them obviously aren't going to
7 move, there's foundations down there that are just
8 way too big. Some of these are starting to get
9 pretty good size, they've cemented in, they've got
10 a good foundation under them. I'm not asking you
11 to tear up your equipment trying to knock them
12 over. If you can push them over real easy and
13 throw in a truck and take them out of there, if
14 not, we're just going to leave them in place.

15 There's one you're obviously not going
16 to knock out very easy, get rid of, it will just
17 stay. that's a solid chunk of concrete that's, I
18 don't know, 50 feet long and 20 foot wide.

19 This is up on the very north end of the
20 site. This was actually a flotation. One of the
21 few places on the site where they actually did
22 flotation removal of metals. This is a flotation
23 tank. I'm sure it will stay in place, but there
24 are small little pieces of concrete around it, the
25 tank is just off to the left of the photo. Some of

1 these smaller ones that we can get out there, we'd
2 sure like to do it, clean up as much as we can.

3 And that's all I had to talk about, so
4 flash that back up there for reference, if anybody
5 has any questions about it.

6 MS. NOEL: Has anybody come up with
7 questions so far that they want to turn in?

8 I just want to know if you want to take
9 a break right now because you've got questions and
10 we can start looking at them or if you just wanted
11 to continue right through.

12 MR. PICARD: A quick real question, in
13 terms of the site.

14 COURT REPORTER: I need names, you need
15 to instruct them.

16 MR. PICARD: How willing is the owner of
17 the railroad to setting up a mobile facility?

18 MS. NOEL: The court reporter is asking
19 would you please identify yourself?

20 MR. PICARD: Oh, sure. I'm Bill Picard
21 with AES.

22 MR. DOOLAN: The question is how willing
23 is the railroad to cooperate with us in crossing
24 their tracks and those sorts of things?

25 That's an interesting question. The

1 railroad, itself, is owner by Union Pacific. Union
2 Pacific is not interested in dealing with the EPA
3 in any way, shape or form, I don't believe. They
4 have leased this line to Missouri Northern Arkansas
5 Railroad, so a local owned rail line, service line,
6 I guess, that operates out in Carthage.

7 We have called them about a removal of
8 their - some of the mine waste in their right of
9 way. We figure as long as we're there working, we
10 might as well scrape this out and clean out the
11 right of way and their original answer was sure, no
12 problem, you know, when you get ready to do it,
13 we'll send a flagman out.

14 They only get one or two trains a day
15 that use the line, and they are going about,
16 literally like three miles an hour when they come
17 through and they're going to the scrap yard just on
18 the south side of the site.

19 Now, let me back up. This track right
20 here is active and they are coming down to the
21 scrap yard right here. And they are moving - you
22 can walk faster than the train that's coming
23 through. This track doesn't look like anybody's
24 been on it in years, it's really in bad shape.

25 They were willing to give us agreement

1 to get on their property and do some work over on
2 the side, over in here, especially up in this
3 corner as we were cleaning this material up, but
4 then we started talking to them about getting
5 insurance and bonding and all those sorts of things
6 and we never heard back from them again, so they
7 just kind of shut up and quit talking to us. So to
8 be honest, I don't really know.

9 One of the questions on our list is, can
10 we cross this railroad track?

11 And this line, this mainline, north and
12 south, the answer is absolutely not. This one, you
13 can see a little road coming right in there, you
14 can drive a pickup truck across that road right
15 now. I think - I'm not going to promise anything,
16 but I think that we can probably - the EPA will
17 help do this, go to Missouri Northern Arkansas and
18 work out something to you know, have a crossing to
19 go across those tracks, because I don't think they
20 use them anyway, they are all - the tracks are all
21 pealed over and crusty and falling apart.

22 MR. PICARD: So they are not really
23 conducive to use in this process?

24 MR. DOOLAN: No. You're talking about
25 putting things on the tracks and hauling them. No,

1 that would, no. I thought you were just talking
2 about getting across them with things.

3 MR. PICARD: Using them to--

4 MR. DOOLAN: My opinion would be no, you
5 would have to work that out with the railroad.

6 MR. PICARD: Does Missouri Northern--

7 MR. DOOLAN: Missouri Northern Arkansas,
8 their headquarters is in Carthage. If you look in
9 the Joplin/Carthage phone book, they are the only
10 railroad listed.

11 MR. ZERKEL: Can we make crossing
12 anywhere on that north/south--

13 MS. NOEL: Identify yourself, please?

14 MR. ZERKEL: I'm sorry. Jim Zerkel,
15 Snyder Construction.

16 MR. DOOLAN: I don't think the railroad's
17 going to let us cross here, I don't know that. The
18 point is, and Mike will correct me if I'm wrong
19 here, the way we've got this thing balanced out, is
20 that all materials on the north side needs to go in
21 these pits anyway to fill them, so there's really a
22 shortage of materials to fill these pits here and
23 all these pits that are down here, there's almost a
24 shortage of material to fill them so we don't
25 really see any reason why you have to cross that

1 track, unless it's just for logistics. For some
2 bizarre reason, you want to take material from here
3 to up there. We think that if you look at the
4 balances, there's enough material to fill these and
5 enough down here to do these, so there's no reason
6 to cross.

7 The EPA is more than willing to go the
8 railroads with you and talk about access
9 agreements. Whether they grant it or not, I don't
10 know. We're not in a position where we're going to
11 order them to let you cross because I don't think
12 it's that important.

13 MR. PICARD: Thank you.

14 MR. ZERKEL: Jim Zerkel, Snyder
15 Construction. There's more concern down on the
16 south of Lewis across and from some areas in the
17 center to the west, across in that area, there it
18 is.

19 MR. DOOLAN: Yeah, these mainlines come
20 down and go to the scrap yard. There is some
21 material on this side of the site, that's what you
22 talking about getting across?

23 MR. ZERKEL: I'm talking about across
24 from - if there's material that's going to have to
25 go from the east to the west.

1 MR. DOOLAN: Oh, over here. I don't
2 know, Jim. I just don't know why. I suspect that
3 the railroad's not going to let us go across in
4 there, but they may let you build one right up here
5 near the road. This is Broadway - Broadway is
6 about here and Lewis from there over. They may let
7 you build one right here since there's a road there
8 anyway, so I'm just going to have to talk to them.
9 I can't answer that definitively.

10 MS. NOEL: Are there any other questions
11 on the slides right now, or do you have questions
12 that you need to turn in? Do we want to take a
13 short break, say back here - oh, Gene?

14 MR. GUNN: Are we requiring a GPS for all
15 of our (inaudible).

16 MR. DOOLAN: The question was, if we are
17 going to require GPS of the - a locational GPS on
18 the mine shafts.

19 The answer is yes. The State of
20 Missouri has requested that we locate every single
21 mine shaft we uncover. They are going to put that
22 into a database. We are fortunate enough that in
23 Jasper County, the local community there is very,
24 very active on what we're doing. They've got a
25 data base for lot of different reasons that monitor

1 a lot of the things we're doing. The
2 contaminations in the city for - or in the county
3 for educational purposes and health education and
4 building restrictions and that sort of thing and
5 they want to know where those mine shafts are at,
6 so you will be required and I don't if it's
7 actually in the statement of work. It's not a big
8 deal, but you will be required to shoot a GPS
9 location on every shaft that we find.

10 MR. PICARD: Given that relationship with
11 the community, is there any vision for reuse of the
12 area?

13 MR. DOOLAN: All the land is private
14 ownership. I think if you look carefully at the
15 plans, it shows you each individual owner and every
16 one of those owners have some grandiose plan for
17 their property once it's cleaned up. They are all
18 different. I guess the answer is no. There's no
19 kind of generic global master plan for
20 redevelopment. I think the community of Webb City
21 would like to see us turn this into a golf course
22 for them, but we're not in the business of building
23 that. Somebody might want to.

24 I heard everything, the guy that owns
25 this piece over here, a big chunk of this, wants to

1 build a greenhouse in there, wants to grow plants
2 and trees and build a greenhouse. The guy that
3 owns all this down here wants to put in businesses
4 because the new 249 Highway is coming in right
5 here. This corridor is developing to the south, so
6 this is going to be pretty valuable commercial
7 property. I imagine that a lot of this is going to
8 be put into commercial businesses.

9 Some of the folks over on this side are
10 interested in housing developments. It's a - so,
11 you know, it just varies.

