

EAST CHICAGO WATERWAY MANAGEMENT  
DISTRICT BOARD OF DIRECTORS' MEETING  
City of East Chicago, Engineering/Annex Building  
4444 Railroad Ave.  
East Chicago, Indiana  
January 20, 2016  
Wednesday, 5:00 P.M.

Transcript of the proceedings had in the  
above-entitled matter, on the 20th day of January,  
2016, at 5:00 p.m., at the City of East Chicago,  
Engineering/Annex Building, 4444 Railroad Avenue,  
East Chicago, Indiana, before Dawn M. Iseminger,  
Registered Professional Reporter and Notary Public  
for the County of Porter, State of Indiana.

East Chicago Waterway Management District  
January 20, 2016

A P P E A R A N C E S:

1  
2  
3 MR. JOHN FEKETE, President

4 MR. KEVIN DOYLE, Vice President

5 MR. HENRY RODRIGUEZ, Secretary

6 MR. RAY LOPEZ, Treasurer/Financial Officer

7 MR. JOHN BAKOTA, Board Member

8 MR. FERNANDO TREVINO, FMT Consulting

9 MS. ELLEN GREGORY, East Chicago Waterway Board of  
10 Directors' Attorney

11  
12 Also Present:

13 JIM WESCOTT, Tetra Tech

14 TIM ANDERSON, CliftonLarsonAllen

15 DAVID ALONZO, BMO Harris

16 NATALIE MILLS, USACE  
17  
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1 MR. FEKETE: I'd like to call to order the  
2 East Chicago Waterway Management District Board of  
3 Director's meeting. Today's date is January 20,  
4 2016, and the time is 5:02. Roll call vote.

5 John Bakota?

6 MR. BAKOTA: Here.

7 MR. FEKETE: Henry Rodriguez?

8 MR. RODRIGUEZ: Here.

9 MR. FEKETE: Patrick Rodriguez?

10 (No response.)

11 MR. FEKETE: Ted Zagar?

12 (No response.)

13 MR. FEKETE: Kevin Doyle?

14 MR. DOYLE: Here.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete, and I'm here. We  
18 have a quorum.

19 First order of business is the Consulting  
20 Engineering report. Mr. Trevino.

21 MR. TREVINO: Yes. I'd like to start off by  
22 going over the contents of your board packet. You  
23 have the meeting notes for December 16, 2014. You  
24 have the financial statement, the  
25 CliftonLarsonAllen statement dated December 31,

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1 2015. The Page 4 of the financial report, the one  
2 that was e-mailed to you, was incorrect; so I  
3 handed out a corrected Page 4 and Mr. Tim Anderson  
4 could reiterate it during his report. You have  
5 the claim docket dated January 20th, 2016. You  
6 have First Merchants Bank statement for the month  
7 of December 2015 for accounts ending in 616 and  
8 608. You have People's Bank account statement for  
9 the fourth quarter 2015 for account ending in 46  
10 and 47. You have resolution 2016-01 for  
11 resolution to perform a second appraisal of  
12 property of interest regarding the Robert  
13 Feddeler, LLC. You have a proposal from Humphrey  
14 CPA Group, LLC, dated January 19, 2016. You have  
15 a proposal by EnviroForensics dated January 19,  
16 2016. You have an amendment titled, "Second  
17 Modification to Agreement," regarding Section 10  
18 permit and management of oil booms to include AOC  
19 investigation to right-of-ways. You have a Tetra  
20 Tech monthly progress report dated January 14th,  
21 2016. You have an e-mail from Catie Nigrelli  
22 dated January 11, 2016, regarding an update of the  
23 work along the Grand Cal' River. You have an  
24 Arcadis monthly progress report, progress report  
25 number 287 for the month of August 2015. You have

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1 the Army Corps of Engineers report to the board  
2 dated January 20, 2016. And you have Attorney  
3 Ellen Gregory's report to the board with the  
4 revision date of January 15th, 2016.

5 A couple of items to go over. We've been  
6 trying to finalize our evaluation of insurance  
7 options, and so we should have that for the  
8 board's consideration at the next board  
9 meeting. Finance committee met earlier today  
10 at 11:00. The full finance committee was able  
11 to attend along with Attorney Ellen Gregory.  
12 Some of the items we covered including --  
13 included the resolution 2016-1, the Rodney  
14 Humphrey proposal, the EnviroForensics  
15 proposal. We gave him an update on the  
16 insurance option, the status of the 2016 budget  
17 status, and a 2015 FMT performance evaluation.

18 And, speaking of that, I did pass out the  
19 final report for my performance evaluation for  
20 2015. If there's any questions or anything,  
21 please let me know. I appreciate everybody's  
22 comments and participation in the evaluation.

23 There are a few items on the agenda for  
24 approval consideration that are usually not on  
25 our agenda. I'll go over those items. One is

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1 the election of officers, which we do annually,  
2 and along with the appointment of the finance  
3 committee and the chairperson. Also, is the  
4 approval consideration of resolution 2016-01,  
5 and it's the second part of an appraisal debt  
6 Mr. Burgoyne did for us after we were able to  
7 locate a key document that impacted the -- or  
8 may impact the appraisal. We want to  
9 incorporate that into the appraisal. So that  
10 proposal and resolution is on the agenda for  
11 approval consideration.

12 Also, there's -- as I mentioned, there's  
13 an approval for Rodney Humphrey's proposal  
14 dated January 19, 2016, and that has two main  
15 scope of works that are affiliated with that.  
16 One is an agreed-upon procedure that summarizes  
17 the spending for the Waterway Management  
18 District from 2009 to 2015, and it also reviews  
19 all costs incurred by the district that  
20 combines the two reports. We have a report  
21 that summarizes our spending through 2008; so  
22 he'll be compiling those two reports. There's  
23 also a proposal for EnviroForensics dated  
24 January 19, 2016; and that's to review the CDF  
25 cost analysis. The Army Corps has presented

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1 some costs that they've had through  
2 construction and through O&M and that they  
3 forecast through the balance of O&M and post  
4 closures; so we wanted to have someone do a  
5 technical review of the cost analysis. And  
6 also review the \$71 per cubic yard tipping fee  
7 that we had come up with a few years ago just  
8 to see if that's still valid based on the cost  
9 that we've experienced to date.

