

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Ave.
East Chicago, Indiana
January 21, 2015
Wednesday, 5:00 P.M.

Transcript of the proceedings had in the
above-entitled matter, on the 21st day of January,
2015, 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.

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

1
2
3 MR. JOHN FEKETE, President

4 MR. HENRY RODRIGUEZ, Secretary

5 MR. RAY LOPEZ, Treasurer/Financial Officer

6 MR. JOHN BAKOTA, Board Member

7 MR. PATRICK RODRIGUEZ, 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 NATALIE MILLS, USACE

16 DAVID ALONZO, BMO Harris Bank
17
18
19
20
21
22
23
24
25

East Chicago Waterway Board
January 21, 2015

1 MR. FEKETE: I'd like to call to order the
2 meeting of the East Chicago Waterway Management
3 Board of Directors. Today's date is January 21,
4 2015, and the time is 5:03. First order of
5 business is the call to order. John Bakota?

6 MR. BAKOTA: Here.

7 MR. FEKETE: Henry Rodriguez?

8 MR. HENRY RODRIGUEZ: Here.

9 MR. FEKETE: Patrick Rodriguez?

10 MR. PATRICK RODRIGUEZ: Here.

11 MR. FEKETE: Ted Zagar?

12 (No response.)

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Present.

15 MR. FEKETE: John Fekete, here. Kevin Doyle?

16 (No response.)

17 MR. FEKETE: We have a quorum. The next
18 order is the Consulting Engineering Report. FMT
19 Consulting, Mr. Trevino.

20 MR. TREVINO: Yes. Fernando Trevino, with
21 FMT Consulting. I'd like to start off by going
22 over the contents of your board packet. You have
23 the board minutes for the meeting on December 17,
24 2014. You have a 2014 budget amendment proposal
25 dated January 21, 2015. You have a letter from

East Chicago Waterway Board
January 21, 2015

1 IDEM dated January 20, 2015, approving the budget
2 amendment that we are requesting. You have the
3 CliftonLarsonAllen financial statements dated
4 December 31st, 2014, which is actually a typo; so
5 I'll let Tim clarify that.

6 You have in your packet the claim docket
7 that's on the agenda for approval consideration
8 dated January 21st, 2015. You have First
9 Merchant bank statements for account ending in
10 608 and 616 for the month of December 2014.

11 You have in your packet account statements
12 from People's Bank, account ending in 47 and
13 46, for the month of December 2014.

14 You have the ECI Facility Trust report
15 from BMO Harris Bank dated January 21st, 2015;
16 and BMO Harris Bank account statement for
17 account ending in 761 for the month December
18 2014.

19 You have a summary of outreach activities
20 for the community relations plan for the Great
21 Lakes Legacy Act dated January 21, 2015, and
22 interview questionnaire for the board regarding
23 same. You have in your packet a draft of the
24 community engagement plan for the Grand Cal'
25 River and the Indiana harbor ship canal, dated

East Chicago Waterway Board
January 21, 2015

1 January 2015.

2 You have in your packet the Tetra Tech
3 report for the Great Lakes Legacy Act Project,
4 dated January 9th, 2015.

5 You have the Army Corps of Engineer board
6 report, dated January 20th, 2015.

7 And last but not least, you have Attorney
8 Ellen Gregory's report to the board dated
9 January 21st, 2014.

10 MS. GREGORY: Whoops.

11 MR. TREVINO: With a revision date of January
12 20th, 2015. That concludes the report.

13 The contents of your packet, just to go
14 over a couple of items. The 2015 user fee
15 invoices I anticipate going out within the next
16 couple weeks. Great Lakes Legacy Act project
17 access agreements have been secured with the
18 city and the park parcels. We'll be working on
19 securing access agreement with the School City
20 of East Chicago.

21 Work and discussion on the community
22 stakeholder engagement process continues; and
23 draft of the plan, as I mentioned, is in your
24 packet. Cheryl Vaccarello of Tetra Tech will
25 be presenting a summary of the plan today.

1 Also, been working on our work-in-kind
2 report to the EPA, and I plan to meet with EPA
3 to review the proposal in the next week or so.

4 As I mentioned, the Tetra Tech's project
5 report is in your packet. Also, we've been
6 working on various funding options for the
7 remediation phase of the project. We
8 anticipate a conference call to discuss
9 strategies in the next week or two. Jim
10 Wescott of Tetra Tech will provide a more
11 detailed update on the Great Lakes Legacy Act
12 project.

13 Natalie Mills of the Corps will give an
14 update on the Corps' project, and Attorney
15 Ellen Gregory will update us on legal matters.

16 Some of the regular meetings that I've
17 been participating and representing the
18 district include the BP bi-weekly meetings;
19 Great Lakes Legacy Act project team meetings;
20 the Roxanna development meetings with the EPA,
21 city, and other stakeholders; the dredging
22 project meetings; and canal oil response
23 meetings.

24 That concludes my report. I mentioned
25 earlier that the date of that financial report

East Chicago Waterway Board
January 21, 2015

1 may be off, but I think that's the right date,
2 December 31st, 2014. That concludes my report.

3 MR. FEKETE: Any questions?

4 (No response.)

5 MR. FEKETE: Thank you very much. I'd like
6 to entertain a motion for the approval of the
7 board meeting notes for the last meeting, which
8 was December 17, 2014.

9 MR. BAKOTA: Motion to accept.

10 MR. FEKETE: We have a motion. Do we have a
11 second?

12 MR. HENRY RODRIGUEZ: Second.

13 MR. FEKETE: We have a second. Any
14 questions?

15 (No response).

16 MR. FEKETE: All in favor signify aye.

17 (All signify aye).