12 MR. ZERKEL: There's a sign and pit is
13 listed on the drawings on the south side of Lewis
14 where - just south of Lewis, one of those big pits,
15 that shows the LOD going partially through the--

16 MR. DOOLAN: Yeah, I'm glad you brought
17 that up. That is - does this fit right here?

18 MR. ZERKEL: There's actually two pits
19 that show LOD.

20 MR. DOOLAN: There is and that's a little
21 problem in our plan. That particular pit, part of
22 that pit is owned by an elderly lady that basically
23 said, "Over my dead body will you fill my pit."
24 The instruction to Black & Veatch was, we're just
25 going to leave that alone for right now. So it

1 shows the excavation limits going right out to the
2 edge of that pit, but in reality, we're probably
3 going to work around that pit and not fill it. And
4 I'll just have to work with the successful bidder
5 at the time.

6 MR. ZERKEL: Not put any in.

7 MR. DOOLAN: Not put any in it. I don't
8 know how you could fill half of a pit.

9 MR. ZERKEL: I was worried about
10 disturbing the little old lady.

11 MR. DOOLAN: Well, look at the one on
12 there that says the property owner is Leona Webb
13 and she is not going to let us fill that pit unless
14 we ordered it to do so and I'm not sure we're
15 willing to do that at this point, so that one pit
16 that is cut that is down in this area right here,
17 just plan on not filling that pit.

18 (Multiple voices.)

19 MR. SNYDER: Rusty Snyder, Snyder
20 Construction. On the bid we're talking about, is
21 there any chance you can go back on the slides and
22 show him that?

23 MR. DOOLAN: I don't think I have it; do
24 I?

25 MR. SNYDER: I don't think you do either.

1 But the one up by the house, that is not the pit;
2 right?

3 MR. DOOLAN: No, it's not.

4 MR. SNYDER: The pit was over closer to--

5 MR. ZERKEL: It's the one right beside
6 it.

7 MR. DOOLAN: That's not it, the pit is
8 actually just off the photo out there in the trees.
9 We didn't get a photo of it.

10 UNKNOWN: That big one gets filled?

11 MR. DOOLAN: This one gets filled, yes,
12 that is correct.

13 MR. ZERKEL: Okay, that one does get
14 filled there?

15 MR. DOOLAN: Yes.

16 MS. NOEL: Okay, why don't we take a ten
17 minute break so we can look at the questions that
18 have been turned in. If anyone else has questions
19 to turn in, please do so on your way out the door
20 or stand up and stretch or whatever.

21 (WHEREIN, a recess was taken.)

22 MS. NOEL: Okay. First, what we're
23 going to do is we are going to read the questions
24 and answers, the questions we've received prior to
25 your arrival here today, and then we will go on to

1 the ones we've collected from you during the break.
2 After that, we will go ahead and take questions
3 from the floor, so with that, we'll get started.
4 Do you want to read the question or the answer?
5 You probably want to read the answer. I'll read
6 the question.

7 Sometimes, the questions aren't correct
8 grammatically, so don't - yes?

9 UNKNOWN: I'm sorry. Are you going to
10 hand those out to all of us?

11 MS. NOEL: All of this is being
12 transcribed by a court reporter right here, and
13 it's all going to be posted on the internet and I'm
14 hoping to be able to post that Monday before I take
15 off to go down to Baxter Springs and Treece. So
16 really quick, so here we go.

17 First question. Please provide a
18 replacement page for B-2. A handwritten note
19 includes states for option period has obliterated
20 the diesel fuel not to exceed amount. I'm sorry
21 that happened.

22 MR. DOOLAN: And the answer is, we did
23 provide an new pricing schedule that is limited
24 too.

25 MS. NOEL: The base year and each option
26 year indicate that the volume of excavation

1 disposal of contaminated wastes is 1,200,000 cubic
2 yards. Is this volume correct for each year?

3 MR. DOOLAN: I'll give you the long
4 answer, because we've got several questions along
5 that line, so I guess it wasn't real clear when we
6 put this out. The base period for the base year of
7 a solicitation is designed - it's no longer the
8 design package so the 1.2 cubic yards is the design
9 that's on this one that you got.

10 The option periods are all fictitious
11 volumes. They are for your estimating purposes
12 only. There are no designs. What we are asking
13 you to do is to give us prices, unit prices for
14 distance of material hauled for the next additional
15 four periods. Our intention is to make this a five
16 year contract so it will be a base year for our
17 base period which is the design that you have and
18 there will be four additional option periods that
19 will go along with that.

20 There are no designs for that, so we're
21 asking you to bid blind basically, but it's in the
22 interest of the government to not have to go out
23 and do these rebid conferences every year. We want
24 one contractor that we can rely on in the next five
25 years, so that's the intent.

26 The volumes that are in there basically,
27 I put in the exact same volumes that we had in the

1 base period and it's just for estimating, it's for
2 you to figure and to estimate what your increases
3 in prices are going to be over the next five years.

4 Amendment 2 has that pricing schedule in
5 there that might clear that up a little bit. Yeah,
6 the reason we did that is because Black & Veatch is
7 our design contractor and to be very honest with
8 you, it takes quite awhile to get these designs
9 done. Sometimes we're looking at six, eight, nine
10 months, even longer depending on the size of the
11 property we want to look at. And these properties
12 change daily.

13 There are owners of these properties
14 that have big chat piles on them that will sell
15 them off and go to the asphalt plants or wherever
16 and so the volumes change on a regular basis, and
17 it really doesn't make much sense for us to do
18 designs for a five year period and the next year
19 the piles are gone. So we are really looking at
20 this project as kind of a design filled sort of
21 project, as you will.

22 We will give you a design, which is what
23 we've done for the period. You'll go out and do
24 that work. As you're doing that work, Black &
25 Veatch will be working on the second design. When
26 that design's done, we will give that to you. The
27 intent is that you've already given us prices so

1 all that we do is calculate the amount of material
2 and the distances you're going to move that and
3 come up with a price. That's what we pay you to do
4 the second option. The third option is the same
5 way and the fourth option and so on. But you have
6 to do pricing now.

7 MS. NOEL: One thing that is necessary
8 for you to understand is this is not a fixed price
9 contract; okay? We're asking to have a fixed unit
10 price, so if you dig ten cubic yards at a dollar,
11 you get \$10. If you dig 20 cubic yards at a
12 dollar, you get \$20, so however much you do, it's
13 going to be, you know, a larger or smaller
14 contract. It's just the unit price that's going to
15 be fixed, okay? And we have a quantity variation
16 in the contract that allows for a fifteen percent
17 deviation. So up to 115 percent of the number we
18 give you in the schedule, you will be paid that
19 dollar figure, that unit price that you give us.

20 Now, if we go over the fifteen percent,
21 which is going to happen, I just know, then that's
22 called a differing site condition and we will treat
23 it that - you know, we will address it then.
24 Hopefully, you will say, "Oh, yes, we will still do
25 it for that unit price," but that's when we will
26 address that issue.

27 Now, also, in these out years, this is a

1 Davis-Bacon covered contract. I will be giving you
2 a new Davis-Bacon wage every year. I will not be
3 making an adjustment for the Davis-Bacon because,
4 if you look in FAR-22 404-12C-1, it says that if
5 you are given the opportunity to give separate unit
6 pricing for option years, then the CO should not do
7 any - well, actually it says must not, make any
8 further adjustments to the contract price.

9 So put your escalation in your bid for
10 the out years, because you will be required by law
11 to pay at least what that Davis-Bacon wage
12 determination says in the out years. But you had
13 to have covered that in your bid; okay? Yes?

14 MR. HORN: Jim Horn, ALT-A&M JV. Do you
15 know what the scope of the base period is? I mean,
16 what areas are we going to do during the base
17 period?

18 MR. DOOLAN: The question was what area
19 are we going to do during the base period? It was
20 in the design that's in the disk that we just gave
21 you. That's it.

22 See that outlined in yellow? That's the
23 base period and you have the design for that.
24 That's what we're asking you to give the base
25 period price on.

26 MR. HORN: Just the one year?

27 MR. DOOLAN: That's correct. Don't look

1 at it as a year, it may take you two years to do
2 that right there, but that's the base period. The
3 initial contract is what you see outlined in yellow
4 right there, which is the design. Option period
5 one, option period two and option period three
6 don't exist yet. Mike and his crew are working on
7 that as we speak.

8 MR. HORN: Did I not read in the spec
9 somewhere that there is a one year period for this
10 base bid?

11 MS. NOEL: Do you mean, are we still
12 subject to contract years? I mean, it's a base
13 period. We don't know though will it take you
14 exactly a year to do this or what, no. We are not
15 allowed to go over a five year contract duration,
16 so for purposes of putting things in our system,
17 it's based on a year time frame. So your base
18 period is put into the system as a one year period,
19 okay. You know, maybe you're really quick and
20 you'll do it in seven months and it'll be done and
21 so I'll just go ahead and exercise period two, or
22 well, it'll be option period one, so.