10 Also, is the approval consideration for  
11 the Section 10 permit contract amendment. We  
12 had a contract in place that covered the boom  
13 maintenance disposal and also the disposal of  
14 free-phase hydrocarbon that was collected. And  
15 this amendment covers disposal of materials  
16 that are accumulated for the AOC work on the  
17 south tank farm. So that contract has already  
18 been reviewed by BP and their attorneys,  
19 including our attorney; and what you have in  
20 front of you is recommended for approval.

21 The draft that was e-mailed to you, there  
22 was a typo on it; so the contract that we'll  
23 have Mr. Fekete sign, if approved, has that  
24 typo removed; and it was just one word. There  
25 was an "is" on there that was striked out but

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1           it wasn't removed.

2           An update on user fees. We experienced a  
3 software glitch on the Boyce slash Keystone  
4 software; so we've been trying to resolve that,  
5 and I think we got it licked; so hopefully  
6 we'll have the user fees out before the end of  
7 this month.

8           Great Lakes Legacy Act project: Tetra  
9 Tech continues to work on finalizing the  
10 remediation design, and I'm also working on our  
11 local cost share report for 2015, which I'll be  
12 sending to EPA for their review. The project  
13 team has been working hard on evaluating  
14 funding options for the remediation phase of  
15 the project. A meeting was held with the city  
16 to evaluate if their CSO project would qualify  
17 as part of local shares; so there was a meeting  
18 with the city and the EPA folks to evaluate the  
19 scope of the work and some of the details; so  
20 hopefully in the next week or two we'll have a  
21 better indication of whether some, most, or all  
22 of the project would qualify towards local  
23 share. We did receive a signed project  
24 agreement amendment that included BP; so we're  
25 trying to schedule a meeting in the next couple

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1 weeks with BP to evaluate if they have any  
2 projects along the waterways that may qualify  
3 as local share.

4 Tetra Tech's project report is in your  
5 packet for additional information and Mr. Jim  
6 Wescott is here from Tetra Tech to provide more  
7 detail on the update.

8 You have in your packet the report from  
9 the Army Corps of Engineers, and the project  
10 manager, Natalie Mills, is here to give an  
11 update on the Corps' project. Attorney Ellen  
12 Gregory will give an update on various legal  
13 matters, and that concludes my report.

14 MR. FEKETE: Do we have any questions for  
15 Mr. Trevino?

16 (No response.)

17 MR. FEKETE: Thank you very much. And the  
18 next order of business is the election of  
19 officers. I will entertain a motion for  
20 nomination for president.

21 MR. BAKOTA: I nominate Mr. John Fekete for  
22 president.

23 MR. FEKETE: Are there any other nominations?

24 (No response.)

25 MR. FEKETE: Hearing none, we'll have a roll

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1 call vote. I need a second for --

2 MR. RODRIGUEZ: I second.

3 MR. FEKETE: Okay. Roll call vote. John  
4 Bakota?

5 MR. BAKOTA: Yes.

6 MR. FEKETE: Henry Rodriguez?

7 MR. RODRIGUEZ: Yes.

8 MR. FEKETE: Patrick Rodriguez?

9 (No response.)

10 MR. FEKETE: Ted Zagar?

11 (No response.)

12 MR. FEKETE: Kevin Doyle?

13 MR. DOYLE: Yes.

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: I'll abstain, but we do have a  
17 quorum; so that motion is accepted.

18 MR. BAKOTA: Congratulations.

19 MR. FEKETE: It was a tough campaign.

20 MR. LOPEZ: My condolences.

21 (Laughter among board members.)

22 MR. FEKETE: I'll entertain a motion for vice  
23 president.

24 MR. RODRIGUEZ: I'll have a motion to  
25 nominate Kevin Doyle for vice president.

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1 MR. FEKETE: I'll second that motion. All in  
2 favor, we're going to have roll call again.

3 John Bakota?

4 MR. BAKOTA: Yes.

5 MR. FEKETE: Henry Rodriguez?

6 MR. RODRIGUEZ: Yes.

7 MR. FEKETE: Patrick Rodriguez?

8 (No response.)

9 MR. FEKETE: Ted Zagar?

10 (No response.)

11 MR. FEKETE: Kevin Doyle?

12 MR. DOYLE: Abstain.

13 MR. FEKETE: Roy Lopez?

14 MR. LOPEZ: Yes.

15 MR. FEKETE: And I vote yes; so that motion  
16 is approved. Congratulations, Kevin.

17 MR. DOYLE: Thank you, Mr. President.

18 MR. FEKETE: Nomination for secretary. I  
19 nominate Henry Rodriguez.

20 MR. RODRIGUEZ: I accept.

21 MR. BAKOTA: Second.

22 MR. FEKETE: Roll call vote.

23 John Bakota?

24 MR. BAKOTA: Yes.

25 MR. FEKETE: Henry Rodriguez?

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1 MR. RODRIGUEZ: I'll abstain. I'd say yes.  
2 MR. FEKETE: Patrick Rodriguez?  
3 (No response.)  
4 MR. FEKETE: Ted Zagar?  
5 (No response.)  
6 MR. FEKETE: Kevin Doyle?  
7 MR. DOYLE: Yes.  
8 MR. FEKETE: Ray Lopez?  
9 MR. LOPEZ: Yes.  
10 MR. FEKETE: John Fekete, I vote yes. That  
11 nomination is approved.  
12 Treasurer and fiscal officer.  
13 MR. DOYLE: I nominate Ray Lopez.  
14 MR. FEKETE: And I need a --  
15 MR. BAKOTA: Second.  
16 MR. FEKETE: And we have a second. Okay,  
17 we'll vote.  
18 John Bakota?  
19 MR. BAKOTA: Yes.  
20 MR. FEKETE: Henry Rodriguez?  
21 MR. RODRIGUEZ: Yes.  
22 MR. FEKETE: Patrick Rodriguez?  
23 (No response.)  
24 MR. FEKETE: Ted Zagar?  
25 (No response.)

