



CARE Meeting Summary – December 8, 2021

Thursday, December 8, 2021, 9:00 AM – 11:00 AM CDT

MS Teams Meeting, Held Remotely

In Attendance:

Michelle Caldwell, Michael Spinar, Jim Bailey, Anne Remek, Robert Lugar (IDEM); Susan MiHalo (TNC); Will Tucker (USFWS); Maureen Turman (NiSource); Murulee Byappanahalli (USGS); Kay Nelson (NWI Forum); Jenny Orsburn, Carl Wodrich, Lynn Riddle, Emily Stork (IDNR); Fernando Treviño (ECWMD); Jason Zylka, Sam Belcik, Natalie Mills (USACE); Jennifer Birchfield (NWI Urban Waters); Caitie Nigrelli (USEPA); Leslie Dorworth (IL-IN Sea Grant); Brenda Scott-Henry (City of Gary)

Public Attendees:

Ms. Carolyn Marsh

1. Introductions

Michael Spinar opened the meeting at approximately 9:03 am and took roll of those in attendance. He then provided some reminders to attendees regarding audio and chat functionality in MS Teams.

2. Update on Lake George Canal Eagle Nest (U.S. Army Corps)

Michael reminded CARE members of the discussion held at the October 28 CARE meeting regarding a bald eagle nest located on private property near Calumet Avenue. In response, two biologists from the U.S. Army Corps of Engineers – Chicago District involved with the Lake George Middle Project, Sam Belcik and Jason Zylka, provided additional information to CARE Members. Ms. Belcik provided a brief overview of the Lake George Canal Middle Project, then described the results of a review conducted to determine any adverse effects of the project work on the nesting site.

Due to the location of the project work outside the 660-foot buffer area recommended by the U.S. Fish and Wildlife Services and a seasonal tree cutting restriction put in place during the project, no adverse impacts to migratory birds – including any nesting eagles – were anticipated.

USACE staff then highlighted the benefits of the project to wildlife, including adding species diversity to the habitat along the canal and allowing for improved light infiltration and addressed several questions from CARE members, in addition to several questions from a member of the public that were posted into the meeting chat. USACE staff shared that J.F. Brennan Co. was selected as the contractor for the Lake George Middle project and that the project work will be subject to performance criteria that include various species diversity and



coverage metrics. For instance, the project area must contain 70 percent native plants at the conclusion of the project.

3. Sediment Management Actions (BUIs #1-2, #4-7) Updates

a. Lake George Branch Middle & East

Michael provided minor updates to CARE members on the Lake George Canal East project, which is located near the Confined Disposal Facility in East Chicago. He shared that the U.S. Army Corps has received funding to complete design work for the Phase II dredging of Lake George Canal East. This phase of the project will include areas along the south bank of the IHSC and additional “clean up” of areas dredged in Phase I. Design work is currently expected to be completed in 2023, with dredging conducted in 2024. In the meantime, ARCO/BP has been working to complete the 90 percent design for construction of a sheet pile wall along the northern boundary of the ECI South Tank Farm property. The sheet pile work is expected to be completed in 2023, with some habitat restoration work extending into 2024.

Michael provided some updates on the Lake George Canal Middle Project as well. The U.S. Army Corps completed the project design for the Lake George Middle project earlier this year and has selected J.F. Brennan for construction. Construction is currently projected to begin next spring and potentially continue through 2023. The project will consist of placement of an engineered cap within the canal, active mats at the ECI West Tank Farm property, and ecosystem restoration along the northern bank and the wetland shelf along the southern bank near Lake Mary. In addition, Michael shared that ARCO/BP completed pipeline decommissioning efforts at the West Tank Farm property this summer and is working to repair a tide gate at the land bridge on its property as part of the project.

b. Lake George Branch West

Michael reminded CARE members that the Lake George Branch West project area extends from the BP land bridge to Calumet Avenue in Hammond. The Great Lakes Legacy Act Project Agreement between BP Products North America, Inc. and U.S. EPA is for Feasibility Study, Remedial Design, and invasive species control and includes sampling of the Lake George West project area. The project agreement was executed October 1. BP subsequently conducted sampling in October and is awaiting those results.

c. Junction Reaches

Michael next provided updates regarding the Grand Calumet River Junction Reaches Project This includes the Indiana Harbor Ship Canal south of Columbus Drive and the Grand Calumet River between Indianapolis Boulevard and Kennedy Avenue.



The East Chicago Waterway Management District (ECWMD) entered into a contract with TetraTech to complete the remedial design for the project in May. The ECWMD currently anticipates that the remedial design will be completed in mid-2022, with construction to follow in 2023.