23 And there is a construction schedule
24 that is required that you fill out, so we are going
25 to be working to that, but for the purposes of me
26 being able to create the document in our computer
27 system to make contracts, I have to actually put

1 dates, so I'm confined by that.

2 MR. HORN: No penalty or no--

3 MS. NOEL: No penalty for what? Do you
4 think I'm going to answer to something like that,
5 just no penalties ever?

6 MR. DOOLAN: One of the documents you're
7 required to submit up front is the construction
8 schedule, so when you submit that construction
9 schedule for the base period, if we think that is
10 reasonable, we will accept that, and you know, if
11 you tell us it's going to take eighteen months,
12 then it's eighteen months. If you tell us it's
13 going to take five years, we're probably going to
14 come back to you and try to negotiate--

15 MR. ZERKEL, SR.: Base period, you've got
16 one year for settlement before you come back to--

17 MR. DOOLAN: The question is, there is at
18 the completion of this construction for this base
19 period, a one year settlement period for the pits
20 to settle, just like we did on the first phase.
21 And at that time, you come back in and complete the
22 caps. That's correct.

23 MR. ZERKEL, SR.: The second period would
24 start at the end of all of that?

25 MR. DOOLAN: You know, that's actually a
26 very good question and I think in the value of my
27 mind, this is probably going to be overlapping.

1 Let's just - completely hypothetical. You give me
2 a schedule for the base period, this is going to
3 take you two years to do it and you're halfway
4 done, near a year one and Black & Veatch comes out
5 with the second design, we can get you started on a
6 second area. You may actually have two areas going
7 at the same time, so don't look at these as years.
8 You're not going to finish the base period and then
9 start the option year; they may in fact, overlap.

10 MS. NOEL: For the purposes of payment,
11 once I exercise your option year, everything you're
12 doing in that year is going to be paid at that
13 price. Also, the construction schedule that he
14 mentioned that we get that up-front with your bid,
15 it's a draft and it's part of your project
16 management plan, okay, so it's not mentioned
17 separately. It goes in your project management
18 plan.

19 MR. ERTUGRUL: For the scheduling, for
20 the unit for the base year, since we don't know
21 conditions, option years, that will be at a later
22 date?

23 MR. DOOLAN: That's correct. The question
24 is whether you need to do a schedule for the whole
25 option year and the answer is no because we don't
26 know what those option years are. We are only
27 asking you for a schedule for the base period. All

1 of the plans that you would be required to prepare
2 would help the project manager plan the first base
3 period.

4 MR. HORN: I'm Jim Horn, ALT. Will Black
5 & Veatch be turning in an objective plan each year?

6 MR. DOOLAN: Well, we don't have any set
7 schedule.

8 MR. HORN: Is this five year period going
9 to extend out to ten years so the escalation is
10 going to be ten years rather than five years?

11 MR. DOOLAN: No, we cannot do a contract
12 longer than five years, so even if Black & Veatch
13 comes up with designs faster than I think we, you
14 know, than you could build them, you could only
15 work five years. That's all we can do.

16 MR. HORN: On the base period.

17 MR. DOOLAN: No, the entire contract
18 including the option years, it will only be five
19 years.

20 MR. HORN: Okay.

21 MS. NOEL: FAR says you can only have
22 five years unless you get special dispensation,
23 which we do not have, so we're bound by that, so,
24 you know, if you don't get it all done, well, you
25 don't get it all done. This is not a completion
26 contract, this is you know, unit price, so we're
27 just going to keep digging, we're going to keep

1 filling, we're going to just keep going, okay. But
2 of course, we do expect you to make substantial
3 progress. Hopefully we can to do it, we'll find
4 out. Okay, let's move along.

5 There will be other project costs which
6 fall outside of the descriptions of the fourteen
7 cost items listed for each year, so just adding
8 another cost blank labeled Other Project Work to
9 each year's end schedule.

10 MR. DOOLAN: The answer is, we think we
11 covered pretty well all the activities that are
12 going to be done under this contract. If you feel
13 that there are some additional tasks, list those
14 under your general requirements. When we put
15 Amendment 2 out, we change the general requirements
16 a little bit and add and et cetera categoric in
17 there, so if you think there's additional things
18 you need to do, put it under your general
19 requirements and provide a cost for it.

20 MS. NOEL: That was the CLEN one that he
21 was talking about.

22 Question. Apparently we are not to
23 exceed a fuel cost of \$100,000 per year, \$8,333 a
24 month average cost is meant to reimburse the
25 contractor for all fuel. This fuel budget will not
26 be sufficient to cover the project's scope
27 described for each year's work. Our STVO SB firm

1 is involved with another EPA project located in
2 Cherokee County, Kansas. The fuel cost for last
3 month was nearly \$16,000. The base year of this
4 project involves excavation disposal of
5 approximately 725,000 cubic yards of mine waste,
6 where as each of the Jasper County work involves
7 excavation disposal of 182,000 cubic yards of cubic
8 mine waste. Suggest that this fuel cost line item
9 be left blank so that each bidder can evaluate the
10 incurred fuel cost with realistic amounts for the
11 base year and each option year.

12 MR. DOOLAN: Diesel fuel, which is plan
13 0007 will be paid at a cost plus GNA applicable.
14 The correct not to exceed dollar amounts of
15 \$650,000 has been included with another two pricing
16 schedule, so we went back and corrected that.

17 MS. NOEL: The RFD does not include a
18 schedule site visit, only photos and videos of the
19 site will be shown in the pre-bid conference and
20 cost estimate for this work is 25 million dollars.
21 There should be ample opportunity for interested
22 bidders to participate in the guided tour of the
23 site in order to gain sufficient knowledge of first
24 hand site conditions. Such knowledge is desirable
25 to allow preparation of getting express bids for
26 projects of this magnitude.

27 MR. DOOLAN: Well, we went over this and

1 to explain and to answer the rest of the part of
2 the question, this is not a firm based price bid,
3 it's a solicitation for a fixed unit price contract
4 with estimated quantities. Only the unit price is
5 fixed, the contractor will be paid based on how
6 many units are performed.

7 MR. NOEL: Apparently the basis for
8 determining the low bidder will be the sum of the
9 base year and for option year grand total total
10 costs.

11 MR. DOOLAN: That is correct, the sum of
12 all the items. Also please remember that the
13 opportunity is being given to price the option
14 years at time of bidding. No adjustment for
15 increase in Davis-Bacon wages will be given. This
16 does not exclude the contractor for increasing
17 worker's pay to enable compensation with any new
18 deviate with minimum wage enacted. A copy of the
19 latest wage determination will be included at each
20 - by the time each option period is exercised and
21 solely at the contractor's compliance.

22 MS. NOEL: The grand total cost for
23 option periods two through four has mistakenly been
24 labeled base periods two through four.

25 MR. DOOLAN: And again, that's been
26 corrected in Amendment 2.

27 MS. NOEL: Bid schedule. The bid items

1 your quantity shown in the base year and each
2 option year are identical. Please provide the
3 correct quantities for each year shown in the bid
4 schedule.

5 MR. DOOLAN: We just answered that
6 question, I think.

7 MS. NOEL: Paragraph 5, sampling
8 procedure bid sampling plan, final Phase II
9 remedial action. The EPA sampling and testing
10 procedures for the remedial action involves
11 collecting five of approximately 50 grams each
12 samples from each 100 foot by 100 foot grid. Sift
13 the soil samples, mix them and then test them SRF
14 to get a 10,000 SF average reading. Instead of
15 these procedures, can we get five SRF readings at
16 the designated testing locations without disturbing
17 the soil and average the test results to get the
18 10,000 SF average?

19 MR. DOOLAN: And the answer to that is
20 no. You will be required to deposit the aliquots
21 in accordance with the plan. I'm going to
22 elaborate a little more. We have over a number of
23 years developed very specific procedures for how we
24 sample soil for lead contaminated sites at setup.
25 And in order for you to comply with that, we have

1 provided you with a field sampling plan for this
2 project and we expect you to do the monitoring to
3 comply with that.

4 MR. DOUGLAS: I have a follow up on that.
5 My name's Tom Douglas, with PKMM. We go out and we
6 dig up according to the radioactive plan? And is
7 this confirmation sample been tested? What if it
8 shows a significant amount of leads to the level?

9 MR. DOOLAN: Then you haven't met the
10 objectives and you keep digging.

11 MR. DOUGLAS: And keep sampling?

12 MR. DOOLAN: Yes. Did everybody hear the
13 question?

14 MS. NOEL: But remember, it's unit price,
15 so you still get paid when you are digging. So
16 that's a good thing. Okay.