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1 MR. FEKETE: Kevin Doyle?

2 MR. DOYLE: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

5 MR. FEKETE: John Fekete, yes.

6 That nomination and motion was approved.

7 Next order of business is the appointment of  
8 the finance committee members and chairperson;  
9 and I will appoint Kevin Doyle, Ray Lopez, and  
10 myself as chairman.

11 The next order of business is the approval  
12 consideration of the board meeting notes for  
13 December 16, 2015.

14 MR. LOPEZ: Motion to accept.

15 MR. BAKOTA: Second.

16 MR. FEKETE: And a second. I'll entertain a  
17 voice vote. All in favor signify by saying "aye."

18 (All signify aye.)

19 MR. FEKETE: Any opposition?

20 (No response.)

21 MR. FEKETE: Hearing none, the motion is  
22 approved.

23 We'll have the accounting consultant  
24 report.

25 MR. ANDERSON: Tim Anderson from

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1 CliftonLarsonAllen. So I have, this month, two  
2 versions. Hopefully, you all have the current  
3 copy, and I apologize for that. Page 2 of our  
4 report shows the cash receipts and disbursements  
5 for the whole year of 2015. Cash receipts include  
6 the budget transfer from the trust, some interest  
7 income, and the user fees that we charge.  
8 \$698,000 of cash receipts. Our cash  
9 disbursements, you can see the list: Legal,  
10 engineering, accounting, some other things, and  
11 then the Great Lakes Legacy Project being the  
12 biggest item. So we've written checks through  
13 December 31st for \$646,000; so our increase in  
14 cash ending December 31 is \$51,000. Cash at the  
15 beginning of the year was \$2,006,000. Cash  
16 reconciled in the accounts as of December 31 is  
17 \$2,058,000. We have \$301,000 as of December 31 in  
18 the operating account, and then the user fee  
19 account has a million seven in it. The  
20 supplementary information, Page 3, just shows the  
21 monthly activity in those two checking accounts,  
22 the interest earned each month, and when the  
23 deposits hit the accounts, and when the checks  
24 were written. It's basically the same information  
25 just on a monthly basis.

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1           Page 4 is the page I changed; so I want to  
2 make sure everybody has got the correct -- the  
3 original version didn't show the January cash  
4 disbursements that you have on your claim  
5 docket today, which is important because  
6 that -- the checks we write in January actually  
7 go against the '15 budget.

8           MR. FEKETE: Uh-huh.

9           MR. ANDERSON: Because they're all December  
10 invoices. So we had a budget appropriation after  
11 adding last year's payables of \$947,086. We made  
12 one change during the year to move some  
13 communication outreach designated money up to  
14 legal. We wrote \$646,000 of checks through  
15 December, and then we get to add the \$99,000 that  
16 you're approving today against the '15 budget; so  
17 that far right column is the important column that  
18 shows that we didn't spend -- on any given line,  
19 we didn't spend more than we appropriated, which  
20 is very important to you guys. And you can see  
21 what we've spent and what we didn't use of our  
22 budget for '15. And then Fernando and I have to  
23 figure out how much of that was trust and how much  
24 is non-trust to request the transfers for the '16  
25 budget. And we will do that soon.

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1           Do you guys have any questions at all  
2           about the '15? The banks are reconciled.  
3           We've done 1099s for our contractors; so we're  
4           good with the government so far. We have some  
5           forms to file ==

6           MR. LOPEZ: I have the copy.

7           MR. ANDERSON: -- the 100R and then we've got  
8           to do another form with the state.

9           MR. LOPEZ: Yeah. I got it. I gave it to  
10          him.

11          MR. ANDERSON: You got the -- I did the 100R  
12          and then Mr. Lopez has to go in and approve it or  
13          whatever. Somehow we'll have to get that done  
14          before the end of the month.

15          MR. TREVINO: Are you sticking around after  
16          the meeting, Tim?

17          MR. ANDERSON: We could do it today if you  
18          want.

19          MR. TREVINO: At least talk through it.

20          MR. LOPEZ: After the meeting.

21          MR. ANDERSON: Very good. Sure.

22          MR. FEKETE: Very good. Thank you,  
23          Mr. Anderson.

24          MR. ANDERSON: You bet.

25          MR. FEKETE: We have before us the accounts

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1 payable voucher register dated January 20, 2016.

2 I will entertain a motion for approval.

3 MR. LOPEZ: Motion to approve.

4 MR. FEKETE: And we need a second.

5 MR. RODRIGUEZ: Second.

6 MR. FEKETE: We have a second. Any  
7 questions?

8 (No response.)

9 MR. FEKETE: Hearing none, we'll have a roll  
10 call vote.

11 John Bakota?

12 MR. BAKOTA: Yes.

13 MR. FEKETE: Henry Rodriguez?

14 MR. RODRIGUEZ: Yes.

15 MR. FEKETE: Patrick Rodriguez?

16 (No response.)

17 MR. FEKETE: Ted Zagar?

18 (No response.)

19 MR. FEKETE: Kevin Doyle?

20 MR. DOYLE: Yes.

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

23 MR. FEKETE: John Fekete, and I vote yes.  
24 That motion has been approved.

25 The next order of business before us is

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1 the approval consideration for resolution  
2 2016-01. The proposal for -- from Burgoyne  
3 Appraisal Company dated January 15th, 2016.

4 MR. LOPEZ: Motion to approve.

5 MR. FEKETE: We have a motion to approve.  
6 I'll entertain a second.

7 MR. DOYLE: Second.

8 MR. FEKETE: Any questions?

9 (No response.)

10 MR. FEKETE: Okay. Hearing none, we'll have  
11 a roll call vote.

12 John Bakota?

13 MR. BAKOTA: Yes.

14 MR. FEKETE: Henry Rodriguez?

15 MR. RODRIGUEZ: Yes.

16 MR. FEKETE: Patrick Rodriguez?

17 (No response.)