The ECWMD and project stakeholders continue to meet regularly to refine the scope for the final remedial design of the project.

d. East Branch Phase II

Michael stated that there were no significant updates regarding the East Branch Phase II Project, which includes the dredging and capping of the East Branch of the Grand Calumet River in the vicinity of the Gary Airport, as well as closure of the Ralston Street Lagoon. U.S. EPA staff continue to work with the Gary Sanitary District to identify potential nonfederal Great Lakes Legacy Act cost share required to complete the project.

e. Orphan Areas Site Characterization

Michael stated that the U.S. Army Corps of Engineers continues to develop the scope of work for the site characterization of areas which lie outside, but adjacent to, Reaches 8 and 9 of the Congressionally authorized channel of the Indiana Harbor Ship Canal. The current focus of the work is developing the practical range of remedial alternatives that might be considered for the project.

f. Great Lakes Legacy Act SEP Update

Michael reminded CARE members of the brief overview of the Great Lakes Legacy Act state Supplemental Environmental Project (SEP) opportunity that he provided at the June CARE Workgroup meeting. SEPs are environmentally beneficial projects voluntarily undertaken by respondents in enforcement. He then informed CARE members that the first Legacy Act SEP is currently being processed by U.S. EPA.

Tradebe Treatment and Recycling, LLC requested to participate in the Great Lakes Legacy Act SEP opportunity as part of efforts to resolve three environmental enforcement cases. Once the appropriate Agreed Orders were adopted in November, IDEM provided them to U.S. EPA's Great Lakes National Program Office for invoicing and processing. Collectively, the new SEPs are expected to provide \$50,720 in nonfederal cash match toward the East Branch Phase II project.

Kay Nelson noted the work conducted by IDEM and IDNR staff to identify funding sources needed to complete these projects since the initial funding sources used did not provide sufficient cost share to implement all the work.



4. Habitat Management Actions (BUI #3 & BUI #14) Updates

a. Management Action #1 – Dune, Swale, and Riverine Restoration

Michael noted that the Dune and Swale project will be ending in December and IDEM and the other project partners will be working to complete the grant closeout activities early in 2022. IDNR will be overseeing a Phase II project to complete establishment on a 394-acre subset of the project acreage.

Carl Wodrich then stated that IDNR is working to get passthrough agreements with TNC into the state's electronic contracting system so that can assist with the Phase II work. The 394 acres that have been included in the project have had a shorter period of habitat restoration than other areas at which the AOC habitat partners had conducted initial work. Susan MiHalo offered that TNC was reviewing the agreement internally.

Emily Stork added that the habitat assessment data has been entered and quality controlled for the Dune and Swale Project. The data will allow the AOC habitat partners to understand how the AOC managed lands fare relative to the proposed BUI removal metrics.

b. Management Action #4 – Prescribed Fire Plan/Contractual Burns

Will Tucker stated that he has not yet received reports of any burns accomplished during the 2021-2022 season. He also shared that some partners are trying to amend their contractual agreements to get additional burns in.

Emily shared that Lake County Parks completed a burn at Gibson Woods and that Shirley Heinze Land Trust had completed a burn on the North Unit at Seidner Dune and Swale Nature Preserve that used to be choked out with phragmites. IDNR was planning burns at the Martin Oil Natural Area on December 9 and one at Pine Station during the week of December 13. TNC hopes to get in a burn at Beemsterboer.

c. Management Action #5 – Pine Station Ponds and Oxbow

Carl shared that the draft design for Phase I and Phase II of the project was being reviewed by Division of Nature Preserves within IDNR and the agency was providing comments to the contractor. The agency's goal was to submit permit applications for the work to IDEM in December.

d. BUI #14 Removal Target Status

Michael shared that, based on feedback received from CARE members, IDEM RAP Program staff were in the process of preparing briefing materials for IDEM



management recommending the adoption of the proposed removal target. Michael stated that BUI removal targets are set by the state, whereas management actions – which typically involve the allocation of Great Lakes Restoration Initiative (GLRI) funding – are approved by U.S. EPA’s Great Lakes National Program Office.

5. Other BUI Updates

a. Beach Closings (BUI #10)

Michael shared that IDEM was continuing work with U.S. EPA to finalize the management action letter for the Beach Closings BUI.

b. Degradation of Aesthetics (BUI #11)

Michael reminded CARE members that IDEM RAP staff have been working to address persistent aesthetics issues observed at the Old Cline Avenue Bridge. The buildup of trash and natural debris on the upstream side of the bridge has also provided a source of invasive species, and apparently oil sheens, to downstream portions of the river. These conditions will likely preclude removal of the Degradation of Aesthetics BUI if left unaddressed. IDEM has been meeting with key stakeholders to assess options to address the debris/logs jammed along the east side of the bridge. Proposed solutions discussed to date have centered on two options: (1) removal of the bridge itself and (2) periodic removal of the debris.