17 Can you please extend the RFI deadline?
18 We downloaded the solicitation yesterday and
19 ordered the CD at the specifications. Based upon
20 the fact that in the bid docs, it requires us to
21 submit questions two days prior to the pre-bid and
22 the fact that the drawings were not included in the
23 downloadable solicitation, we respectfully request
24 the aforementioned extension to allow time to
25 review the drawings and specifications upon request

1 received.

2 MR. DOOLAN: No extension to the bid
3 period is anticipated. There's 28 days between
4 this pre-bid conference and the bid due date, which
5 is more than adequate time to structure your bid
6 for this type of contract.

7 MS. NOEL: For bid item 4-AA, 1,200,000
8 is for excavation disposal of contaminated waste is
9 for material going into subsidence pits. What
10 about the material above the performance standards
11 stated in this solicitation? How do we quantify
12 that material and what do we do with it? Is it
13 treated and then placed in the subsidence pit?

14 MR. DOOLAN: And the answer is that the
15 1.2 million cubic yards of material for the
16 solicitation is the amount of material needed to go
17 to subsidence pits and only the material that
18 exceeds the performance is placed in the pit, so we
19 don't think any treatment is required. Whoever
20 submitted this, Mike might clarify, I'm not sure I
21 fully understand it. Basically, the 1,200,000
22 cubic yards is the contaminated material placing
23 the bid. So if there is anything above that, it
24 would stay on site.

25 MS. NOEL: The advertisement states that

1 this is a service disabled veteran on set-aside,
2 the solicitation states on page L-2 of 4, Section
3 L-5 that this is a small business set-aside, please
4 clarify?

5 MR. DOOLAN: Amendment 1 actually
6 corrected the service disabled veteran owned small
7 business, so the answer is--

8 MS. NOEL: Not actually. Yes, you have
9 to be a small business, but you have to be a
10 service disabled veteran to own the small business.

11 Please explain the intent and purpose of
12 bid item 7, diesel fuel at cost was GNA if
13 applicable not to exceed \$100,000.

14 MR. DOOLAN: I'll say it again. The not
15 to exceed amount has been increased to \$650,000 for
16 each contract year. We have created a cost line
17 item for diesel fuel due to the great amount of
18 volatility in the price of diesel in the last year.
19 This will eliminate the contractor's risk
20 estimating this substantial cost as part of the
21 fixed price contract. Fixed unit price.

22 MS. NOEL: What wage rates are to apply
23 for the option years?

24 MR. DOOLAN: Davis-Bacon wages apply to
25 all contact periods however stated previously,

1 you're being given the opportunity to escalate
2 pricing in the option periods. Consequently, no
3 further adjustments to unit pricing will be given.
4 This is in accordance with the FAR 22.44404-12C-1
5 which states, that when an opportunity is given to
6 bid several prices for option year periods
7 provided, the CO--

8 MS. NOEL: Just start at that, states.

9 MR. DOOLAN: States that when the
10 opportunity to bid separate prices for the option
11 period is provided, the CO must not further adjust
12 contract pricing as a result of the incorporation
13 of revised ways, determinations at the exercise of
14 each option year. Make sense?

15 MS. NOEL: Is hydro seeding allowed?

16 MR. DOOLAN: Yes, hydro seeding is
17 allowed. It's actually the preferred method. I
18 think we leave some alternatives in there that
19 allows you the opportunity to bid this as you see
20 fit, but the hydro seeding is what we do.

21 MS. NOEL: The next question is the one
22 question we didn't get an answer to. It says, RA
23 project office, is EPA referring to the
24 contractor's office?

25 We have our engineer checking that out

1 as far as what he meant in the design, so when we
2 get an answer, we'll let you know.

3 MR. DOOLAN: Or, whoever submitted the
4 comment, her question - we're not sure what you're
5 talking about because there is no RA project office
6 per se, there's a site trailer, the contractor has
7 a trailer, EPA has a trailer. We're not sure
8 exactly what that question is meant to be asking.

9 MS. NOEL: Well, okay, let's move on
10 then. Technical specification 01-35-45 Section
11 1.4.2, paragraph 4 requires EPA to perform the SRF
12 testing - I guess testing.

13 MR. DOOLAN: I typed it as it was
14 submitted.

15 MS. NOEL: Oh, yes, I understand, okay.
16 And one chemical sampling in testing for every 20
17 SRF test at a five percent rate, that the EPA
18 Region 7 laboratory for QA. Section 1.4.3 requires
19 the contractor requires the contractor to perform
20 the same testing and to send samples for chemical
21 testing to an EPA QA laboratory and also says that,
22 no additional duplicate samples will be collected
23 and submitted to the EPA laboratory. Section 1.6.1
24 requires laboratory sampling at 2 percent rate to
25 be collected by the contractor and sent to the EPA

1 lab. I presume this is for sampling specified
2 under Section 1.4.2, Section 1.6.2 requires the
3 contractor to use an independent laboratory and be
4 responsible for QA validation. We need
5 clarification. As we understand, contractor will
6 be sampling QA including SRF readings and taking
7 and sending the samples to the EPA laboratory.
8 Contractor will be doing QC testing for its need.
9 Do we need to do a second chemical laboratory
10 testing? Will sampling analysis be done twice?
11 Chemical sampling rate is it two percent or five
12 percent?

13 MR. DOOLAN: So apparently there's a
14 whole discrepancy in the specifications on what
15 you're going to do, so I'm going to clarify that
16 for you. The contractor is going to be required
17 to collect quality assurance samples to confirm the
18 SRF measurements at a rate of five percent.
19 Samples will be submitted to an independent
20 laboratory approved by EPA for analysis. The EPA
21 Region 7 laboratory will not be used to analyze for
22 analysis by the contractor and EPA will not require
23 any duplicate samples or split samples. So
24 basically, you are responsible to collect five
25 percent confirmatory samples to go to a laboratory

1 of your choice that we approve.

2 MS. NOEL: Bid schedule. There does not
3 appear to be any description of the specific areas
4 to be included in the base year or option years.

5 MR. DOOLAN: We've talked about this, but
6 the answer is, that's correct. The areas will be
7 designed in subsequent design packages. Slide show
8 provides a good representation of the area that
9 will be remediated under this contract. EPA
10 anticipates no significant changes or work
11 activities of future design, so basically what you
12 saw today was pretty much what the rest of the
13 areas across the site look like.

14 MS. NOEL: Reference comment number two.
15 It make no logical sense to collect a 5. composite
16 sample for analysis using a field testing
17 instrument SRF. The CPA procedure was developed to
18 minimize the analytical cost for sample parameters
19 which must be analyzed by an outside laboratory.
20 It will be quicker and more accurate to measure the
21 in-place target metals on bi-samples rather than
22 one composite sample.

23 MR. DOOLAN: I think we also talked about
24 this one. To answer the contractor is going to be
25 required to follow the procedures specified in the

1 field sampling plan, which is included with the
2 solicitation. The plan requires depositing the
3 five aliquots for 10,000 square feet, 100X100 grids
4 prior to analysis by Exarbet(ph).

5 MS. NOEL: Does EPA know what
6 regulations, insurance requirements or permits are
7 needed to cross the existing railroads first that
8 separate the designated work areas?

9 MR. DOOLAN: We've answered this already.
10 I will elaborate a little more. The design assumes
11 that crossing the tracks will not be required.
12 This north of the track will be filled with pits
13 located to the north, likewise pits to the south
14 will be filled with materials from the south. If
15 crossing the tracks is found to be necessary, EPA
16 will assist in any way we can, the contractors
17 access discussions with the railroad.

18 MS. NOEL: Since the import of half dirt
19 and black dirt has been on a cubic yard unit price
20 on options one through four, is EPA paying for all
21 en route fuel for the trucks leaving?

22 MR. DOOLAN: This is actually a very good
23 point, and after thinking about this, I want to
24 clarify it a little it. The question really goes
25 that bringing in material offsite, bringing in the

1 clay or the topsoil that's required for a cap, so
2 my answer is going to be for imported clay topsoil
3 required in instruction F, which is CLEN 4-A,B and
4 4-A,C in the base period as CLEN 4-A,F and 4-A,G in
5 the option periods, the bidder should include fuel
6 cost in its unit price bid. EPA will not pay for
7 fuel costs associated with hauling materials onto
8 the site by the CLEN 0007.

9 So to make sure everybody is clear on
10 that. Is that if you're doing work onsite on all
11 these CLEN numbers down to the ones I've mentioned,
12 fuel costs are paid separately, but for importing
13 material to the site, bringing in your topsoil is
14 not located onsite and bringing offsite, I think
15 the point is it's going to be really hard for you
16 and us to track those fuel costs, so you just need
17 to include those in your unit price.

18 MR. YENSAN: What about the fuel costs -
19 I'm sorry, John Yensan, EarthCare Solutions. What
20 about the fuel cost for the equipment we're using
21 to place those materials under those unit prices?