18 MR. FEKETE: Any opposition?

19 (No response.)

20 MR. FEKETE: The next order is the budget
21 amendment approval consideration for our board
22 action. Did you want to --

23 MR. TREVINO: Yes. The line item that we're
24 requesting a budget amendment is for the
25 transcripts/court reporter. The 2014 budget that

East Chicago Waterway Board
January 21, 2015

1 was used was when Mary Slafendorf was working for
2 us, and since then we've gone with the company of
3 Iseminger & Associates, and based on the December
4 invoice, the budget was over by \$90. So with
5 consulting with Tim Anderson, we thought it would
6 be a good idea to transfer a thousand just in case
7 there's any unforeseen other issues or invoices,
8 and the money would come from the third party
9 contractor consultants; so that line item would be
10 reduced by a thousand. The net impact on the
11 overall budget would be zero. And, as I
12 mentioned, the proposed amendment has already been
13 forwarded to IDEM, and we have their concurrence
14 to transfer the \$1,000 as mentioned.

15 MR. FEKETE: I'll entertain a motion to
16 approve the amendment as described.

17 MR. PATRICK RODRIGUEZ: So moved.

18 MR. FEKETE: Do I have a second?

19 MR. HENRY RODRIGUEZ: Second.

20 MR. FEKETE: We have a motion and a second.
21 Any questions?

22 MR. LOPEZ: Are we taking it from -- putting
23 a thousand dollars in there but the next year's --
24 this year's budget is going to have to make a
25 change?

East Chicago Waterway Board
January 21, 2015

1 MR. TREVINO: No. The 2015 budget was based
2 on the current rates that --

3 MR. LOPEZ: We're putting another thousand in
4 there to make up the difference for 2014?

5 MR. TREVINO: Yeah, that's for 2014. Yeah.
6 So the amendment does not impact the 2015 budget.
7 It's just for the 2014 budget.

8 MR. LOPEZ: Okay. Where are we getting the
9 thousand dollars from?

10 MR. TREVINO: It's coming from, if you look
11 at --

12 MR. FEKETE: The money wasn't spent in the
13 other account.

14 MR. TREVINO: Yeah, there was money left over
15 in the line item.

16 MR. PATRICK RODRIGUEZ: Right there
17 (indicating).

18 MR. LOPEZ: I see it now. Okay. Make this
19 bigger for me (indicating).

20 MR. FEKETE: The two yellow lines. Are you
21 okay now?

22 MR. LOPEZ: Yeah. Next time, can you make it
23 bigger?

24 MR. FEKETE: Any other discussion?

25 (No response.)

East Chicago Waterway Board
January 21, 2015

1 MR. FEKETE: Roll call vote. John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Patrick Rodriguez?

6 MR. PATRICK RODRIGUEZ: Yes.

7 MR. FEKETE: Ray Lopez?

8 MR. LOPEZ: Yes.

9 MR. FEKETE: John Fekete, and I vote yes.

10 Ted Zagar?

11 (No response.)

12 MR. FEKETE: Kevin Doyle?

13 (No response.)

14 MR. FEKETE: The motion is approved.

15 The next order of business is the accounting
16 consultant report, Mr. Anderson.

17 MR. ANDERSON: Tim Anderson from
18 CliftonLarsonAllen. In your board packet there's
19 a financial statement that goes through December
20 31st, and also the checks that we're writing
21 today. Does everybody have a copy of the report?

22 MR. PATRICK RODRIGUEZ: Uh-huh.

23 MR. ANDERSON: Page 2 of the report shows our
24 cash receipts and cash disbursements through
25 December 31st, the trust reimbursement, interest

1 income, and the user fees totaled \$834,000. And
2 our disbursements, you can see the list of what
3 we're writing checks for and we wrote a total of
4 \$513,000 in disbursements. So our increase in
5 cash for the year is \$320,000. Started the year
6 with 1.6 million, and ended the year with just a
7 little over 2 million in the operating account and
8 the user fee account.

9 Page 3 shows exactly how that fell out for
10 each month, with the interest that we earned,
11 the checks we wrote, and the cash receipts on
12 the user fees account.

13 Page 4 shows the budget, the total
14 appropriation, and the cash disbursements for
15 January through December. And then also the
16 checks we write in January that you have today,
17 those go against the 2014 appropriated
18 balances. Did anybody catch that there's a
19 negative number on there?

20 MR. FEKETE: Uh-huh.

21 MR. ANDERSON: Good. So that's why we had to
22 do a budget transfer, because we didn't have the
23 appropriated balance left in the budget. So there
24 will be a transfer within the system of a \$1,000
25 from third party contractors, which you had an

East Chicago Waterway Board
January 21, 2015

1 available balance of \$12,000 that we hadn't spent
2 yet; so when we transfer that up to "court
3 reporter," we'll be fine on that.

4 And our total unused budget for '14 was
5 \$600,000. Most of that comes from the Great
6 Lakes Legacy Act, and it's not a "use it or
7 spend it." All we do is take the residual cash
8 in '14 and we request less from the trust next
9 year; so it's not a use it or lose it. It just
10 rolls into the next year.

11 MR. FEKETE: Any questions for Mr. Anderson?

12 (No response.)

13 MR. ANDERSON: Thank you.

14 MR. FEKETE: Thank you very much. You have
15 reviewed the accounts payable voucher register for
16 January. We need to have a vote, an approval for
17 this consideration. I will entertain a motion to
18 approve the accounts payable voucher register
19 dated January 21, 2015.

20 MR. LOPEZ: Motion to approve.

21 MR. FEKETE: Do I have a second?

22 MR. PATRICK RODRIGUEZ: Second.

23 MR. FEKETE: Any discussion?

24 (No response.)