Discussions with stakeholders to determine the best avenue for addressing the debris given available resources and corridor planning goals are continuing.

c. Eutrophication & Degradation of Plankton BUIs (#8 and #13)

Michael reported that USGS has completed monitoring of dissolved oxygen and other parameters at 13 sites within the AOC for the 2021 season and has completed initial analysis of the eDNA data from the AOC plankton communities. Once IDEM and its partners have a chance to review the data, we plan to apply for GLRI funding to conduct more targeted monitoring in 2022. In addition, IDEM RAP staff have reached out to the Northwest Indiana Stormwater Advisory Group (NISWAG) to discuss the potential for collaborating to reduce stormwater inputs of nutrients to AOC waterbodies. The ultimate goal is to determine what management actions may be required to achieve removal of these BUIs.

Murulee Byappanahalli added that plankton samples have been collected and analyzed from five locations throughout the AOC waterways and the agency expects to discuss its initial findings with IDEM in January.

6. Federal-State AOC Meeting Updates



Michael discussed how annual joint meetings occur between the federal and state agencies involved in addressing Great Lakes Areas of Concern (AOCs). These Federal-State AOC meetings focus on key project updates and obstacles to implementing management actions and are designed to set each AOC up for success over the upcoming year. Indiana's meeting was held Thursday, December 2.

Attendees began the meeting by discussing the considerable progress made in the AOC in 2021. These items included:

- progress made on cost share, such as the development of the Great Lakes Legacy Act SEP Opportunity
- progress made on Great Lakes Legacy Act contaminated sediment remediation projects, including signature of the Lake George West Feasibility and Design PA, awarding of the Lake George Middle construction contract, and work to finalize the Grand Calumet River Junction Reaches design.
- Approval for funding the site characterization of the Indiana Harbor Ship Canal Orphan Areas.
- Formation of the AOC Sediment Working Group to accelerate progress on sediment cleanups.
- Completion of the Lake George Wetlands habitat restoration project.
- Work to complete the Pine Station Ponds habitat restoration project design and receipt of funding to begin implementation of the work.
- Completion of most of the work on the Dune and Swale project, including monitoring of 175 assessment units (144 were completed in 2020), and funding of continued establishment efforts as part of the Dune and Swale, Phase II project.
- Development of the revised removal target for the Loss of Fish and Wildlife Habitat BUI and development of drafts of the management action lists for the Beach Closings and Degradation of Aesthetics BUI. CARE Members will recall that the Beach Closings management action list was presented to this workgroup for input in May.

U.S. EPA staff then provided information on the AOC Program as a whole. To date, six AOCs have been delisted and management actions have been completed at 10, leaving 15 – including the Grand Calumet River AOC – with actions remaining. U.S. EPA then provided an update on the Fiscal Year 2022 GLRI budget – including the work requested across all AOCs – and emphasized the importance of Environmental Justice to U.S. EPA and the current administration.

Michael stated that the majority of the meeting involved detailed discussion of the implementation of management actions to remove BUIs. IDEM and IDNR described planned work, which will emphasize the completion of projects to remove and contain contaminated sediments within AOC waterways. Based on such projections, IDEM currently forecasts completion of all AOC management actions in 2025, with BUI removals to follow in the following year or so – subject to monitoring results.



7. Table Talk

Michael announced that IDEM has selected Cathy Csatari as the Director of the Northwest Regional Office, effective December 6. Cathy has a long history with the agency, having previously worked in the Hazardous Waste Section of the Office of Land Quality (OLQ) and in IDEM's Compliance and Technical Assistance Program (CTAP). Prior to her service with IDEM, Cathy served in various roles in private industry.

Michael also announced that Bruno Pigott's last day as IDEM Commissioner was Friday, December 2. He has taken a position with U.S. EPA in Washington, D.C. as the deputy assistant administrator in the Office of Water.

Susan MiHalo announced that she submitted a guest editorial in the Northwest Indiana Times regarding wildlife sightings and restoration of BUIs that was expected to be published over the weekend.

Brenda Scott Henry announced that the City of Gary has implemented a city-wide burn ban.

8. Public Comment

Ms. Carolyn Marsh provided several questions in the chat that were responded to by USACE staff. She then provided a number of verbal comments to CARE members during the public comment period. Comments addressed a variety of matters, including recent swan deaths at George Lake, the Lake George Canal habitat restoration, and the removal of Eagle Eye bird deterrents from Whihala Beach.

9. Meeting Adjournment

Michael Spinar adjourned the meeting at approximately 10:15 am.

Next Workgroup Meeting: Thursday, January 27, 2022, 9:00 am – 11:00 am CST
Via Microsoft Teams