22 MR. DOOLAN: Did everybody hear the
23 question? Well, the question is what about the
24 equipment that is used to place those. My thought
25 was that's on site equipment, that's your dozers

1 that you've got site, you know, and so I would -
2 that's a good question, I've got to think about
3 that. Right now, I'm feeling inclined to say--

4 MR. YENSAN: I see where you're going in
5 the on-road fuel for the transport vehicle, you
6 can't track that, but the on site equipment, you
7 can track it. That should still be paid out of the
8 unit.

9 MR. ZERKEL: Jim Zerkel. Put a separate
10 line on it for placing those materials?

11 MR. DOOLAN: I understand what you
12 getting at is that, you know, you're not excavating
13 and removing something so it's not part of your
14 earth that he mentioned. I don't know at this
15 point. All I can answer you right now, I guess
16 we're going to have to talk about that.

17 MS. NOEL: Okay.

18 MR. DOOLAN: It may be separate line
19 item. We will have to include it with the
20 Amendment.

21 MR. ZERKEL: Again, Jim Zerkel, Snyder.
22 Again a lot of times in MODOT work they will have -
23 one line items in place for it.

24 MR. DOOLAN: We're going to take a quick
25 pause.

1 MR. DOOLAN: So I guess at this point,
2 what we're asking is for your cap construction,
3 placement of clay, the topsoil, your unit price
4 that's estimated here, 35,000 for clay and 17,500
5 for topsoil, you need to include it in the price of
6 that cost of import and placement.

7 MS. NOEL: Okay. If the prime proposes a
8 team member, will that team member's past
9 performance on contracts and subcontracts count
10 towards the experience requirement specified in
11 Section L-7?

12 MR. DOOLAN: That answer is yes. All
13 team members' experience will be taken into
14 consideration.

15 MS. NOEL: Okay, those are all the ones
16 we had prepared prior to coming in today, so now
17 we're going to move to the cards and papers that
18 you gave us just during the break.

19 MR. STOVALL: Any more questions or
20 cards?

21 (Inaudible.)

22 COURT REPORTER: I can't hear anything.

23 MR. DOOLAN: Can't hear you at all.

24 MS. NOEL: And please identify yourself.

25 UNKNOWN: What is the size standard for

1 the small business determination?

2 MS. NOEL: Under 500 employees. 562910
3 is the NA - the question was, what is the size
4 standard for small business under this project
5 solicitation. And we're using NAX Code 562910 and
6 the size standard for that is less than 500
7 employees, no dollar figure attached. Good one;
8 isn't it?

9 Okay. First question. What hydrologic
10 studies have been performed?

11 MR. DOOLAN: We haven't done any
12 hydrologic studies for the site.

13 MS. NOEL: Is hydrologic modeling
14 available for the site?

15 MR. DOOLAN: The answer is no.

16 MS. NOEL: Is a--

17 MR. DOOLAN: I believe it says geo
18 database available. The answer is we don't have
19 any sort of geo database other than the CAD
20 drawings which are available right here.

21 I think a few of you came in a little
22 late maybe before we got started. If you don't
23 know, there's all the CAD drawings are up here on
24 the desk. Make sure you get those before you
25 leave.

1 MR. STOVALL: One per company, please.

2 MR. PICARD: Bill Picard, AES. The CAD,
3 that's a material you're looking at (inaudible).

4 MR. DOOLAN: Yeah, the question is does
5 it have the depth of the materials in the
6 specifications in the CAD drawings, the CAD will
7 have locations of all the test pits that we
8 drilled, associated depths of where we found the
9 contamination of those test pits and there are
10 contour lines, excavation lines drawn on this.

11 MR. PICARD: Thank you, I had not seen
12 them.

13 MR. DOOLAN: Absolutely, you'll be able
14 to pull those thicknesses off there.

15 MR. PICARD: Thank you.

16 MS. NOEL: Is the line item payments
17 going to be based as on as built in place
18 measurement? If so, will the survey need to be
19 done by a licensed land surveyor?

20 MR. DOOLAN: The answer is yes. You need
21 to take a look at page G-2 under specifications of
22 the drawings and that gives you the requirements
23 for survey.

24 MS. NOEL: Will we have to submit match
25 prepared by a surveyor for monthly progress

1 payments?

2 MR. DOOLAN: No, I don't think we need
3 licensed survey drawings for each payment period.
4 I think probably truck count loads will do, but you
5 will be required to verify all those towards the
6 end of the project, so we've already done the pre-
7 survey for you. You'll be required to do the
8 current survey and verify all the volumes that you
9 move.

10 MR. PICARD: At the end of the period,
11 the base period at the end of option one, at the
12 end of option two?

13 MR. DOOLAN: Yes, yes, yes.

14 MR. PICARD: Thank you.

15 MS. NOEL: Are there, or will there be
16 any easements required? If so, are they in place?

17 MR. DOOLAN: There will be no easements
18 required in the project and there aren't any on
19 site that we are aware of.

20 MR. ZERKEL: Any waterlines?

21 MR. DOOLAN: I don't believe there are
22 any waterlines on this site of the project.

23 MS. NOEL: Will burning of excess
24 vegetation be allowed?

25 MR. DOOLAN: Yes.

1 MS. NOEL: Is there an improved haul
2 route for a county and state roads?

3 MR. DOOLAN: Not that I'm aware of. We
4 don't have anything down there that's approved as a
5 haul road.

6 MS. NOEL: Bridge restrictions?

7 MR. DOOLAN: Maybe. There is - let me
8 point to the screen real quick. Right here.
9 There's a double box culvert on Broadway that
10 crosses that creek and I don't know if that's got a
11 weight restriction on it or not. It's not posted,
12 so I can't really answer that.

13 MS. NOEL: Is water in the pits
14 contaminated?

15 MR. DOOLAN: That's a very good question.
16 And yes, the water in the pits is contaminated
17 above drinking water standards. It is not of a
18 huge concern for us for this project, so I think
19 where he's going with this, is any testing required
20 or is there any additional treatment of water that
21 needs to occur and the answer to that is no.

22 I'm going to elaborate a little bit
23 because I think several people asked this question.
24 Generally what we find is the water that's in this
25 pit is, it's not ponded water, it's actually ground

1 water. It's not like this is a farm pond that's in
2 overflow, this is actual hydrologically connected
3 to the ground water. And what we have found is
4 that as you push material into these pits, the
5 water will come up during the day, but overnight it
6 goes back down. This is ground water, it just goes
7 back off into the caverns underground, so our
8 experience has been, in all of the pits that we've
9 built out here, we've not really had any that
10 overflowed.

11 Now, having said that, there may be
12 situations where the water does overflow, but it's
13 no more contaminated than what the surface water is
14 that's running across the site, so we're willing to
15 just let that water flow into the creeks and go on
16 down and take that short term contaminate issue
17 into account. No treatment, hopefully for you, for
18 your bidding purposes, no treatment of the water is
19 going to be required. We can let it overflow but
20 we'll probably work with you on where that water
21 goes to.

22 MS. NOEL: Equipment. Do machines
23 require cabs, anything else regarding safety that
24 is required, is there any website in center that
25 lists the specs for equipment that's to be used on

1 this project? Example, manufacture date pertaining
2 to air quality.

3 MR. DOOLAN: EPA doesn't have any
4 requirements for cabs and things on equipment. All
5 we ask is that you are going to be required to
6 comply with OSHA regulations 1910120, which is
7 health and safety to work on sites, so you need to
8 read those OSHA Regulations and when you're
9 developing a health and safety plan, make sure
10 you're comply with the OSHA regs. There are no
11 separate additional regulations. As to air
12 quality, we've not put any specifications into this
13 contract or required any special air filtering
14 equipment - or any filtering of air on your diesel
15 equipment.

16 MS. NOEL: Is the bid bond required with
17 the bid submittal?

18 MR. DOOLAN: No.

19 MS. NOEL: Is the contractor required to
20 analyze the confirmation samples or just collect
21 them? If so, where shall we include these costs in
22 our bid?

23 MR. DOOLAN: I think we answered that
24 already. You are required to collect confirmation
25 samples at a rate of five percent and soil sampling

1 and clean up verification is included under CLEN
2 0001 base period and then 1001, 2001 and so on in
3 option grades.

4 MS. NOEL: Are there any boring logs
5 available to help determine what we will be
6 drilling through for NW installation?

7 MR. DOOLAN: No, there are no boring logs
8 per se for the site, but what I can tell you is
9 that is all - this is going to be limestone. It's
10 just typical limestone bedrock that you find in
11 southwest Missouri and it's shallow and it starts
12 at about ten to fifteen feet below the ground
13 surface and it's limestone all the way down as far
14 as you can drill.