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

East Chicago Waterway Board
January 21, 2015

1 call vote. John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Patrick Rodriguez?

6 MR. PATRICK RODRIGUEZ: Yes.

7 MR. FEKETE: Ray Lopez?

8 MR. LOPEZ: Yes.

9 MR. FEKETE: John Fekete, I vote yes. Ted
10 Zagar?

11 (No response.)

12 MR. FEKETE: Kevin Doyle?

13 (No response.)

14 MR. FEKETE: The motion is approved. The
15 next order of business is the election of
16 officers. With this being January, our bylaws
17 require us to have an election of officers the
18 first month of the year.

19 MR. PATRICK RODRIGUEZ: Mr. President, since
20 there's no other candidates, I'd like to make --
21 that the president, by affirmation, of John
22 Fekete. I nominate him for president. Vice
23 president, Kevin Doyle. Secretary, Henry
24 Rodriguez. And treasurer and financial officer,
25 Ray Lopez. I'd like to make a motion by

East Chicago Waterway Board
January 21, 2015

1 affirmation to elect the officers.

2 MR. FEKETE: Okay. We have a motion, and
3 I'll entertain a second.

4 MR. BAKOTA: Second.

5 MR. FEKETE: We have a second. Roll call
6 vote. John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 MR. PATRICK RODRIGUEZ: Yes.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

14 MR. FEKETE: John Fekete, I vote yes. Ted
15 Zagar?

16 (No response.)

17 MR. FEKETE: Kevin Doyle.

18 (No response.)

19 MR. FEKETE: The motion is approved.

20 MR. PATRICK RODRIGUEZ: Congratulations.

21 MR. FEKETE: The next order of business is
22 the finance committee members and chairperson. As
23 president, I can make the appointment. I appoint
24 Ray Lopez as chairman of the finance committee,
25 and the two members will be Kevin Doyle and

East Chicago Waterway Board
January 21, 2015

1 myself.

2 The next order of business is the BMO
3 Harris Bank trust report. David Alonzo.

4 MR. ALONZO: David Alonzo. I'm just going to
5 go through the report here. Of course, on Page 1,
6 this is our graph just showing the returns or the
7 portfolio value since 1997. And right below that
8 is the distributions each year from 1997.

9 Page 2, the trust value as of January 21st
10 was \$5,986,372. That was a positive difference
11 from the December meeting of \$200,636. And, of
12 course, we have not taken any disbursements
13 this year. Going on to the third page, which
14 lists all the accounts that we have and the
15 account numbers. So we have really -- on the
16 far right hand corner, I highlighted it in
17 yellow, there's a few CDs that are going to pay
18 interest at the end of the month. So that
19 \$2,000 gain -- or more than \$2,000 of a gain,
20 we still have a couple CDs that will kick off
21 some interest by the end of the month. That
22 will be, of course, reflected in the February
23 meeting. We have two CDs coming due this year.
24 Unfortunately, you have one of the best paying
25 ones, at 2.56 percent, coming due in June, and

East Chicago Waterway Board
January 21, 2015

1 then another one coming due in June also. Of
2 course, when we get up to that point, I'll keep
3 you in touch where the rates are. As great as
4 I'm sure they will be looking then, but we'll
5 see what we can do to give you guys good rates.
6 Any questions?

7 MR. LOPEZ: No good rate like that.

8 MR. ALONZO: Yeah. That was a good call back
9 then. That's all I have, unless you have any
10 questions.

11 MR. FEKETE: Any questions?

12 (No response.)

13 MR. FEKETE: Thank you very much. Next order
14 of business is the Great Lakes Legacy Act project
15 update. Mr. Wescott.

16 MR. WESCOTT: I'm going to go first, and then
17 Cheryl will talk about the community engagement
18 plan. Jim Wescott, Tetra Tech. As I mentioned
19 last month, most of the field sampling has been
20 completed, which was funded by EPA; so I've been
21 spending most of my time looking at the data and
22 starting to put together a -- both a meeting
23 investigation report and develop clean-up goals
24 and start working toward the feasibility study.
25 One thing that kind of, as we were looking at the

East Chicago Waterway Board
January 21, 2015

1 analytical data after last month's meeting, there
2 is an area in the Indiana Harbor Canal just north
3 of 151st that has PCBs greater than 50 parts per
4 million, which I don't -- it makes that sediment
5 sort of a different classification for disposal.
6 It's not -- from a practical standpoint, I don't
7 think it's a big deal. It doesn't stop the
8 project but it just makes the handling and some of
9 the planning when we get into designing
10 construction a little different. And I have --
11 because I only have one point that it is greater
12 than 50, I am going to work with EPA to go back
13 out in the spring and collect more samples in that
14 general vicinity between Chicago and 151st, try to
15 delineate, kind of, the extent of the
16 contamination. So we have a good -- because the
17 cost to deal with that material is going to be
18 higher than just the other dirty sediment; so we
19 want to kind of be able to bracket the quantities
20 so in the designing and the cost estimate we know
21 about how much more that's going to cost.

22 MR. BAKOTA: Do we know what depth it goes
23 to?

24 MR. WESCOTT: It's pretty shallow. The
25 highest was, like, the zero to six-inch. The

East Chicago Waterway Board
January 21, 2015

1 surface, essentially, was actually 80. And then,
2 of the top of my head, I can't quite remember, but
3 I want to say a couple feet below that was
4 actually in the teens. And then a little deeper,
5 it was 30.