18 MR. FEKETE: Ted Zagar?

19 (No response.)

20 MR. FEKETE: Kevin Doyle?

21 MR. DOYLE: Yes.

22 MR. FEKETE: Ray Lopez?

23 MR. LOPEZ: Yes.

24 MR. FEKETE: I vote yes. The next order of  
25 consideration is the proposal from Rodney

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1 Humphrey, dated January 19, 2016, for accounting  
2 agreed-upon procedures report. We have discussed  
3 this. Are there any questions about this  
4 proposal?

5 (No response.)

6 MR. FEKETE: Hearing none, I'll entertain a  
7 motion to approve.

8 MR. RODRIGUEZ: Motion to approve.

9 MR. DOYLE: Second.

10 MR. FEKETE: Entertain a second -- do we have  
11 a second?

12 MR. DOYLE: Yes.

13 MR. FEKETE: I was talking over you. Thank  
14 you. I apologize.

15 Hearing no questions earlier, we will have  
16 a roll call vote on this item.

17 John Bakota?

18 MR. BAKOTA: Yes.

19 MR. FEKETE: Henry Rodriguez?

20 MR. RODRIGUEZ: Yes.

21 MR. FEKETE: Patrick Rodriguez?

22 (No response.)

23 MR. FEKETE: Ted Zagar?

24 (No response.)

25 MR. FEKETE: Kevin Doyle?

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1 MR. DOYLE: Yes.

2 MR. FEKETE: Ray Lopez?

3 MR. LOPEZ: Yes.

4 MR. FEKETE: John Fekete. The motion is  
5 approved.

6 The next order of business is the proposal  
7 from EnviroForensics dated January 19, 2016,  
8 for CDF cost analysis. You heard Mr. Trevino's  
9 explanation earlier on, in his presentation.  
10 Are there any questions?

11 (No response.)

12 MR. FEKETE: I'll entertain a motion for  
13 approval. Do I have a motion for approval?

14 MR. BAKOTA: Motion approved.

15 MR. FEKETE: We have a motion. Do I hear a  
16 second?

17 MR. RODRIGUEZ: Second.

18 MR. FEKETE: We have a second. Roll call  
19 vote.

20 John Bakota?

21 MR. BAKOTA: Yes.

22 MR. FEKETE: Henry Rodriguez?

23 MR. RODRIGUEZ: Yes.

24 MR. FEKETE: Patrick Rodriguez?

25 (No response.)

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1 MR. FEKETE: Ted Zagar?

2 (No response.)

3 MR. FEKETE: Kevin Doyle?

4 MR. DOYLE: Yes.

5 MR. FEKETE: Ray Lopez?

6 MR. LOPEZ: Yes.

7 MR. FEKETE: John Fekete, I vote yes. And  
8 the final item for consideration is the Section 10  
9 permit contract amendment. We had approved this  
10 once before but there was a minor modification to  
11 include -- what was it the -- it escapes me.

12 MR. TREVINO: It was the environmental  
13 report, ERN, Environmental Report -- oh, no, I'm  
14 sorry.

15 MS. GREGORY: The Section 10 permit.

16 MR. TREVINO: We had --

17 MR. FEKETE: Release?

18 MR. TREVINO: Yeah, the previous one included  
19 the manifest for the boom maintenance and the  
20 disposal of the free-phase hydrocarbon.

21 MR. FEKETE: Okay. Hydrocarbons?

22 MR. TREVINO: Right. This one is to include  
23 the waste that is generated from the AOC  
24 investigation work.

25 MR. FEKETE: Okay.

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1 MR. LOPEZ: Motion to accept.

2 MR. FEKETE: We have a motion. Do I have a  
3 second?

4 MR. DOYLE: Second.

5 MR. FEKETE: Roll call vote.

6 John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 (No response.)

12 MR. FEKETE: Ted Zagar?

13 (No response.)

14 MR. FEKETE: Kevin Doyle?

15 MR. DOYLE: Yes.

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Yes.

18 MR. FEKETE: I vote yes.

19 The next order is the BMO Harris report.

20 Mr. Alonzo.

21 MR. ALONZO: I'm just going to run through  
22 our trust report here; so this is as of  
23 January 20th. The values -- of course, the first  
24 page is just historical data from 1997 up until  
25 now. So as of January 20th, the trust account

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1 value was \$5,788,501. So that was a difference of  
2 \$65 from our last meeting. Last year, we had a  
3 disbursement from the trust of \$268,519. Going  
4 through the last page just gives us the breakdown  
5 of all the accounts. The reason why that interest  
6 was only the \$65, is that was only from the money  
7 market account. If you see in that far right-hand  
8 column where it says, "Next interest credit date,"  
9 that's pretty much all of the CDs are going to be  
10 paying interest in the next couple weeks here. So  
11 by our February meeting, we'll see an uptake in  
12 the interest that was paid out. And then March  
13 and April's shouldn't be too -- I mean, it will be  
14 just minor interest accumulated. So we really  
15 don't have a whole lot maturing this year. We've  
16 got one CD that's out there for October that's  
17 going to be coming due, but beyond that, we're  
18 sort of in the clear. Rates haven't moved too  
19 much. The Fed did push interest rates up but  
20 depository rates did not move whatsoever. Prime  
21 did go up though, so those lending rates did go  
22 up. But with all that said and done, we are  
23 really above any of our current pricing right now  
24 for CDs right now because of the increases we've  
25 given you guys over the years. So any questions

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1 at all?

2 (No response.)

3 MR. FEKETE: Very good. Thank you.

4 MR. ALONZO: Thank you.

5 MR. FEKETE: Great Lakes Legacy Act project  
6 update, Mr. Wescott.

7 MR. WESCOTT: Jim Wescott. So those are for  
8 discussion in the minutes. So on the progress  
9 report, we're almost complete with the current  
10 scope of work, design work. My CAD designer went  
11 in for emergency knee surgery last week; so the  
12 drawings are about a week behind. The expectation  
13 would be to have it totally wrapped up by  
14 February 12th so that you'll get the final invoice  
15 in February and then we'll be done with the final  
16 scope of work. One permit has already been  
17 submitted to the state. It's the NPDES discharge  
18 permit, and that's to discharge the water that we  
19 generate from the sediment dewatering back into  
20 the canal. And we've got three main permits that  
21 are left, and they all require a few drawings that  
22 aren't done yet. That's why the rest of the  
23 permits would be done when the drawings are done  
24 early February. I am uploading stuff to the  
25 SharePoint site, which I talked about last month.

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1 I don't know if anyone here even has access. I  
2 know Fernando has had difficulty. But if anybody  
3 wants additional information, just let me know.  
4 And right now I'm uploading everything to the  
5 SharePoint site and Fernando and I will work out  
6 probably giving a lot of the deliverables to  
7 Fernando on CD as well; so there's plenty of  
8 copies.

9 Any questions about the design so far that  
10 I just mentioned?

11 MR. LOPEZ: Yeah. Okay. These are -- it's  
12 already been dredged?

13 MR. WESCOTT: No. So I'll talk about that  
14 next. So the design, as we talked about the  
15 design for the entire project area and as we went  
16 through, like with the feasibility study, public  
17 meeting, and there's six exposure areas. And the  
18 total cost is over \$60 million; so the expectation  
19 is we can't -- so the project partner is supposed  
20 to continue. The federal government, they just  
21 don't have enough money to fund that all at one  
22 time. So Fernando has been working with his other  
23 non-federal partner and BP and the federal partner  
24 to try and structure something, if you want to  
25 call it phase one, that can be done starting next

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1 year. And there's still some -- the financials  
2 are not totally resolved, but the expectation --  
3 and I can walk through the drawing -- is that in  
4 2017 we would dredge the areas that are in tan.  
5 And that's starting at the -- just to orient  
6 yourself, the CDF is at the very top. And so  
7 there's a large amount of material that's in the  
8 Lake George Canal in the East Chicago city  
9 boundary. It's about 60,000 yards in that area in  
10 Lake George Canal. And then on the Indiana Harbor  
11 canal there's two areas. Combined, those are  
12 about 30,000 yards, and this -- the longer  
13 southern one is where the higher PCB concentration  
14 is that we talked about, and that's also the area  
15 that we would sort of over dredge, and that would  
16 be a sedimentation basin to try to provide some  
17 separation between the harbor and the Grand  
18 Calumet River. And then we would also dredge the  
19 west branch of the Grand Calumet River, and that's  
20 another 30,000 yards; so there's approximately  
21 120,000 yards of material that would be dredged if  
22 everything goes to plan in 2017.

23 And then you'll see a blue hatch on the  
24 Grand Cal. The plan would be to then in 2018  
25 come back and cap the river, both the west

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1 branch and the east branch, as we've done like  
2 at the Roxanna section and the east branch  
3 that's east of Kennedy Avenue.

4 MR. BAKOTA: That's already been dredged  
5 though?

6 MR. FEKETE: No.

7 MR. WESCOTT: The west branch will be dredged  
8 prior to capping. The east branch will not be  
9 dredged because it's deep enough that you don't  
10 need to dredge -- it doesn't make sense to spend  
11 the money. If we cap it, it will be okay. And so  
12 the capping would occur in 2018; and that would  
13 essentially complete -- the west branch would be  
14 totally finished all the way to the Illinois state  
15 line. And then the only section of the east  
16 branch that would remain would be a section in  
17 Gary.

18 MR. LOPEZ: Good.

19 MR. BAKOTA: The gray one, like the Lake  
20 George branch, that's a proposed dredging and  
21 capping?

22 MR. WESCOTT: There's no dredging in that  
23 part of the Lake George Canal; so we're just  
24 dredging about 60,000 yards of material, and we  
25 talked about it at the feasibility study because

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1 the Corps is only dredging and not -- it doesn't  
2 make sense to dredge and cap. We're just trying  
3 to get basically paired.

4 MR. BAKOTA: But what -- my understanding,  
5 what is this, then (indicating)?

6 MR. WESCOTT: That's the area that we would  
7 dredge; so that is where the 60,000 yards are.

8 MR. BAKOTA: Okay.

9 MR. WESCOTT: And that small box that isn't  
10 dredged, we're not dredging there because the  
11 Corps has already dredged that. So the area that  
12 is already dredged is about 20 feet of water. And  
13 the area that I'm showing in tan, we're removing  
14 about ten feet of sediment. I mean, it's just --  
15 it jumps way up (indicating). And that's part of  
16 the issue with the sheen -- you know, because when  
17 the tugboats come in, they kind of kick up some of  
18 the sediment; and so we're trying to get a lot of  
19 that out of the way and dramatically reduce that  
20 issue.

21 MR. BAKOTA: That dredging will go all the  
22 way to the bank of the south?

23 MR. WESCOTT: That's the plan, yeah. We're  
24 going to dredge -- there's some discussion about  
25 the upland -- you know, BP and their contractor,

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1 Arcadis, are doing some potential revenues along  
2 the bank; so we're going to try to dredge right up  
3 to the bank and they can take it from there.

4 MR. BAKOTA: It also goes to the railroad  
5 trestle?

6 MR. WESCOTT: It almost goes to the railroad  
7 trestle. For whatever reason there's a big hole  
8 under the railroad trestle; so there's no reason  
9 to really dredge there because there isn't much  
10 there that's near the surface. So, really, we're  
11 just trying to get a lot -- we're trying to  
12 make -- get a lot of sediment that's near the  
13 surface out of the way; so we're taking about ten  
14 feet.

15 MR. BAKOTA: What's the cost of doing that?

16 MR. WESCOTT: So the cost -- the overall  
17 cost, so this is about three -- well, it's about a  
18 third of the overall -- a third to a half. The  
19 dredging itself is probably 18 to 20 million.

20 MR. BAKOTA: That's for what you have  
21 specified here?

22 MR. WESCOTT: For the west branch, the  
23 Indiana Harbor Canal, and that would complete all  
24 the dredge in East Chicago. We'd just come in and  
25 get it all done at once and not have to do it

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1 again. There's an area in Hammond that they may  
2 dredge but that's down the road.

3 MR. BAKOTA: What is -- maybe I'm missing  
4 something. What about this other section  
5 (indicating)?

6 MR. WESCOTT: You're not missing -- so the  
7 dredging itself is 18 to 20, and then capping the  
8 Grand Calumet is probably another 8 to 10 million.

9 MR. LOPEZ: How much?

10 MR. WESCOTT: 8 to 10. So you're looking at  
11 about 25 to \$30 million total to do all the work.

12 The Indiana Harbor Canal still needs to be  
13 capped from, basically, the confluence with the  
14 Grand Cal all the way up to Columbus Drive, but  
15 that's probably another 10 million, and that  
16 seemed like it was going to be a stretch; so we  
17 didn't include it in this phase because it just  
18 seemed like with the discussions that we've had  
19 for the last nine, ten months, with the  
20 different project partners and what money  
21 people could bring to the table, that seemed  
22 like it was not going to be feasible.

23 MR. BAKOTA: It seems the current flow is  
24 south to north.

25 MR. WESCOTT: Correct.

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1 MR. BAKOTA: And aren't we jeopardizing the  
2 integrity of that dredge once we dredge and cap  
3 here? We still have current.

4 MR. WESCOTT: You're not capping anywhere in  
5 the Indiana Harbor Canal. And the reason that we  
6 want to cap the Grand Canal is, you're correct,  
7 the flow is going south to north; so if we get the  
8 Grand Cal totally done, then you're only getting  
9 clean water that's flowing through the Indiana  
10 Harbor Canal. So the potential for  
11 recontamination is very, very limited.

12 MR. RODRIGUEZ: These areas here along the  
13 canal (indicating), there's two tans to the south,  
14 okay, that's what you needed those accessibility  
15 permits -- to be able to get on the land --

16 MR. WESCOTT: Correct.

17 MR. RODRIGUEZ: -- because there's no way to  
18 raise those bridges.

19 MR. WESCOTT: Yeah. The larger one on the  
20 south, you would use the city easement. I think  
21 the parks department owns a piece of property that  
22 we would use to get the equipment in. The smaller  
23 parcel to the north at Columbus Drive, the  
24 expectation is that we're going to be allowed  
25 access through Buckeye Partners' property, which

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1 is those tank farms. We're also expecting through  
2 the Grand Cal to use access through Buckeye. I'm  
3 still talking to Buckeye because they -- maybe  
4 it's because oil is so low, they're not very  
5 talkative, but they're the only access agreement  
6 that I haven't totally got locked in yet, but they  
7 said they will cooperate. I just don't have  
8 anything in writing yet.

9 MR. BAKOTA: Have you considered the sediment  
10 trap in there, or is that out of consideration?

11 MR. WESCOTT: That's what the larger one at  
12 the bottom --

13 MR. FEKETE: That is -- yeah, that is the  
14 one.

15 MR. WESCOTT: So we're dredging about --  
16 we're over-dredging that area; so we're taking  
17 about seven feet of material out, and then we  
18 would basically leave a big hole there. It would  
19 be capped eventually, but you're only going to put  
20 about a foot and a half of material; so you're  
21 still going to have, basically, a larger hole  
22 there.

23 MR. BAKOTA: How deep do you estimate that to  
24 be?

25 MR. WESCOTT: Well, from the surface of the

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1 water, it's probably 15 feet. And now it's  
2 probably six or seven.

3 MR. BAKOTA: Is there anything in the works  
4 of who would clear the sediment trap, or is that a  
5 perpetual --

6 MR. WESCOTT: Well, that's -- one of the  
7 deliverables is sort of an O&M, an operation and  
8 maintenance plan for this and, ultimately, that's  
9 a discussion between the federal and non-federal  
10 partners. On the other areas that are capped,  
11 it's the -- I believe one of the state agencies  
12 has a lead for going in and servicing the cap, or  
13 at least inspecting the cap. The expectation is  
14 that the effort from the -- would be rather  
15 minimal. We haven't seen -- we have another  
16 sediment trap up near Cline Avenue, and it's only  
17 been operating for a couple years, but there  
18 hasn't been a lot of accumulation; so the  
19 expectation would be that you're not going to have  
20 the trap fill up rapidly and then have to come  
21 back and re-dredge it every few years. Like, some  
22 people have storm water detention ponds in their  
23 neighborhood, and they fill up, you know, and they  
24 sort of require a lot of maintenance. This one,  
25 the expectation would be it's more of a worse case

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1 scenario, but more than likely it's not really  
2 going to fill up with anything.

3 So phase one is dredge everything in East  
4 Chicago and cap the Grand Cal. Then the  
5 remaining phases or remaining work would be cap  
6 the Indiana Harbor Canal and do some work in  
7 the Hammond section of Lake George. That's  
8 what would be left, and those would be probably  
9 some time down the road when there's more money  
10 from different project partners.

11 MR. RODRIGUEZ: I was asked this question by  
12 one of the town council members last month. I  
13 know what's going in the CDF right now, but this  
14 other stuff here --

15 MR. WESCOTT: So that's a good question. So  
16 the plan is to pump everything to a dewatering  
17 path that would be located on the south tank farm  
18 site, which is opposite the CDF. So the  
19 contractor would come in and build, basically, a  
20 big pad, and they would pump all the sediment into  
21 the pad, and it would go into -- I may have shown  
22 pictures before of these long --

23 MR. RODRIGUEZ: Roxanna geotech.

24 MR. WESCOTT: Right, the geotech stuff, and  
25 that would stay over the winter, and they would

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1        hall it to a landfill that would be selected by  
2        the contractor. They typically use Newton County,  
3        down in Newton County, or one of the -- Waste  
4        Management has several land fills around, Three  
5        Rivers; so they would have to pick a landfill that  
6        is licensed and is acceptable for the disposal  
7        material.

8            MR. RODRIGUEZ: That's where all this goes?

9            MR. WESCOTT: Right. Right now nothing  
10        additional would be -- nothing from this project  
11        would go in the CDF.

12           MR. RODRIGUEZ: Thanks.

13           MR. WESCOTT: And then the final part of the  
14        report in the way the final scope of work was  
15        written a few years ago was basically to get the  
16        design done and the permits submitted and we don't  
17        want -- the way that the typical EPA projects work  
18        is there's also a task called post design support.  
19        And so it carries from the end of the design up to  
20        the current process into the construction. And so  
21        I mentioned it in the report, you know, and I'll  
22        get a -- I'll work with Fernando over the next few  
23        weeks to get kind of a scope of work and cost  
24        estimate. But the expectation would be that there  
25        will be some additional time now that it looks

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1       like there's a project coming together to kind of  
2       take it from where the design is and help the  
3       non-federal partner and EPA with mainly the  
4       procurement process and assisting with all the  
5       feedback on the permits that we're going to be  
6       submitting to the agencies. I don't have a cost  
7       exactly, but when we did Roxanna it was about  
8       52,000. It's probably going to be in the same  
9       ballpark, and that will cover basically from  
10      March 1st through the end of the calendar year  
11      until we get -- until EPA basically picks a  
12      contractor to do the work. And the EPA ones are  
13      typically a big bucket. It's just post design  
14      support; so it's 52,000. What I'll try to work  
15      with Fernando is structure it so it's actually  
16      broken down in more finite tasks because it's  
17      still unclear right now whether the project will  
18      happen; so I don't want to, like, put a bunch of  
19      money in a big bucket. I'd rather break it out  
20      and make it more discrete so that it's easier for  
21      the board to see exactly what you're paying for it  
22      and it's easier for me to manage. Because if we  
23      never got to, like, a site walk and natural bid  
24      review, then I won't spend that money. But that's  
25      what -- so I'll try to break it out in more

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1 specific line items, and I'll have a draft for you  
2 at the next project meeting or the next board  
3 meeting, and then you can review it and approve it  
4 in March. There's no rush.

5 MR. LOPEZ: Next meeting, okay.

6 MR. WESCOTT: And then, Fernando, have you  
7 talked about the community engagement plan going  
8 forward, or is that something you want to mention?

9 MR. TREVINO: I haven't mentioned it. If you  
10 want to summarize where we're at on it.

11 MR. WESCOTT: So this covers basically what  
12 the phase one plan would be, but we've had some  
13 discussions about trying to put together a press  
14 release because of the design -- the overall  
15 design is coming to an end. EPA and the  
16 non-federal partner, including yourself, there  
17 will be a press release and some other outreach  
18 efforts to kind of talk about the overall project,  
19 you know, the 60-plus million solution for the  
20 whole area, and just to kind of get that out into  
21 the public because people have come to the  
22 feasibility study meeting and some other things;  
23 so just to kind of close the loop on that. And  
24 then if the funding comes together to actually  
25 implement what we'll call phase one, the plan is

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1 to then try to have a specific outreach effort in  
2 the May and June time frame where we try to get  
3 the public -- engage the public in some kind of  
4 information session, maybe at the library or some  
5 other venue, to try to get them specifically --  
6 basically walk through what I just talked about in  
7 more detail so that residents in the area and  
8 other people kind of understand what's going to  
9 happen in 2017. So there's a number of outreach  
10 efforts that are expected between now and, say,  
11 July 4th. And then after they select a bidder, if  
12 it goes that far, they'll probably have a final --  
13 like a preconstruction public outreach meeting  
14 next winter, early spring.

15 Anybody have any questions?

16 MR. FEKETE: I do.

17 MR. WESCOTT: Yes, John.

18 MR. FEKETE: You're going to be out of town  
19 toward the end of January?

20 MR. WESCOTT: I'm in California next week,  
21 and the last week of February I'm also gone. But  
22 if the care committee wants me to try to be there,  
23 me or somebody else can --

24 MR. FEKETE: Well, I checked and if I can  
25 have basically kind of like a write-up of what you

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1 just described and some more of this (indicating).

2 MR. WESCOTT: Yes.

3 MR. FEKETE: Get me a dozen of these, Jim.

4 Like a review book and you can walk through it at  
5 the January meeting.

6 The February meeting is going to be tied  
7 up with Dr. Tom Simons' report on everything  
8 he's been doing on --

9 MR. WESCOTT: When is the January meeting?

10 MR. FEKETE: The 26th of January.

11 MR. WESCOTT: I'll get it to you on Friday.

12 MR. FEKETE: Get it to him on Friday.

13 MR. WESCOTT: I'll get it to you both. Any  
14 other questions?

15 MR. LOPEZ: We're good.

16 MR. WESCOTT: And if you do have questions,  
17 you can either talk to me directly or filter it  
18 through Fernando.

19 MR. RODRIGUEZ: John Fekete just mentioned  
20 about that written summary or whatever.

21 MR. WESCOTT: You want that, too.

22 MR. RODRIGUEZ: Yes.

23 MR. WESCOTT: I'll give it to John and  
24 Fernando so you can all get it. So I'll send it  
25 directly to John and Fernando, and he can shoot it

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1 out to everybody.

2 MR. FEKETE: Then I had the discussion that  
3 you asked about or somebody -- Diana Mally talked  
4 about the NPDES.

5 MR. WESCOTT: Well --

6 MR. FEKETE: Was that you or was that Diane?

7 MR. WESCOTT: So we submitted the permit  
8 application to the state.

9 MR. FEKETE: Yeah.

10 MR. WESCOTT: And I think one of the things  
11 that maybe Diane had mentioned in the previous  
12 meeting was that -- and all these permits, there  
13 will be several permits, and the state will have  
14 public notice.

15 MR. FEKETE: Right.

16 MR. WESCOTT: She just wants to make sure  
17 that -- you know, we've had all these permits  
18 before for all the other phases and the projects  
19 have gone well. So if you have neighbors or  
20 stakeholders that have questions, you know, just  
21 to be aware that those permits are out there and  
22 to kind of talk positive about the benefits of the  
23 project and, you know, we're not trying to despoil  
24 the area.

25 MR. FEKETE: Right.

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1 MR. WESCOTT: So that we don't -- we don't  
2 want a lot of negative perception to kind of  
3 derail the permit, because it's the same permits  
4 we used in the past.

5 MR. FEKETE: It's the same process that  
6 you've been doing elsewhere.

7 MR. WESCOTT: Yeah. The permit -- like for  
8 the NPDES discharge permit, we did exactly the  
9 same thing. We treat it, we pump the sediment, we  
10 treated the water and pumped it right back in the  
11 river.

12 Here, the treatment plant would be on the  
13 south tank farm and the expectation -- and they  
14 would pump it out basically under Indianapolis  
15 Boulevard, and it would be a lot cleaner than  
16 the water they took out of the river. So is  
17 that kind of -- I think that's maybe what  
18 you're getting at.

19 MR. FEKETE: Right. As long as it's -- I  
20 mean, it's consistent with what's being done  
21 elsewhere in the river?

22 MR. WESCOTT: Correct.

23 MR. FEKETE: You tie all that together,  
24 people are very positive about the accomplishments  
25 that have been achieved to date. And what we're

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1 basically saying is this is kind of the same  
2 thing.

3 MR. WESCOTT: We're trying to use the same  
4 model; so it shouldn't be anything new or  
5 different. If anything, we're just trying to  
6 improve on the permits we've done before on the  
7 lessons we've learned on the previous phases.  
8 Okay? Thank you very much.

9 (All board members say "thank  
10 you".)

11 MR. FEKETE: US Army Corps report. I see we  
12 have two representatives today.

13 MS. MILLS: My backup. Good evening.  
14 Natalie Mills, with the US Army Corps of  
15 Engineers. As far as the dredging contract, they  
16 completed 26 million gallons of water. They  
17 treated 26 million gallons of water, and they shut  
18 down on the 30th of December. They'll resume  
19 water treatment some time in March dependent on  
20 the weather, and when the ground thaws; and so the  
21 dredging schedule will be dependent upon when they  
22 can get back to treating water and removing some  
23 more water off of the site. So they're not doing  
24 any work at this point in time besides ongoing  
25 regulated control.

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1           The installation contract, they're working  
2           on their submittals, their final submittals,  
3           as-built drawings, things to wrap up the  
4           project. The fieldwork is complete though.  
5           The equipment storage facility contract,  
6           there's no update on that. They're still  
7           scheduled to mobilize this spring. I do have  
8           an update on the TSCA permit. We did receive  
9           comments from US EPA and IDEM. Previously, we  
10          had -- we submitted a permit in March of 2014.  
11          They gave us some comments around July of 2015,  
12          and then we had some comments and then they  
13          gave us comments again, 13 January of 2016.  
14          We're going to be meeting internally to discuss  
15          their comments and see how we want to respond.  
16          We're not necessarily in agreement with their  
17          comments; so once I know how we're going to  
18          proceed, then I can let you guys know our next  
19          steps.

20               MR. FEKETE: Okay. So you just received  
21               their comments a week ago?

22               MS. MILLS: Uh-huh. So we're not meeting  
23               internally until the 2nd of February, and then I  
24               can brief you guys, hopefully, at the next meeting  
25               in February.

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1           The new dredging operations contract, the  
2 proposals are due the 25th of January, which is  
3 Monday, unless there's some reason we need to  
4 extend the due date for any reason. The plan  
5 is to award the new contract by 1 April.

6           Kokosing contract, their term expires on  
7 the 30th of September of 2016. So we'll have  
8 some overlap with the new contract and existing  
9 contract for training purposes.

10           That's all that I have. I know Ellen and  
11 Fernando, we need to schedule another meeting.  
12 I think we missed our last.

13           MS. GREGORY: The PPA?

14           MS. MILLS: Yeah, the PPA. I know Kim is the  
15 wild card in this because she's so busy trying to  
16 hire another attorney; so I think the next one  
17 will be this Friday.

18           MS. GREGORY: So I have it on my calendar  
19 this Friday.

20           MR. TREVINO: Yeah, if we do do it this  
21 Friday, that would be great.

22           MS. MILLS: I can check in with Kim to see if  
23 she can make it. That's all I have at this time.

24           MR. FEKETE: Thank you.

25           MR. LOPEZ: Thank you.

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1 MS. MILLS: Thank you.

2 MR. FEKETE: And the next order of business  
3 is the Attorney Ellen Gregory report.

4 MS. GREGORY: Ellen Gregory with Ellen  
5 Gregory Law. Most of what I had to report has  
6 already been reported by Fernando or Natalie. We  
7 continue to have group calls on the consent decree  
8 every other week. The next call is scheduled for  
9 tomorrow.

10 On the PCA, as Natalie mentioned, we're  
11 trying to continue to have biweekly calls. Our  
12 next one is scheduled for Friday. The Feddeler  
13 appraisal is moving forward. We're hoping to  
14 have something either next month or March in  
15 terms of the next revision of the appraisal.

16 User fees, we have the attorney general  
17 working with us to pursue one unpaid user fee;  
18 and as Fernando mentioned, the user fee  
19 assessments will be going out later this month  
20 or early February for the 2016. And that's all  
21 I have.

22 MR. FEKETE: Any questions?

23 (No response.)

24 MR. FEKETE: Thank you.

25 Any new business to come before the board?

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1 (No response.)

2 MR. FEKETE: Any other business?

3 (No response.)

4 MR. FEKETE: Any public comments?

5 (No response.)

6 MR. FEKETE: Our next board meeting will be  
7 on February 17th. I'll entertain a motion for  
8 adjournment.

9 MR. BAKOTA: Motion to adjourn.

10 MR. FEKETE: Do I have a second?

11 MR. RODRIGUEZ: Second.

12 MR. LOPEZ: Second.

13 MR. FEKETE: We are adjourned.

14 - ADJOURNED -

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C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared at The City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 20th day of January, 2016, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings given at said time and place, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a true and accurate record of said proceedings had.

Dated this 29th day of January, 2016.

*Dawn M. Iseminger*

Dawn M. Iseminger, RPR

My Commission expires: 7/22/2017