15 MS. NOEL: Is topsoil required to be
16 imported for restoration of excavation areas? If
17 so, will this be paid under the unit rate for
18 topsoil?

19 MR. DOOLAN: No, the only topsoil that's
20 required for this project is over the cap areas.
21 The last contract included topsoil for the entire
22 excavated areas, we're not going to continue that
23 on through the rest of the project. The question
24 is if so, will it be paid under the unit rate? The
25 answer is we're not reporting any for the rest of

1 this on there. There already is a line item for
2 topsoil and caps.

3 MS. NOEL: What is the engineer's
4 estimated cost for this project?

5 MR. DOOLAN: We didn't do this with any
6 cost and even if we did, we wouldn't give it to
7 you.

8 MS. NOEL: Is there a borrow dirt source
9 area?

10 MR. DOOLAN: Not that we've identified,
11 no.

12 MS. NOEL: Do operators need to wear
13 safety respirators?

14 MR. DOOLAN: That is up to you and your
15 health and safety plan. I can tell you from
16 experience with all the clean up we've done on
17 these sites is that respirators are not required.
18 This is basically just a typical dirt hauling
19 project. The materials are contaminated with heavy
20 metals, you need to take that into account. It has
21 been our experience that's it's not a respiratory
22 problem, but you need to do your own analysis of
23 that and make your own decisions in your health and
24 safety plan.

25 MS. NOEL: How do we know which trees

1 stay?

2 MR. DOOLAN: We've not identified any
3 trees that stay. I guess they are probably all
4 going to go. If you are environmentally friendly
5 and you've got a way to work around trees, I'd love
6 to have them stay, so we can work with you with
7 that, but at this point, we've planned on clearing
8 really the entire 400 acres, cut it clean.

9 MS. NOEL: Is there a designated method
10 of tree disposal?

11 MR. DOOLAN: No, we're leaving that up to
12 you.

13 MS. NOEL: Do we need to do water pumping
14 prior to filling the pits?

15 MR. DOOLAN: We've already addressed
16 that. The answer is no. That is the end of the
17 questions that we have received so far.

18 MR. PICARD: On the trees issues, the
19 types of trees, is there any potential to make them
20 available to surrounding communities for firewood
21 or anything like that? Are there any exclusions?

22 MR. DOOLAN: You know, normally I would
23 say the answer to that is yes, but anybody familiar
24 with the area knows that Joplin was absolutely
25 pounded with two major ice storms this last year

1 and there is an abundance of downed trees
2 everywhere and nobody is going to want them.

3 MR. PICARD: Thank you.

4 MS. NOEL: Any other questions?

5 UNKNOWN: Addressing the tree disposal,
6 can you grind on site and incorporate it into
7 topsoil?

8 MR. DOOLAN: Yes, you can. The question
9 is, can you grind up trees and incorporate it into
10 the topsoil and that is a very acceptable method
11 and we're not calling for any topsoil to be brought
12 in on the site for the excavated areas, so if you
13 want to use it as a biosolid and mulch, that's very
14 acceptable to us.

15 MR. MUDUMALA: Sam Mudumala with Prudent.
16 Is there a work season (inaudible)?

17 MR. DOOLAN: I'm sorry?

18 MR. MUDUMALA: Is there a work season?

19 MR. DOOLAN: The question is, is there a
20 work season? Is there anytime we need you to sub
21 down? No, we work year around. The weather
22 cooperates, go for it.

23 MR. HORN: Jim Horn from ALT
24 Environmental. Are there any sedimentation basins
25 lined out on the drawings?

1 MR. DOOLAN: The question is, is there
2 any sedimentation basins lined out on the drawings
3 and the answer I believe is no, there's silt
4 fences, there's rock check dams that are included
5 on the south end sort of the leg of the L down
6 there. As I said earlier, we intend to reroute the
7 creek to go into some of those pits to use those
8 sedimentation basins and there's no constructed
9 sedimentation basins, only silt fence and rock
10 dams.

11 MR. HORN: What about permanent storm
12 water banks in the area, there aren't any
13 provisions for that either, I presume?

14 MR. DOOLAN: The question is, are there
15 any provisions for permanent storm water management
16 and the answer is no.

17 MR. HORN: Looks like a large area to not
18 have that kind of provisions in it.

19 MR. NAUGHTER: Not as part of this
20 contract.

21 MR. DOOLAN: It's not part of this
22 contract.

23 MR. HORN: Can bull rock be used as rip
24 rap?

25 MR. DOOLAN: The question is, can bull

1 rock or the big boulder piles left on the side be
2 used as rip rap? And the answer to that is yes, if
3 it meets the specifications.

4 MR. HORN: Are there specifications for
5 filling the mine shafts and the vent pipes?

6 MR. DOOLAN: Specifications for filling
7 the mine shafts? No, we've not developed anything.
8 We treat them just like the subsidence pits. It's
9 a big open hole in the ground and put in it
10 whatever you can get in there.

11 MR. HORN: They can be filled with the
12 tailings?

13 MR. DOOLAN: Yes. The holes can be
14 filled with the chat and the tailings just like the
15 subsidence pits.

16 MR. HORN: What about open burning? Is
17 that a possibility on the site?

18 MR. DOOLAN: Open burning of trees? Yes.
19 If you're going to burn, you need to notify Webb
20 City and Cartersville that you're going to do it.
21 Probably get approval, but we've burned in the past
22 down there, didn't have problems with that. During
23 the ice storm, they burned literally millions of
24 cubic yards of trees for about six months.

25 MR. ZERKEL: Still burning.

1 MR. DOOLAN: They are still burning, Mr.
2 Zerkel says.

3 UNKNOWN: Is that open burning or
4 controlled burns?

5 MR. DOOLAN: It's just open burning.
6 That's what Webb City is doing as we speak.

7 MR. MUDUMALA: Sam Mudumala, Prudent
8 Technologies. Is topsoil and clay available on
9 site?

10 MR. DOOLAN: Is topsoil and clay
11 available on site, and I would say the answer is
12 no. We anticipated using topsoil on the Phase I
13 part of this project and turns out it was all
14 contaminated and had to go to the pit, so don't
15 plan on finding any usable topsoil or clay on the
16 site, it's going to be contaminated.

17 MR. MUDUMALA: Do you have any
18 information on how far we have to go to get it?

19 MR. DOOLAN: I'd like to, but I just
20 don't know. I mean, there's numerous sources of
21 clay and topsoil in the area for the volumes you're
22 talking about, but I don't have any specific
23 information on the components of that.

24 MR. GABALA: I have a couple more
25 questions. I (inaudible)--

1 COURT REPORTER: I really can't hear him
2 at all.

3 MR. DOOLAN: We're having a hard time
4 hearing you. Can you speak up just a little bit?

5 MR. MUDUMALA: Yes. We have a small
6 business with a joint venture with service disabled
7 veteran, will our business qualify and what are the
8 conditions we are to meet to qualify to bid the
9 project?

10 MS. NOEL: Actually, I can't answer that
11 with certainty at this moment in time. I'll put
12 the answer in the Amendment, because we need to
13 check with SBA just to make sure, but I know that
14 you can in some certain circumstances, you know, I
15 just don't know in this circumstance. I know 8-A
16 joint ventures or 2-AA companies. I just need to
17 make sure.

18 MR. STOVALL: Team subs okay?

19 MS. NOEL: Team subs is okay, yeah, if
20 the prime is a SB USP.

21 MR. MUDUMALA: Okay, I have another
22 question. What are the minimum qualifications for
23 key personnel?

24 MR. DOOLAN: Minimum qualifications for
25 key personnel. I think you need to demonstrate to

1 me that you've got the ability to do this type of
2 project.

3 MR. MUDUMALA: Would they put other
4 requirements?

5 MR. DOOLAN: Just a second.

6 (WHEREIN, a discussion was held off the
7 record.)

8 MR. DOOLAN: It's referring to paragraph
9 Clause H-2, it is specified that the project
10 manager and the sites they are attending they have
11 to submit their resumes, but we have not put any
12 qualifications on that. You need to submit resumes
13 to demonstrate your ability to do this type of
14 project.

15 MR. YENSAN: I hate to be rude, but we
16 have to catch a plane. Well, actually we're ten
17 minutes - so we're due any minute.

18 (WHEREIN, a discussion was held off the
19 record.)