6 MR. FEKETE: Where was this again?

7 MR. WESCOTT: This was north of 151st. It's
8 essentially right near Union Tank Car. The sample
9 point is right --

10 MR. BAKOTA: There's a clue.

11 MR. FEKETE: It's on the north side of 151st?

12 MR. WESCOTT: Yes.

13 MR. FEKETE: Okay.

14 MR. WESCOTT: Yes. And so I'm going to go
15 out probably next week and try to get a few
16 samples along the -- sediment along the shore line
17 to see -- there's a couple outfall. Now that a
18 lot of the vegetation has died down, there's a
19 couple outfalls that we have seen that we couldn't
20 see in the summer.

21 MR. BAKOTA: Storm water outfalls?

22 MR. WESCOTT: Yes. And they may not be like
23 city storm wells. They may just be site, you
24 know, like old outfalls from the site. So I'm
25 going to take a few samples along the bank and try

1 to see if it is -- you know, to try to bracket,
2 basically, the contamination. And then when we
3 come back in the spring, we'll take a boat on the
4 river and get deeper and additional sediment
5 samples at greater depth to try to get a greater
6 idea how far up and down the canal and how deep
7 the material is. Based on the cores that we've
8 seen, and I mentioned this before, that section of
9 Indiana Harbor, it seems to be -- there's about
10 four feet of stained or darker sediment and then
11 you get into kind of a nice sand. And then,
12 whereas, between Chicago and -- is it Columbus,
13 the next street north?

14 MR. FEKETE: Uh-huh.

15 MR. WESCOTT: We didn't see any PCBs greater
16 than ten in that area, and the impacted or just
17 the darker sediment is only another maybe the top
18 two feet. So it's kind of that area that sort of
19 buffers Union Tank Car. Not that they're the site
20 of responsibility, but that area is more impacted
21 than --

22 MR. BAKOTA: I just wonder if the
23 contamination is being renewed that's still there.

24 MR. WESCOTT: Well, that's why the other
25 thing we're going to do is we have this other task

East Chicago Waterway Board
January 21, 2015

1 that is part of the EPA piece to sample the
2 outfalls, and we've talked -- last month you asked
3 about E. coli. We're going to start doing that.
4 We've added that to the program.

5 MR. BAKOTA: Good.

6 MR. WESCOTT: We'll probably add a couple
7 more outfalls that are near the Union Tank Car
8 site that seem to drain the Union Tank Car to that
9 program. I'll also talk to Greg, Greg Crowley,
10 the East Chicago Sanitary District, to let him
11 know that we're adding a couple sites, because I'm
12 trying to keep him in the loop.

13 MR. BAKOTA: When you find a concentration of
14 PCBs in the water, do you check the banks on
15 either side?

16 MR. WESCOTT: That's what we'll do next week
17 and in the spring. We basically took a sample
18 down the center of the channel every several
19 hundred feet.

20 So I've got a sample that's south of 151st
21 that has almost no PCBs, and I have a sample
22 closer to Chicago that has a PCB hit, but it's
23 not over 50. It's like in the tens or
24 twenties. So I've only got one that's sort of
25 where it is. So my hope is, it doesn't go

1 south of 151st just because of the difficulty
2 getting in there and dredging it out, because
3 you have to -- you have the railroad bridge,
4 you can't get underneath on the one side and
5 151st; and if I had to get a dredge in that
6 area, it would be difficult. I could do it,
7 but I'm hoping that it is further north and it
8 would be easier to get in and get out. And, as
9 I mentioned before, based on what we were
10 seeing just from the cores, that's -- that area
11 between 151st and Chicago is the area. We were
12 probably going to dredge that anyway for the
13 sedimentation basin.

14 So we were already thinking that would be
15 a good location for the sedimentation basin,
16 and it just so happens that there's a TSCA area
17 there too. We'll have to, in the planning
18 process and when they do go to construction,
19 we'll have to think how they want to phase the
20 construction of the basin because some of the
21 material will go out and then have to be
22 handled one way and then some of the material
23 will come out and have to be handled
24 differently. So it's easy to do if you plan it
25 correctly.

East Chicago Waterway Board
January 21, 2015

1 MR. BAKOTA: I know I'm probably jumping
2 ahead but on the sediment trap, how -- I mean, how
3 often would that have to be cleared out to keep
4 contamination from going downstream? I mean, or
5 can they even figure that out?

6 MR. WESCOTT: One of the things that we
7 actually started this week is the sedimentation
8 model -- the hydraulic model and the sedimentation
9 model. One of the reasons we're doing that is to
10 basically figure out how big the sedimentation
11 basin needs to be. But it will also tell you how
12 much material will be trapped over time.

13 MR. BAKOTA: Okay.

14 MR. WESCOTT: And then that would also go
15 into your long term O & M claim, because if you do
16 build the sedimentation basin, there will be a
17 need longer term to kind of monitor that basin.
18 You know, is it filling up? Does it need to be
19 cleaned off? That also goes -- if we do a cap, if
20 we cap certain areas, they're going to be longer
21 term responsibilities that one of the project
22 partners will have to assume.

23 MR. BAKOTA: Take on, yeah.

24 MR. WESCOTT: But that's not a great deal of
25 work. I mean, I would assume the sedimentation

East Chicago Waterway Board
January 21, 2015

1 basin -- the expectation is that there isn't a lot
2 of new sorts, you know, contamination coming into
3 the river. We're basically still looking at a lot
4 of historical material. So the sedimentation
5 basin, the expectation is it wouldn't be filling
6 up with a lot of hazardous material that would
7 need to be managed, but it's sort of a safety
8 valve.

9 MR. FEKETE: Right.

10 MR. WESCOTT: Both from material that might
11 come in from the Grand Cal part or stuff that
12 flows back from the harbor. So, kind of looking
13 ahead, my expectation is to try to get the
14 remedial investigation report to Fernando by mid
15 February, end of February at the latest. And I
16 will not be at the next meeting because I have a
17 conflict, but I'll get the report in. And then I
18 was thinking I can talk more with Fernando, if it
19 works with your schedule, maybe in March to kind
20 of walk through the different feasible -- or the
21 feasibility options that we're looking at, because
22 I'll be drafting a feasibility study and maybe
23 give you, give the board, a presentation; a kind
24 of "here is what we're looking at" before I
25 finalize the feasibility study. So then I can

East Chicago Waterway Board
January 21, 2015

1 have the feasibility study done late March and
2 then we can start going into the public comment
3 period, which is one of the things Cheryl will
4 talk about. And so by kind of that June time
5 frame, we're pretty much all -- there's a
6 consensus about what we need to do in the various
7 parts of the project area, and then start working
8 on the design. And there are other things in play
9 because, you know, EPA -- as Fernando mentioned,
10 we still need to talk to a lot of other potential
11 project partners that are in the area. Like, we
12 have a meeting with Buckeye Partners on Monday,
13 and EPA is trying to set up some meetings with
14 some other project -- potential project partners,
15 and their input will also sort of affect the
16 design and the potential priorities of what
17 happens first. So there will be a lot more
18 clarity, I think, in March about what we -- what
19 the Waterway Management District wants to do, as
20 well as some of the other project partners that
21 may contribute time or money to the project. And
22 so I'll talk with Fernando to see if March works,
23 and I will probably bring in a projector and go
24 through some slides and get feedback.

25 MR. FEKETE: Very good. Any questions?

East Chicago Waterway Board
January 21, 2015

1 MR. PATRICK RODRIGUEZ: I have a question.
2 With the impending remediation of the lead,
3 American Lead down the street from 151st area,
4 what would be the short-term impact with respect
5 to remediation such as lead going into that water?
6 Are we going to be monitoring water quality once
7 we get into that area?

8 MR. WESCOTT: I don't think there's an
9 expectation that we're going to be monitoring the
10 water quality. We're at my --

11 MR. PATRICK RODRIGUEZ: Or even that sediment
12 is getting in that area?

13 MR. WESCOTT: Yeah, I -- I can get back to
14 you, or through Fernando, about the plan on the
15 USS Lead site. The company -- Tetra Tech and
16 another company has a joint venture that we do
17 work for EPA; and the joint venture is actually
18 doing USS Lead too. Cheryl is working on USS Lead
19 from a community involvement point as well. So I
20 can talk to them tomorrow. My assumption would be
21 that there are going to be dust controls in place
22 when they do these residential properties; so the
23 concern that there's going to be dust blowing from
24 those residential properties or other properties'
25 cleanup into the river is going to be very low,

East Chicago Waterway Board
January 21, 2015

1 because they're going to be so concerned about
2 dust generating into people's -- you know, into
3 the yards. But if they're going to have -- you
4 know, they're going to spray the area down before
5 they start excavating so that you don't really
6 have that fugitive emission with dust that I think
7 you're concerned about. But I can get with them
8 and see what they're actually going to do and get
9 back to you, but I don't think that's going to
10 really be a source of concern for impacting the
11 waterway.

12 MR. PATRICK RODRIGUEZ: Thank you.

13 MR. FEKETE: Any other questions?

14 (No response.)

15 MR. FEKETE: We look forward to your
16 presentation in March.

17 MR. WESCOTT: Yes. So hopefully I have a lot
18 more answers, and Cheryl will follow up on
19 community involvement, which will dovetail with
20 what we're doing.

21 CHERYL VACCARELLO: Hello, I'm Cheryl
22 Vaccarello with Tetra Tech, and I have worked on
23 the USS Lead site for the last -- many years. So
24 you received in your packet a copy, I think, of
25 the draft plan.

East Chicago Waterway Board
January 21, 2015

1 MR. FEKETE: Uh-huh.

2 CHERYL VACCARELLO: There's a lot of
3 background information, information about kind of
4 the procedures that are followed under Circular or
5 the NCP as to when you want to involve the
6 community, and according to the project agreement,
7 under the GLLA here, there's really two distinct
8 points. It's not two points in time. It's just
9 two times that kind of overlap each other that you
10 really want to make sure we get the community
11 involvement, and one is when the alternatives are
12 available under the feasibility study. We would
13 send those out to the community and a fact sheet
14 explaining them and opening up a public comment
15 period. Typically, it's a 30-day public comment
16 period. If someone asked for an extension, it
17 would be up to the board and EPA if they want to
18 grant the extension. And you just, you know, take
19 that as it comes along.

20 Then the other time frame is almost
21 through this whole process of getting feedback
22 on future use of the project area, the
23 waterways, and the lands. And Jim and I have
24 talked, and at first we were talking about a
25 good time to have some availability sessions

East Chicago Waterway Board
January 21, 2015

1 would be maybe during the predesign phase. But
2 in talking with Fernando and Diane, we may want
3 to do that earlier and incorporate that. But
4 sometimes I think it's easier for people if
5 they have something to look at to make
6 decisions on and say, "Oh, no, I like that.
7 No, I don't like that," and maybe that would
8 trigger some thoughts of what they would like
9 to see, too. So that's up for further
10 discussion exactly when we want to open up to
11 those interviews or availability sessions. But
12 I also prepared, and I gave you copies of
13 summary of the outreach activities, and so the
14 first thing is to -- we've submitted the draft.
15 You have a copy of the draft. And then by the
16 end of this month, we'll finalize it. Then we
17 would like to send a copy of the final
18 community engagement plan and an invitation to
19 the special meeting. Fernando was talking
20 about doing this. We're calling them the
21 "adjacent property owners" instead of "the user
22 group." And that meeting would be scheduled
23 for the spring of 2015, which would be after
24 the time when Jim presents to you the
25 alternatives and the alternatives are final.

East Chicago Waterway Board
January 21, 2015

1 So it's giving them an opportunity to have a
2 first -- second look, I guess, at the
3 alternatives that are out there and getting
4 their input, and during -- also, during this
5 process, we'll prepare a fact sheet that will
6 get mailed out which will explain all the
7 alternatives; and then we'll set the comment
8 period; we'll mail the fact sheet out; we'll
9 put an ad in the local papers announcing the
10 period; and we'll want to schedule some public
11 meeting and/or interviews to talk about the
12 alternatives, as well as getting some future
13 use ideas using those combination meetings and
14 interviews.

15 Once that public comment period is done,
16 we would take all the comments that are
17 received -- I would take all the comments that
18 are received, put them in a report, reach them
19 out to Fernando, and EPA, and Jim, to give some
20 responses to those comments. We would make a
21 responsiveness summary and give it to you,
22 because final decisions on the clean-up options
23 will be done once all the community input is
24 received and looked at.

25 MR. FEKETE: When would that be? Ball park?

East Chicago Waterway Board
January 21, 2015

1 CHERYL VACCARELLO: Well, if we sent it out,
2 I'm thinking April we should be -- April we would
3 be sending out the -- having the public comment
4 period and the clean-up options.

5 MR. WESCOTT: I think so. That's why if I
6 talk about the feasibility options at least in the
7 draft stage here and get feedback from the board,
8 and then I can finalize it, the expectation would
9 be the feasibility study would probably be done by
10 the end of April.

11 CHERYL VACCARELLO: And so once that's done,
12 a couple weeks for me to get the fact sheet
13 together and approved and everything and get it
14 out in the mail, so that would start the public
15 comment period time. So probably mid summer is
16 when hopefully we would have all the comments back
17 and the comment period over. And then after --
18 once a decision is made, we would send out another
19 fact sheet to the community members announcing
20 what the clean-up plan is. That would also be
21 another time that we could solicit input on future
22 use ideas. And then once the design is near
23 complete, we would hold other availability
24 sessions within the different neighborhoods to
25 review design and have people ask questions. One

East Chicago Waterway Board
January 21, 2015

1 of the challenges, I know, with the USS Lead is
2 getting community involved and getting feedback.

3 MR. BAKOTA: Yeah.

4 CHERYL VACCARELLO: And so I'm going to talk
5 with EPA, and I know EPA -- Katie, I think. Just
6 to do some brainstorming ideas of different things
7 we could do to really reach out to the community
8 and get the information out as, you know, as much
9 as we can. And that's pretty much all you can do
10 is get it out there and try to talk to people.

11 MR. BAKOTA: In the past, the Army Corps of
12 Engineers, I don't think their advertising was
13 aggressive enough, you know. Newspapers, I know
14 in my neighborhood, very few people get a
15 newspaper, you know. We have a local television,
16 and I don't know how many people receive that
17 within the city, you know. I'm almost thinking if
18 something could be distributed through the high
19 schools.

20 CHERYL VACCARELLO: Typically, churches and
21 schools are good ways of sending flyers home.

22 MR. BAKOTA: They're really organized.

23 CHERYL VACCARELLO: I think the water
24 department would send out a flyer within the
25 billing.

East Chicago Waterway Board
January 21, 2015

1 MR. BAKOTA: That costs \$400, the flyer does.
2 A nominal fee and it reaches everybody.

3 MR. FEKETE: That goes to all the homeowners.

4 CHERYL VACCARELLO: Right. So I'll come up
5 with a plan of different things that we can reach
6 out to people, putting information out in the
7 library, flyers, wherever we can, in neighborhood
8 meetings, churches, sometimes church bulletins.
9 You know, get it out there. But we found sending
10 information out through the schools is pretty
11 effective. So that kind of leads to the
12 questionnaire that you also have, and if you guys
13 at some point in the near future could take some
14 time and fill this out. One of the things we're
15 looking for, because I think some of you are in
16 different neighborhoods and may know other people
17 that would be good for me to contact and get some
18 more information, and maybe I can get these back
19 to Fernando, and I can work with you to get them
20 from Fernando. And something like this
21 questionnaire would be similar to what we would
22 develop to go out to the community as well. There
23 may be some other questions. You know, one of the
24 important things is how do you want to get
25 information? I've been in a community where they

East Chicago Waterway Board
January 21, 2015

1 use Facebook.

2 MR. LOPEZ: The community, your paper, you
3 had 22 questions. You only gave us 11.

4 CHERYL VACCARELLO: Yeah. Because some, we
5 didn't think you guys really needed to do.

6 MR. LOPEZ: That's a lot of questions to send
7 to the community. I don't think they'll be
8 answering all of these.

9 CHERYL VACCARELLO: Typically, with that
10 sample, we sit down one-on-one and talk it
11 through. You don't always ask every question.
12 It's just a guiding force. So we don't ask people
13 to write those out, and we have conversations with
14 people to get that information.

15 MR. FEKETE: That's more for the questioner
16 than the recipient of the question?

17 CHERYL VACCARELLO: Yeah. Yeah.

18 MR. TREVINO: The questionnaire that's in
19 your packet that we're asking feedback on was
20 tailored for the board.

21 MR. FEKETE: Right.

22 MR. TREVINO: The process of getting
23 information back from adjacent landowners and the
24 community would be, you know, all tailored for
25 them. But, you know, the exercise today is part

1 of our goal to get a comprehensive effective
2 community engagement plan, which is part of our
3 project agreement plan with EPA and it was part of
4 the project with Tetra Tech. So we have a
5 follow-up conference call tomorrow to review the
6 plan more thoroughly and try to get to a final
7 draft. So we'll make sure that it's consistent
8 with the project agreement and what we've earlier
9 specified. You know, the board has expressed --
10 you know, that's one of their priorities to make
11 sure the community and stakeholders has an
12 effective voice in our remedial design and
13 eventual cleanup of the canals. So we thought it
14 would be a good idea to have this exercise with
15 the board and with the questionnaire to again make
16 sure we get as comprehensive a plan as we can.

17 MR. LOPEZ: Can I throw a suggestion out?
18 Because we're the board. We don't all live around
19 there. We make a lot of decisions. But you can
20 just go door to door. They're low income.
21 They're not going to watch TV. They have other
22 things. And some of them kids come home from
23 school, believe me, they don't bring everything
24 home. I know my grandkids don't. They lose it.

25 Go door to door. You can overwhelm people

1 with something like that -- believe me.

2 CHERYL VACCARELLO: Oh, we would not leave a
3 questionnaire like that with people.

4 MR. FEKETE: You would have just a one-page
5 flyer.

6 CHERYL VACCARELLO: We could have a one-page
7 flyer.

8 MR. LOPEZ: Yeah, simple and -- because
9 there's only certain sections that you have a lot
10 of people.

11 MR. TREVINO: Again, this plan is more so
12 that the project team members and the board
13 understands what our plan is to go out and get
14 stakeholder feedback. We wouldn't -- you know, we
15 wouldn't be sending this or sharing this plan with
16 individual community members. But this is more --

17 MR. LOPEZ: I didn't put that on the survey I
18 answered.

19 MR. TREVINO: Okay.

20 MR. LOPEZ: But I gave it to you.

21 CHERYL VACCARELLO: Yeah, this is a guide for
22 the board to use and to know when to reach out,
23 who to reach out to. You know, we have a -- I
24 think -- a good start of a key contact list. I
25 wanted to be more comprehensive, and I would like

East Chicago Waterway Board
January 21, 2015

1 to include the different neighborhood groups,
2 which I didn't have before this.

3 MR. FEKETE: The community centers like in
4 the West Calumet area. There's, I think, the
5 Martin Luther King Center.

6 CHERYL VACCARELLO: There is Martin Luther
7 King Center, there's Riley Park where people go to
8 a lot. Yeah, those are the two places that we use
9 when we have meetings for USS Lead, so -- and,
10 actually, we had 30 people come in November; two
11 meetings; so that was pretty good. Are there any
12 questions?

13 MR. FEKETE: I just have one comment.

14 CHERYL VACCARELLO: Sure.

15 MR. FEKETE: On reading through this, you
16 have done an outstanding job of capturing the
17 character and the history of this area.

18 MR. BAKOTA: Yeah.

19 MR. FEKETE: As speaking as one who's been
20 called on from time to time to give a thumbnail
21 historical perspective of what we're doing in this
22 area with regard to the waterway and everything, I
23 think you've done an outstanding job.

24 CHERYL VACCARELLO: Thank you.

25 MR. BAKOTA: It does look good, yeah.

East Chicago Waterway Board
January 21, 2015

1 CHERYL VACCARELLO: Thank you.

2 MR. LOPEZ: Very good.

3 CHERYL VACCARELLO: If there's anything else
4 you would like to see that would help you in
5 future endeavors of yours, just let me know.
6 Thanks very much.

7 (All board members reply "thank
8 you.")

9 MR. FEKETE: US Army Corps of Engineers
10 report. Natalie.

11 MS. MILLS: Good evening. Natalie Mills with
12 the Army Corps of Engineers. Happy New Year to
13 everyone.

14 The CDF construction: Kokosing and
15 O'Brien & Gere, the contractor is planning to
16 return to the site in the spring of this year.
17 We are currently working with the East Chicago
18 Sanitary District on a modification. I think I
19 mentioned it to you all before. We're
20 attempting to remove some of the water from the
21 pond, you know, in the cells. So they're going
22 to receive some of the discharge water; so
23 we're working with them with both East Chicago
24 Sanitary District and the contractor. The
25 status is, currently with the Corps, we're

East Chicago Waterway Board
January 21, 2015

1 working through our contracting process before
2 we can send a request for the proposal to the
3 contractor.

4 Our goal is to have that modification
5 issued by the end of February and to have the
6 contractor get out and begin installing the
7 discharge line as soon as possible so they can
8 begin discharging prior to dredging.

9 The permanent well installation contract
10 that was awarded to Plexus, they're still
11 working on their submittals, and they intend to
12 start work in the spring. Plexus, as far as
13 permits, we have contacted EPA regarding the
14 status of our TSCA permit. Some time ago they
15 mentioned possibly having a public meeting in
16 April. We have asked for them to have it
17 earlier. We haven't heard back. We've made a
18 couple phone calls, and we're due to call them
19 again.

20 Just as a reminder, we submitted the
21 permit back in March of 2013. We were told it
22 takes about a year. So, I don't know. I don't
23 know when we may anticipate the permit. But we
24 do intend to dredge TSCA material. I mean,
25 that's our goal in this dredge season, is to

East Chicago Waterway Board
January 21, 2015

1 dredge about 50,000 cubic yards of TSCA
2 material, and a total for the year of \$400,000
3 cubic yards.

4 MR. FEKETE: That's double from what you've
5 been doing, isn't it?

6 MS. MILLS: We did 400,000 in 2012/2013
7 combination. Then this past year we did about
8 219,000; and we're planning for 400- this year.

9 MR. BAKOTA: Has Congress appropriated the
10 funds for the dredging?

11 MS. MILLS: For this, yes. We have our money
12 for this dredging.

13 And that also includes a quantity for
14 ArcelorMittal, too. So 45,000 cubic yards is
15 what they had told us last fall; so that is
16 included in the 400,000.

17 MR. BAKOTA: So your dredging will probably
18 go further into the year than it usually does?

19 MS. MILLS: Yes. Yes. Especially, since we
20 don't know when we're going to get that permit.
21 The whole season is really being driven by when we
22 get the TSCA permit. We don't want to give them a
23 large quantity to start, because we have to use
24 some of that 400,000 as a cover; so we have to
25 place and we have to cover in its entirety.

East Chicago Waterway Board
January 21, 2015

1 MR. FEKETE: Yeah.

2 MS. MILLS: So we're thinking it will be
3 about 200,000 cubic yards for cover; so we don't
4 want to get too far ahead of ourselves and then
5 dredge. So a lot of it will be dredged -- our
6 schedule will be driven by the receipt of the
7 TSCA.

8 As far as the Feddeler parcel, I'll let
9 Ellen speak to that. The parkway improvement,
10 they're not working right now. I think they
11 said they're going to start in -- they're going
12 to finish it from that main gate north, in the
13 spring. They're waiting for weather again, so,
14 but that is on the top of their schedule.

15 Fernando, for you, I was wondering if you
16 ever heard anything back on that mural that we
17 had suggested some time ago?

18 MR. TREVINO: I did hear back. I'm glad you
19 brought that up, and the city is interested in
20 moving forward with it and asked that if the Corps
21 could coordinate that with Steve Segura with the
22 multimedia. I'll get you the contact information.

23 MS. MILLS: Okay. That's all I have at this
24 point.

25 MR. FEKETE: Any questions for Natalie?

1 (No response.)

2 MR. FEKETE: Thank you very much.

3 MR. LOPEZ: Thank you, Natalie.

4 MR. FEKETE: Next order of business is our
5 attorney's report. Miss Gregory.

6 MS. GREGORY: Ellen Gregory, with Bamberger,
7 Foreman, Oswald & Hahn. There's a lot more
8 syllables that Ellen Gregory Law.

9 The consent decree, we have our next
10 biweekly call tomorrow morning. At the last
11 call, BP reported that they were supposed to be
12 having an internal meeting to discuss the
13 consent decree and the AOC, the administrative
14 order on consent. So we're hoping tomorrow
15 they'll have made some progress. They'll need
16 to discuss what BP has decided internally with
17 EPA; and then, hopefully, within the next month
18 or two, we'll have a revised consent decree for
19 the entire group to review.

20 On the Feddeler issue, we had a call today
21 with our third appraiser who was actually
22 recommended by the Corps. So we're hoping that
23 appraiser will be okay with the Corps. He will
24 be presenting a proposal which we'll then
25 forward on to the Corps' lawyer, Paul Sacks,

1 and hopefully move that forward.

2 The user fees: Fernando and I have been
3 in the discussion with the attorney general's
4 office. We have just one user fee remaining
5 who hasn't paid. It's an interesting situation
6 where the company that had been assessed the
7 user fees is now dissolved administratively but
8 an affiliated company still owns the parcel of
9 property; so we're trying to figure out with
10 the attorney general's office how to proceed on
11 that. And I'm pretty sure that all the other
12 user fees are paid.

13 PCA: I've left a couple of messages with
14 Kim Szabo. We're going to try to push to get
15 that moving again, especially since the consent
16 decree is moving forward. And, hopefully,
17 we'll move forward on that quickly.

18 And that's all I have. Any questions?

19 MR. LOPEZ: Risk management insurance?

20 MS. GREGORY: Right. That's something we're
21 probably going to include in our discussions on
22 the PCA revisions. We have been discussing with
23 insurance companies about insurance coverage, and
24 we're not successful in doing that; so we're going
25 to try to tie it into the discussions with the

1 Corps.

2 MR. LOPEZ: All right. You'll update us on
3 that?

4 MS. GREGORY: Yes.

5 MR. FEKETE: Okay. Any questions?

6 (No response.)

7 MR. FEKETE: Thank you very much. Any new
8 business to come before the board?

9 MR. TREVINO: I just wanted to mention that
10 Diana O'Malley here is from EPA with the Great
11 Lakes Legacy Act, and I know she's got a million
12 things on her list to do so I wanted to thank her
13 for attending today. I don't know if you wanted
14 to add anything.

15 MS. O'MALLEY: Thanks. I just wanted you to
16 know I'm still interested in working on the
17 project. It is nice to hear what's going on, like
18 updates from the Corps as well.

19 MR. FEKETE: Thank you. Any other business?

20 (No response.)

21 MR. FEKETE: Any public comments?

22 (No response.)

23 MR. FEKETE: Next board meeting February 18,
24 at 5:00 p.m. at this facility. I will now
25 entertain a motion for adjournment.

East Chicago Waterway Board
January 21, 2015

1 MR. PATRICK RODRIGUEZ: So moved.

2 MR. FEKETE: Motion to accept.

3 MR. BAKOTA: Second.

4 MR. FEKETE: Any discussion?

5 MR. BAKOTA: No discussion.

6 MR. FEKETE: Okay. All in favor, signify by
7 saying aye.

8 (All signify aye.)

9 MR. FEKETE: Motion approved. This meeting
10 is adjourned.

11 THE MEETING WAS ADJOURNED AT 5:59 P.M.

12 * *

13

14

15

16

17

18

19

20

21

22

23

24

25

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 21st day of January, 2015, 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 15th day of February, 2015.

Dawn M. Iseminger

Dawn M. Iseminger, RPR

My Commission expires: 7/22/2017