20 MR. ZERKEL: Is there any data marked on
21 the site that was approved?

22 MR. DOOLAN: Let me make sure I got your
23 question. Was there any data on volumes of--

24 MR. ZERKEL: Volumes that the subsidence
25 pits will hold?

1 MR. DOOLAN: The pits north of Lewis have
2 pretty accurate contours on the bottom of them
3 because I personally went out and measured the
4 depths of those except for the monster that I said
5 was 100 feet, so the design has a lot of contours
6 on the pits that are pretty accurate north of Lewis
7 and Broadway. South of that, we have not measured
8 the depths of those. We estimated a volume of - or
9 a depth of 30 feet below the--

10 MR. NAUGHTER: I think it varied on the
11 bottom. I believe they are included in the
12 drawings.

13 MR. DOOLAN: Our best estimate is
14 included upon those drawings. The south part was
15 estimated and those bottom contours are shown on
16 the specifications.

17 MR. ZERKEL: The contours are to the
18 bottom level of the pits of the water level?

19 MR. NAUGHTER: Yes.

20 MR. COOPER: Dave Cooper, ALT-A&M JV.
21 Have you determined the three locations for staging
22 areas, office trailers, anything like that?

23 MR. DOOLAN: No, we have not.

24 MR. PICARD: I'll follow up with the
25 data, if I may. Will we be responsible for putting

1 the EPA trailer or the Black & Veatch trailer
2 (inaudible)?

3 MR. DOOLAN: There is no Black & Veatch
4 trailer, we are doing the oversight ourselves, at
5 least our design contractor, I'm doing the
6 oversight, coming from people here in the building.
7 We do have a trailer that EPA owns that's on the
8 site right now, so if we establish a new area, we
9 will probably tow it over there and ask you to
10 place it for us, but that's all. Place it and hook
11 up electricity to it.

12 MR. PICARD: Just a follow up, if I may
13 on relative to the staff's experience. Obviously
14 there's some folks that know the neighborhood
15 pretty good and what kind of experience, I mean,
16 obviously experience doing a project of this size
17 and this scale is important. How much will that
18 weigh into the evaluation factor? Is it going to
19 be just straight price or are we going to be
20 looking at the talent that we bring with past
21 employments, the references that we can provide and
22 that kind of stuff?

23 MS. NOEL: It's kind of go/no-go
24 situation in regards to past performance because
25 award will be made to who appears to be technically

1 acceptable, not the best technically acceptable,
2 but just technically acceptable lowest bid, so if
3 we believe that you are a responsible contractor,
4 that has experience that we should be able to
5 believe you can do this work, then you would get
6 the job. If you were also responsive and the
7 lowest bidder. So the responsiveness - see, the
8 responsibility, I have to defer to SBA, so if we
9 don't think you really are responsible, if we say,
10 you know, these guys are clowns, they don't know
11 what they're doing, we can't have them working our
12 site, which of course we wouldn't say with anybody,
13 but just in case, I would have to then go to the
14 SBA for a COC, certificate of competency.

15 I can't make that final decision, but
16 in responsiveness, I do get to make that and that
17 is why where it says that you must give us with our
18 bid, the project manager, plan draft, the draft
19 health and safety, all those things that we have
20 listed there, very important you give us.

21 Also, to acknowledge each Amendment
22 that's issued, so before you sign your bid and send
23 it off, make sure and check that day to see if I
24 did another Amendment, because if I don't get any
25 one of those things, I will kick you out. And even

1 if you are the low bid, you will not have the job
2 and we will go to the second low bid.

3 So it is based on price alone as long
4 as you're technically responsible and you're
5 responsive.

6 MR. HORN: Jim Horn, ALT-A&M. There's a
7 sizeable amount of disturbed area, I don't know, 3
8 or 400 acres, to re-establish vegetation, what
9 about the requirements for topsoil. Is that
10 something that you require?

11 MR. DOOLAN: The question is, there's a
12 sizeable area that's going to be disturbed, 3 or
13 400 acres and asking questions about requirements
14 for re-vegetation and we didn't put any real
15 specific requirements in there.

16 We realize you are going to have
17 difficulty. We just - if you excavate this down,
18 what we found so far, is you get down into that old
19 black Arkansan clay, it's just rock with very
20 little soil in it.

21 I would love to have put in a
22 requirement to bring in topsoil, but keep in mind
23 that this side isn't 300 acres, this site is 7,000
24 acres and there's not enough topsoil in Jasper
25 County to have topsoil, so basically the answer to

1 that, the short answer is we're just going to try
2 to re-vegetate with what we can. I like the
3 suggestion that was made of putting down trees as
4 mulch and things. If there's some economic ways
5 you can bring in some biosolids, so you are
6 required to sample and amend the soil as
7 appropriate in fertilizers and things, but we're
8 not requiring you to bring in any topsoil.

9 Quite frankly, it may be kind of tough
10 to get grass growing on these, but it's a whole lot
11 better than what the owner had to start with.

12 MR. NAUGHTER: Yes.

13 MR. UNDERWOOD: Lynn Underwood with TL
14 Enterprises. I have several questions here. I
15 know that in the write up that this talks about the
16 vegetation, and I need some clarification. Your
17 vegetation you're referring to, you don't want
18 trees in large masses or grass--

19 MR. DOOLAN: That's exactly correct. We
20 understand that you can't keep hauling vegetation
21 out, but we don't want you to plan on knocking down
22 all the trees and putting those trees in the pits
23 because the pit space is valuable on the site. We
24 want the mine waste to go in the pits.

25 MR. UNDERWOOD: The next question is in -

1 and I've not read totally through this but I know
2 what you said. My interpretation was that comments
3 made here, all of the storm water runoff permits
4 and any D water permits, all that has been taken
5 care of by you and you're not going to require
6 anything that the contractor does, the state has
7 its requirements for that to be encompassed in
8 this?

9 MR. DOOLAN: That's correct. I want to
10 clarify your question a little bit. Has any kind
11 of storm water permit or discharging permits
12 required?

13 The answer to that is that if you are
14 doing work as a contractor for the EPA in the
15 superfund program, you are not required to obtain a
16 permit. You are required to comply with the
17 substance requirements of the law, which is why
18 we've got all these requirements in here about silt
19 fencing and rock check dams, and those sorts of
20 things but you are not required to physically get a
21 permit.

22 MR. UNDERWOOD: The CAD drawings that you
23 have up there, are they up to date or are the CD's
24 that we got a week ago have a different CAD set of
25 files on it?

1 MR. DOOLAN: The CD's you got a week ago
2 are just pdf files, which is just a picture of the
3 drawings. The CAD files are the actual auto-CAD
4 files themselves and you can use to manipulate.

5 MR. UNDERWOOD: Then, with that question,
6 if we were able to model and come up with some on
7 site plan and still make it drain and do some other
8 stuff, so the importing clay we have on bids, would
9 you consider that and I realize that it being a
10 case by case, and what are you suggesting?

11 MR. DOOLAN: Yes, absolutely. If you can
12 find onsite material that's suitable to use as
13 caviture(ph), you're more than welcome to use that.
14 I'm just cautioning you that may not be available.

15 MR. UNDERWOOD: The last question I have
16 is having to do with this, is the disabled vet,
17 there's a website you go to that shows the SBA
18 qualifying vet businesses. Is that a true amended
19 with everybody that is qualified to fit under your
20 terms to be considered the disabled vet or would
21 there be other entities that are not listed as that
22 or staying under that?

23 MS. NOEL: Oh, every entity does not
24 necessarily show up on the SBA database. I would
25 not say that that would be all inclusive.

1 UNKNOWN: The service disabled veterans
2 in the your area you go to a for bids is called the
3 ops (inaudible).

4 MR. PICARD: If I may just dovetail on
5 that, the website is www.vip4va.com. If they have
6 been approved for a CCR, they are self-certified.
7 If they go to the VA webpage, they are certified by
8 the VA as veterans and as disabled veteran owned
9 businesses. So you preclude any questions by doing
10 that. That's something that we've pushed for for a
11 long time.

12 MS. NOEL: Okay. Yes?

13 MR. PICARD: This isn't a question that -
14 I've had the privilege of serving on a thing called
15 Vet Force, the task force veterans entrepreneurship
16 since 1987 and when the law came out in '99 that
17 was a part. And the bottom line for what you have
18 done here in Region 7 is precedent setting around
19 the country.

20 And regardless of who wins this
21 contract, you have made history and on behalf of
22 Vet Force and those of us that are serving to see
23 the best in this room, thank you every so much for
24 your confidence and I know everybody here is going
25 to take it home and work it out.

1 MS. NOEL: Well, thank you. We did get
2 the award from the VA last year, so that was good.

3 MR. PICARD: You'll probably get another
4 one this year.

5 MS. NOEL: But we have found there is an
6 awful lot of really good veteran owned services and
7 companies out there. I mean, there's tons. So
8 it's really not that hard to do, you've just go to
9 open people's eyes up, so we're trying to open up
10 at least the rest of our Agency to that
11 possibility. Hopefully others will see.

12 MR. COOPER: Cooper for ALT-A&M. I went
13 on several of these projects and one was OSHA on
14 air monitoring. Is EPA going to require air
15 monitoring for the public?

16 MR. DOOLAN: No. It is not requiring any
17 air monitoring at all. We have some specifications
18 under visible dust. If I come down to the site and
19 your trucks or your back hoes are all across the
20 site with dust over them, I'm going to jump all
21 over you, but I'm not going to go down to an air
22 monitor to check you. The only air monitoring is
23 up to you to fulfill your own health and safety
24 requirements.

25 MS. NOEL: Any more questions? I will

1 say that once we adjourn this meeting, I will not
2 be taking any more questions at all, at all. I
3 don't care how important it is. Yes, Jim?

4 MR. HORN: Jim Horn, ALT-A&M. When do
5 you think this contract will be awarded?

6 MS. NOEL: It will be awarded prior to
7 close of business on September 30th, 2008,
8 hopefully a few days before that. Anything else?
9 Are you sure now? Usually I kind of hedge around
10 here and someone will reluctantly--

11 UNKNOWN: I'll ask you another question.
12 There's a lot of things that are still vague
13 regardless of how much you discuss them. Some of
14 the sampling requirements for me are very vague.
15 Are we going to have to sample the soil that's
16 coming in to make sure it doesn't have problems?

17 MR. NAUGHTER: Metals.

18 UNKNOWN: Topsoil and clay?

19 MR. DOOLAN: The specifications, there
20 are some. Testing requirements of the imported
21 materials for metals, I believe we gave some advice
22 on it. I think we gave some frequencies that you
23 need to do that. It's pretty minimal, but we want
24 to make sure that you're not going somewhere else
25 in Jasper County and getting metal-filled soil and

1 bringing it on the site we just cleaned up. That
2 has happened before, actually, not on my site.

3 MR. DOUGLAS: I'm sorry, I'm Tom Douglas
4 with PKMM. Alex, will they contract impression,
5 what is the - work plus the performance percent?

6 MS. NOEL: 51 percent.

7 MR. DOUGLAS: 51 percent?

8 MS. NOEL: 51 percent, yes.

9 UNKNOWN: What's the chance of the
10 possibility that you talked about the designer has
11 figures and balances that you, in the quantities,
12 can ask for in the areas and some of these take
13 offs, these bid and how do you balance that, so
14 it's maybe not too complicated for everybody to
15 kind of figure out what their haul distances are
16 and how to balance per area. Does that clear it
17 up?

18 MR. DOOLAN: I'm sure I understand
19 completely what you're asking. I think what you're
20 asking me is can our designer give you quantities
21 that are located in different areas?

22 UNKNOWN: Well, you eluded earlier that
23 you felt that there will require a balance in this
24 area so we're going to have to cross the tracks
25 here. So what those balances are in those areas,

1 it makes a haul difference, the lengths and stuff
2 to save a lot of time and determines some of it.

3 MR. DOOLAN: I'm going to let my design
4 engineer answer that.

5 MR. NAUGHTER: We mentioned that the CAD
6 drawings are here so you guys can kind of determine
7 your plans on your own. We're not going to dictate
8 exactly what material you're hauling to exactly
9 which pit. You guys will know better than us,
10 what's going to be the most efficient way for you
11 to do the job.

12 UNKNOWN: So with that, did you establish
13 any shrink or swell factors with the material, like
14 the magic question--

15 MR. DOOLAN: Well let me address that
16 just a little bit. What I can tell you is these
17 volumes that are on here are what you will derive
18 if you take off volumes, is absolutely an estimate.
19 We did the best job we possibly could in estimating
20 Phase I and went over 100 percent. That's why we
21 went from a lump sum firm fixed contract to a unit
22 priced contract because there is just no way to do
23 this as a firm fixed price. You can, but it's
24 difficult, isn't it, Mr. Zerkel?

25 MR. ZERKEL: Sure is.

1 MR. NAUGHTER: Just with the question
2 earlier about the clay materials, it's in spec
3 Section 31-0000 list 1.2, the EPA method 60 and is
4 requirement for the testing frequencies in Section
5 1.3 on metals. It's every 10,000 cubic yards.

6 MR. HORN: Jeff Horn, ALT-A&M. These
7 subsidence pits, you said some of them you had a
8 very good idea of what the complexity is in all of
9 them. Will there not be any requirement to fill up
10 certain pits? I mean, will they have a big excess
11 of quantity available?

12 MR. DOOLAN: Your question is, we don't
13 necessarily know the exactly line on these pits and
14 there's a requirement to fill them? I guess the
15 answer to that is eventually. Pits are really at a
16 premium in Jasper County, they really are. We were
17 really worried for awhile that we weren't going to
18 be able to fill the bill on Phase I, so we went off
19 site somewhere else and got some more material and
20 brought it in there to make sure we could fill them
21 so eventually, we will fill the pit.

22 And the beauty about having these
23 option periods, is that if you cannot fill a
24 particular pit or two pits or three pits under a
25 base period, we'll pay you under your unit price to

1 go get materials somewhere else to bring it in and
2 finish them off. So eventually, we went the pits
3 filled to cap, but you may not be able to
4 accomplish it on every bid under this base bid.

5 MR. WOELPER: Alex Woelper from Encon.
6 I've got one more question. Is this a strategy for
7 the EPA would be to try to fill these pits one at a
8 time or just sequence them?

9 MR. DOOLAN: Well, I think that's totally
10 up to you. You can sequence that however it works
11 for you. If you want of fill five of them at a
12 time, that's fine with me, I really don't care.
13 Whatever work for you. Also, like I said, I want
14 them all filled when we're done but there's no
15 priority in the way that you fill them or the order
16 that you fill them.

17 MR. STONEMAN: I'm talking about the
18 shortest hauls to fill them.

19 MR. DOOLAN: That would be in your best
20 interest, the shortest haul to the pit.

21 MR. SNOW: Danny Snow, Prudent
22 Technologies. Just to clarify on your method for
23 measuring your units. Is that going to be strictly
24 survey only and what if in fact you do need premium
25 material from off site? Is there any method to

1 check that out?

2 MR. DOOLAN: Survey. For final payment,
3 to close out a contract will require a survey. And
4 we've done the one before you started. This is
5 pretty accurate because we flew it, I would remind
6 of the accuracy of that.

7 MR. NAUGHTER: Nine inches, three inches,
8 pretty close.

9 MR. DOOLAN: You'll be required to do a
10 final survey that will compare back to the original
11 survey that was done, so to calculate the material
12 that you import in, my suggestion is that you need
13 to survey before you finish all of your
14 excavations, get that done, survey the sites that
15 you've managed to move, then you'll have to survey
16 the parts that you bring material into, your caps
17 for example.

18 MR. SNOW: That will obviously - there's
19 several ways to do it, but I just want to see which
20 way - that's the only (inaudible). Why do you
21 think that we need a survey?

22 MR. DOOLAN: Monthly payments, I think we
23 can live with truck counts, got a good
24 superintendent out on the project, but for final
25 payment, you'll need a survey.

1 MR. ZERKEL: Jim Zerkel, Snyder
2 Construction. When you manage your haul in dirt,
3 your growable dirt or black dirt and topsoil and
4 your cap there, are you going to measure your fill
5 areas or your gutter areas?

6 MR. DOOLAN: I don't know, Jim.

7 MR. ZERKEL: Or do you pack - compaction
8 right on the fill areas?

9 MR. NAUGHTER: Jim, are you asking that
10 the material that you're using for the cap?

11 MR. ZERKEL: Are you going to pay for
12 material and clay that's going to have some sort of
13 compaction on it or are you going to pay cubic
14 yards for the borrower?

15 MR. NAUGHTER: I would say that would
16 have to be paid in place because it's up to you if
17 you want to bring it in from off site, where if
18 you're going to use on site material for that,
19 we're talking about the clay cap stuff mostly, so
20 that's up to you. It would be paid in place.

21 MR. DOOLAN: It's going to be measured in
22 place. Any more? We are going to adjourn.

23 MS. NOEL: Thank you all for coming.
24 Make sure when you do submit your bid, that you
25 have crossed all your T's, dotted your I's; okay?

1 Make sure you give us everything that you're
2 supposed to be getting, and we do have a public bid
3 opening on September 11th at 12:00 noon. If you
4 want to come, you're more than welcome. So, thanks
5 again.

6 (WHEREIN, the Conference is concluded at
7 12:30 p.m.)

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CERTIFICATE OF REPORTER

STATE OF KANSAS) ss:

I, JANET H. WIMER, Certified Court Reporter, the officer before whom the foregoing conference was taken, do hereby certify that the testimony in said conference was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this conference was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Notary Public in and for
the State of Kansas

My Commission Expires: