

In The Matter Of:
East Chicago Waterway Board of Directors Meeting

April 16, 2014

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1 EAST CHICAGO WATERWAY MANAGEMENT
2 DISTRICT BOARD OF DIRECTORS' MEETING
3 City of East Chicago, Engineering/Annex Building
4 4444 Railroad Ave.
5 East Chicago, Indiana
6 April 16, 2014
7 Wednesday, 5:00 P.M.

8 Transcript of the proceedings had in the
9 above-entitled matter, on the 16th day of April,
10 2014, at 5:00 p.m., at the City of East Chicago,
11 Engineering/Annex Building, 4444 Railroad Avenue,
12 East Chicago, Indiana, before Dawn M. Iseminger,
13 Registered Professional Reporter and Notary Public
14 for the County of Porter, State of Indiana.
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1 A P P E A R A N C E S:

2
3 MR. JOHN FEKETE, President

4 MR. RAY LOPEZ, Secretary

5 MR. HENRY RODRIGUEZ, Board Member

6 MR. JOHN BAKOTA, Board Member

7 MR. MIKE EBERT, Board Member

8 MR. EARNEST JONES, Board Member

9 MR. RICH GOMEZ, Board Member

10 MR. FERNANDO TREVINO, FMT Consulting

11 MS. ELLEN GREGORY, East Chicago Waterway Board of
12 Directors' Attorney

13
14 Also Present:

15 TIM ANDERSON, CliftonLarsonAllen

16 TOM BARNETT, ArcelorMittal

17 DAN BANASZEK, URS

18 JIM WESCOTT, Tetra Tech

19 DAVID ALONZO, B.M.O. Harris

20 NATALIE MILLS, USACE

21 PAUL CZAPHOWICZ, THE TIMES

22 SCOTT IRELAND, US EPA
23
24
25

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1 MR. FEKETE: I'd like to call to order the
2 East Chicago waterway management board of
3 directors' meeting of April 16, 2014. The first
4 order of business is roll call. Mike Ebert?

5 MR. EBERT: Here.

6 MR. FEKETE: John Bakota?

7 MR. BAKOTA: Here.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Here.

10 MR. FEKETE: John Fekete, here.
11 Earnest Jones?

12 MR. JONES: Here.

13 MR. FEKETE: Henry Rodriguez?

14 MR. RODRIGUEZ: Here.

15 MR. JONES: We have a quorum.

16 MR. FEKETE: Engineering, Mr. Trevino.

17 MR. TREVINO: Fernando Trevino, F.M.T
18 Consulting. Start off with the contents of your
19 packet. You have board minutes dated March 19,
20 2014, for approval consideration. You have in
21 your packet the financial statements from
22 CliftonLarson dated March 31, 2014; and the
23 accounts payable vouchers dated April 16, 2014, on
24 the agenda for approval consideration. You have
25 user fee deposit memos dated March 12, 17, 18, 24,

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1 April 1st, April 4th, and April 14, all of 2014.
2 And those reflect the user fee payments that have
3 been received to date, 2014. You have in your
4 packet a First Merchants Bank statement for the
5 month of March, 2014, for account ending in 608,
6 and ending in account 616. You have the B.M.O.
7 Harris Bank ECI Facility Trust report dated April
8 16, 2014. You have B.M.O. Harris brokerage
9 account statement for account ending in 534 for
10 the month of March, 2014. You have March not
11 April. You have Northwest Indiana Times article
12 titled, "NIRPC kicking off application process for
13 trails," dated April 1, 2014, and another article,
14 also from The Times, regarding the BP Refinery oil
15 spill, and that was dated March 31, 2014. You
16 have an e-mail and attached information from
17 Caitlin McCoy dated March 26, 2014, regarding the
18 Grand Cal, with a map. You have in your packet
19 Tetra Tech report, dated April 8, 2014, and it
20 includes the progress report, schedule, budget,
21 and the invoice. You have a Department of the
22 Army memo dated March 13, 2014, regarding the
23 monthly monitoring report for the Indiana Harbor
24 and Canal Confined Disposal Facility, and
25 regarding the NPDES permit ending in 511, for the

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1 month of February, 2014.

2 And you have the Army Corps of Engineer
3 monthly progress report to the board, dated
4 April 15, 2014. You have in your packet
5 "Options to Consider for Addressing
6 Non-participating Board Members," and this was
7 as a result of board concerns in the event
8 there's a Waterway Management District Board
9 member who is not participating. This is an
10 option for the board to consider, and if the
11 board wishes and likes this proposal, it would
12 be made part of the bylaws. Bylaw amendment
13 would be required, and the date of this is
14 April 16, 2014.

15 And last, but not least, you have the
16 Attorney Ellen Gregory report next, dated April
17 15, 2014. I'd like to give an update on a
18 couple projects and activities. Great Lakes
19 Legacy Act had a meeting with Mr. Jim Wescott
20 and Scott Ireland regarding the remedial
21 investigation feasibility work plan and
22 discussed questions and comments on the plan,
23 and the final plan should be out within the
24 next week. Some of the things that the plan
25 included was property access to the canal and

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1 river, utility clearances. Also included in
2 the plan was some of the concerns from the
3 board to make sure that any contamination
4 source controls were identified and eliminated
5 prior to remediation. The evaluation of the
6 sediment trap, also a community engagement
7 component, and the review of the canal and
8 river bank integrity. Mr. Jim Wescott and
9 Scott Ireland are present today. Mr. Wescott
10 will give an update and he is on the agenda, so
11 if there's any questions for either gentlemen,
12 we could entertain them from that time. The
13 current dredging schedule is to begin April 21,
14 2014, and Army Corps of Engineer, Natalie
15 Mills, can give us an update if that date is
16 still a good date for the start of dredging.
17 User fees, I mentioned that the deposit memos
18 were in your packet. Total collected through
19 2014 is \$235,000. I met with First Merchant
20 Bank reps, either last week or the week before,
21 and just to discuss the transition issues
22 between First Merchant and Citizens Bank. Real
23 estate easements, I know the research continues
24 regarding real estate. ACDF appraisal meeting
25 is tentatively scheduled for April 29th, and

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1 Attorney Ellen Gregory can give us a more
2 detailed update on that and other legal matters
3 during her report. Also, for the next board
4 meeting, I hope to have a cost estimate for
5 getting each board member an iPad, and that
6 will help for more effective communication and
7 board meeting participation. And that
8 concludes my report.

9 MR. FEKETE: Are there any questions for
10 Mr. Trevino?

11 (No response.)

12 MR. FEKETE: Thank you very much.

13 The next order of business is the approval
14 consideration of the board meeting notes for
15 March 19th.

16 MR. LOPEZ: Motion to accept.

17 MR. BAKOTA: Second.

18 MR. FEKETE: I'll take a vote. I would like
19 to make one correction, Mr. Weezer is W-i-e-s-e-r.

20 Okay. With that correction, I'll just call
21 for a voice vote. All in favor of the motion.

22 (All signify aye.)

23 MR. FEKETE: Opposed?

24 (No response.)

25 MR. FEKETE: Board meeting minute notes have

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1 been approved as amended. The accounting
2 consultant report, financials, Mr. Anderson.

3 MR. ANDERSON: Tim Anderson,
4 CliftonLarsonAllen. In your board packet you have
5 the financial statement that we did through March.
6 Page 2 of that report shows the cash receipts that
7 we've received through March, reimbursement from
8 the trusts and the user fees. And then there's
9 the list of the disbursements that we've made,
10 January, February, and March. So our cash has
11 increased 285,000 between the operating account
12 and the user fee account. So the total of those
13 two accounts at the end of March was 1.9.

14 Page 3 shows the activity within those two
15 accounts that we have. The operating account,
16 we cut the checks. In the user fee account, we
17 deposit the user fees and we made the budget
18 transfer to the operating account.

19 MR. FEKETE: Uh-huh.

20 MR. ANDERSON: So there's a million in the
21 operating account and there's 878 in the user fee
22 account through March.

23 Page 4, I changed a little bit. It's
24 still tiny, I know. I'll fix that. But I
25 thought it was important for you guys to see

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1 the checks that you're signing today off of
2 that budget. So I included -- and I'm going to
3 do this going forward -- I'm going to include a
4 column that shows what you're signing today so
5 that you know that we're not exceeding the
6 available budget with the checks that you have
7 in your packet today. So through April, we've
8 expended -- well, starting over on the
9 left-hand column, we see the total budget that
10 we had for '14. We get to add the accounts
11 payable to it from last year, so the total
12 appropriation was 1.185, and then you see each
13 month as we write the checks, and now this last
14 column will include the checks that you have
15 today, so we have a million 47 left of our
16 budget for this fiscal year. Any questions? I
17 see how Fernando copies a portrait like that.
18 Maybe I can give you -- I can give you a
19 landscape and that will be easier to read.
20 Because we don't print it really small so you
21 don't look at it; that's not the idea.

22 MR. FEKETE: Are there any questions for
23 Mr. Anderson? I'm sorry, were you done?

24 MR. ANDERSON: That's it. Thank you.

25 MR. FEKETE: No questions. Thank you very

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1 much. We have the accounts payable voucher that
2 Mr. Anderson presented to us.

3 MR. LOPEZ: Motion to accept.

4 MR. FEKETE: I will entertain a motion to pay
5 the voucher as presented. We have a motion.

6 MR. EBERT: Second.

7 MR. FEKETE: We have a second. I'll
8 entertain a roll call vote. Mr. Ebert?

9 MR. EBERT: Yes.

10 MR. FEKETE: Mr. Bakota?

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Mr. Rodriguez?

13 MR. RODRIGUEZ: Yes.

14 MR. FEKETE: Mr. Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: Mr. Fekete, yes. Mr. Jones?

17 (No response.)

18 MR. FEKETE: Okay. Approved. B.M.O. Harris
19 Bank trust report.

20 MR. ALONZO: David Alonzo with B.M.O. Harris.
21 We can go through our report. The first page just
22 gives us the historical values for the last 16 or
23 17 years of the account history and then
24 distributions. Page 2, the value of the trust on
25 April 15th was \$5,949,854. That was a difference

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1 from the last meeting of a negative \$231,542. Of
2 course, that difference was -- if you go over the
3 next column -- the distribution for the year was
4 \$234,110. Those numbers are not the same.

5 They're negative from the last meeting and that's
6 because there was some interest that was earned
7 that made up for a little bit of the distribution.

8 And since 1997, we've disbursed \$18,492,000 from
9 the trust. Page 3 will give us a detail of the

10 accounts. One thing to keep in mind here is the

11 one in yellow is the CD that is maturing. The

12 other thing to look at would be the prime money

13 market, which has a balance of 332,222. We

14 typically like to keep 500,000 in that account.

15 The distribution we made did come out of that

16 money market, which is why it's less than what we

17 want it to be. We will have some interest that

18 will be posting to the trust from three CDs this

19 month. Two will be credit interest on the 19th of

20 the month and one will be on the 29th. So our

21 next meeting, we'll see a jump in the deposit

22 amount for how much we made for the month. So

23 when we look at that yellow CD, you know, during

24 our finance committee meeting I made the

25 recommendation based on the current interest rate

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1 environment that once this CD matures on April
2 19th to move \$167,778 from that maturing CD.
3 We'll backfill that money market to bring it back
4 up to \$500,000, as we've always had it; and then
5 the remaining amount of that CD will go into a
6 three-year certificate at .9 percent. Again, the
7 bank will work with you guys to give you a little
8 bit better interest rate from where our current
9 rates are standing right now. So that was the
10 recommendation I had made. Any questions on that?

11 MR. LOPEZ: Make the motion.

12 MR. FEKETE: We need a motion.

13 MR. LOPEZ: I make a motion that we accept
14 the recommendation.

15 MR. BAKOTA: Second.

16 MR. FEKETE: We will have roll call on that.
17 Mr. Ebert?

18 MR. EBERT: Yes.

19 MR. FEKETE: Mr. Bakota?

20 MR. BAKOTA: Yes.

21 MR. FEKETE: Mr. Rodriguez?

22 MR. RODRIGUEZ: Yes.

23 MR. FEKETE: Mr. Lopez?

24 MR. LOPEZ: Yes.

25 MR. FEKETE: Mr. Fekete; I vote yes. The

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1 recommendation is approved.

2 MR. ALONZO: Next year we'll have two CD's
3 coming due, so up until next June, we don't have
4 any CD's to worry about maturing.

5 MR. FEKETE: Very good.

6 MR. TREVINO: And, Mr. Fekete, this is the
7 letter of direction that reflects the
8 recommendation. It requires your signature.

9 MR. FEKETE: Thank you. Do we have somebody
10 here from First --

11 MR. TREVINO: No. While we were meeting
12 earlier, I had a missed call, and I checked my
13 e-mail just now, and I got an e-mail from the
14 representative of First Merchants that he wouldn't
15 be able to make it.

16 MR. FEKETE: The next order of business is
17 the Great Lakes Legacy Act update.

18 MR. WESCOTT: Jim Wescott from Tetra Tech.
19 Fernando sort of gave you a brief update of where
20 we're at. We're continuing to look at the
21 historical documents. For instance, you know,
22 we're looking at using the south tank farm,
23 potentially, for some of the actual construction
24 activity, and then we're also looking at a piece
25 of property owned by the City of East Chicago,

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1 which apparently is called the City Dump, which is
2 right where the east and west branch come
3 together. So we're seeing if there are any issues
4 with those pieces of property. Then we'll
5 continue to have conversations with the property
6 owners for the next year as we sort this out.
7 That's one of the things that we've done.

8 We also are in the process of finalizing
9 the work plan for what we want to do in the
10 field. We're -- there's several activities,
11 sediment sampling, source control evaluation,
12 looking at slope stability along Indiana Harbor
13 Canal, the Grand Cal, Lake George Canal.

14 The first thing that we'll probably need
15 to get done is the bathymetric survey of the
16 non-navigation part of the river. The
17 expectation is that EPA will pay for a lot of
18 the fieldwork as part of their match. One
19 thing that I'll probably talk to Fernando and
20 the EPA representative in the next few days,
21 is because, you know, we want to get the
22 fieldwork going, you know, by late spring as
23 the water levels come up. But EPA may be
24 lagging. So we may be trying to see if I can
25 fit a little bit of the fieldwork, just the

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1 survey in, maybe. I think I can make it work.
2 But I need to have a conversation with him to
3 see if we can at least get going, because the
4 bathymetric survey will dry where some of the
5 sediment sampling points are based on the
6 height of the sediment.

7 MR. BAKOTA: What is that survey; what does
8 it consist of?

9 MR. WESCOTT: Basically, it's a boat with
10 some monitors, and they go up and down the river
11 and use sonar to kind of map the bottom of the
12 channel basically. So we just need to kind of
13 know how deep the sediment is and that will kind
14 of drive a lot of the work that comes after that.

15 MR. BAKOTA: What's the hope on the depth?

16 MR. WESCOTT: The hope would be it's a
17 hundred feet deep. The driver is, you know, if
18 it's deep -- let's say it's five-foot or more in
19 depth, the potential would be that we don't have
20 to dredge some of these areas. We may just go in
21 and cap it and cover up the dirty stuff. If it's
22 too shallow, though, we need to dredge some,
23 because if we don't dredge and cap, you know,
24 there's no water left and so canoers and kayakers
25 can't use the river. So we want to maintain --

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1 like right now, like three feet of the water. So
2 in the summertime you're looking at four or five
3 feet of water at a minimum so that you can get
4 potentially, down the road, recreational use and
5 the ecosystem. If it's too shallow, it doesn't
6 make any sense.

7 MR. BAKOTA: Can I ask, has there ever been a
8 study or can it be determined how much sediment
9 comes through the Grand Calumet River into the
10 ship canal and at least into the ship canal.

11 MR. WESCOTT: We will actually do that. As
12 Fernando mentioned, I think it's in -- one of your
13 interests is looking at a sediment trap.

14 MR. BAKOTA: Yeah.

15 MR. WESCOTT: Right. So as part of that
16 modeling, we'll -- I mean, we're not going to be
17 able to tell you the pound, but we'll be able
18 to -- you know, we're going to take measurements
19 in both the east branch and west branch and do
20 some modeling to try to get a general idea how
21 much sediment is coming out of that river and into
22 the Indiana Harbor Canal.

23 MR. BAKOTA: Do they also consider velocity
24 of the water during seasons?

25 MR. WESCOTT: Yes; there are a number of

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1 different parameters that go into the -- and then
2 Mr. Ireland can come into my space because it is a
3 partnership.

4 MR. IRELAND: Scott Ireland, U.S. EPA, Great
5 Lakes National Program office. The Corps of
6 Engineers did a study that talked about how much
7 was going out into the lake annually from the ship
8 canal that came from the river. I think that was
9 done in the late '80s, early '90s. They haven't
10 updated that since then. But what Mr. Wescott
11 talked about, is we're going to be able to get
12 some information on what the flow is. We can do
13 some backing out, we'll have to figure out how
14 much material that is taking and what the
15 concentrations are, but it's not going to be a
16 real exact thing, but we can basically come up
17 with some numbers of how much we would see go out
18 and how much we would see drop out into a sediment
19 trap.

20 MR. BAKOTA: Because some years ago I
21 remember they had a -- I don't know if it was an
22 aerial or a satellite view of the plume going out
23 and it went out quite a distance.

24 MR. IRELAND: Yeah. We see that a lot.

25 MR. BAKOTA: It was thousands of yards a year

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1 that were washed out of the canal.

2 MR. IRELAND: We see that a lot with
3 satellite shots now. I was looking at one from
4 the Duluth flooding in 2012. They have a
5 satellite image of sediment just pouring out of
6 the canal there.

7 MR. BAKOTA: It's impressive when you see
8 that.

9 MR. IRELAND: Yeah. And, you know, all the
10 sediment or bound contaminants are just then going
11 out into the lake which are nonrecoverable at that
12 point.

13 MR. BAKOTA: I think this even reached the
14 Hammond intake. I don't know if that was
15 consistent or that was a --

16 MR. IRELAND: I don't know the extent of what
17 it does during a normal event, but we're seeing
18 more non-normal events as we move forward.

19 MR. WESCOTT: So as you look ahead on the
20 schedule, the expectation is the fieldwork will
21 occur May through the fall, depending on some
22 timing issues. So we can get most of the data
23 collected by September/October and then get the
24 remedial investigation report and the feasibility
25 study done by the end of the calendar year so that

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1 we can go into design next calendar year, so that
2 by mid to late -- well, late summer, early fall,
3 there's a design complete that EPA can then
4 contract out. And there are a lot of balls in the
5 air right now with BP and their work on the south
6 tank farm and sort of shifting priorities, so I'm
7 trying to stay very flexible working with Fernando
8 and EPA to make this kind of come together. So if
9 there are opportunities, shorter-term
10 opportunities that we can take advantage of like
11 low hanging fruit, we'll do that, but, otherwise,
12 we'll drive on and try to get a design done so
13 some construction can occur in 2016. That's sort
14 of the long-term plan and it's all contingent on
15 funding.

16 MR. LOPEZ: 2016?

17 MR. WESCOTT: That would be my plan and I
18 know -- if we can get something in 2015 that's
19 achievable, we'll try. Right now it's early and
20 there's -- we're optimistic.

21 MR. IRELAND: This is Scott again. As we've
22 talked in the past, we're talking about three
23 distinct chunks that we're analyzing, and as we go
24 along with their feasibility study, the remedial
25 investigation, if it becomes apparent that we may

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1 have additional partners to do remedial action in
2 any one of those three, we can break that off and
3 move that a little bit faster, so we do have some
4 flexibility, and as Mr. Wescott talked about, we
5 have -- there's a lot of things up in the air. We
6 try to make sure that we dovetail as we move
7 forward. He talked about some, I don't know if it
8 was lagging. Right now we're looking at trying to
9 find our best avenue to do -- the sediment
10 collection is going to be on our plate. We're
11 trying to work on getting the best contract to do
12 that, so we're working through that. The
13 partnership seems to be, as I would have expected,
14 going very well. One of the things we are
15 currently working on is developing our cohesive
16 project team that we're going to meet with on a
17 regular basis, and then as we move forward,
18 regular conversations will be had. One of the
19 things we're going to start very soon on is
20 discussions on the public outreach, the public
21 output component. One of the things we do on the
22 Great Lakes Legacy Act is we have project cost and
23 program cost. Our public outreach is something we
24 do at all sites, so that's a program cost we bear
25 as a federal agency at a hundred percent. So if

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1 we set up a public availability session, if we
2 develop fact sheets, we do that on our own, but we
3 make sure that we incorporate the partners and
4 everybody's input as we go forward. That's not a
5 project cost that you guys have to bear. So we're
6 going to be talking about what that's going to
7 look like as we move forward. Normally, for these
8 type of projects, we don't start that process
9 until we get toward -- closer to the remedial
10 action point, but for this type of an activity, as
11 many things as we've got going on, I want to start
12 thinking proactively about what a fact sheet is
13 going to look like. What a public availability
14 session would look like. We usually don't have
15 public meetings, because we're not standing up
16 there talking. We call them "public availability
17 sessions" for people to come in and talk to us and
18 see pictures and things of what it's going to look
19 like. So start getting some input from the public
20 on what this is going to look like as we move
21 forward, what to expect when people are out there
22 sampling, and what to expect when people are out
23 there doing the dredging and other things. So
24 those are the kind of things we're going to be
25 working on as we move forward.

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1 MR. WESCOTT: It would be helpful to kind of
2 tie in with what you were talking earlier about
3 Roxanna Marsh and, you know, agencies don't even
4 know what's going on, and I think we just need to
5 get sort of the message out so that -- there's a
6 lot of work going on on the Grand Cal and there's
7 been a lot of improvement, but I still don't think
8 there is recognition of how it all comes together
9 and the opportunity that that provides. So I
10 think if EPA, working with Fernando and the board,
11 can kind of get a little more notoriety or just
12 visibility, you know, for the opportunity, then
13 other things will -- other people will come
14 forward, other stakeholders. I think there will
15 be opportunities to leverage what's been done and
16 what is currently going on both in the
17 non-navigation part and the Corps work on the
18 navigation section to kind of move it -- move the
19 ball down the field a little bit more.

20 MR. FEKETE: My perspective on this whole
21 thing is there's so much pent up energy that's
22 been accumulating over a long period of time, that
23 all of a sudden there's opportunities to actually
24 get things done and it's just kind of exploding,
25 and I want to make sure that all of these ideas

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1 and groups that are working together work
2 synergistically rather than independently.

3 MR. IRELAND: I'm a hundred percent on board
4 with that because I don't want to hear at the end
5 of the day someone say, Well you should have
6 contacted me because I've got ideas and I've got
7 money. That's something I don't want to hear
8 after the fact. One of the things I can't stress
9 enough is as we move forward with the remedial
10 investigation, the feasibility study, from a
11 City's perspective, start thinking of what you
12 want to see in areas long term with the properties
13 you own, so if you have an idea for a parcel of
14 property that's adjacent to the river canal, what
15 you have an idea for that will factor into what we
16 design as far as remediation or other
17 opportunities. So, you know, we can kind of
18 tailor things as we move forward. If you want a
19 boat dock or you want something, we can factor
20 that in. We don't want to come in after the fact
21 and say, Wow, if we'd just thought of doing
22 something here, we could have done this here. So
23 start thinking proactively. We've got a couple
24 years just as we roll this forward, and I want to
25 make sure that, you know, we've got adjacent

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1 wetlands, we've got, you know, non-nav parts of
2 the ship canal, let's make sure that we're all on
3 the same page with moving forward with what we can
4 that, you know, meets the regulatory requirements
5 of the state as far as what permits can be had and
6 then what the city would like to see moving
7 forward.

8 MR. WESCOTT: Right. Not to drag it out but
9 one thing we talked with Fernando at the meeting
10 you mentioned was, like, just for this field
11 investigation work, one of the real difficult
12 things is just finding places to put a boat in the
13 water, right, because there's no access. So one
14 thing to start thinking about is, like, parcels
15 for, like, a canoe launch or a kayak launch,
16 because it's really hard to get to the river.

17 MR. BAKOTA: Yeah.

18 MR. WESCOTT: There's a few locations but if
19 you're going to spend a lot of money cleaning it
20 up and then you can't get to it, you know, it's
21 hard to do when --

22 MR. BAKOTA: We're talking about public
23 access.

24 MR. IRELAND: Absolutely.

25 MR. BAKOTA: You know, the marsh and the

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1 other areas. I want to ask you, you know that
2 north/south branch, you know, that we want to
3 remediate?

4 MR. IRELAND: This portion here (indicating)?

5 MR. BAKOTA: Yes. That's narrower there. I
6 notice there's more velocity, you know, there, and
7 do you think a lot of that is already washed out
8 of there as compared to the slower part of the --

9 MR. WESCOTT: We'll know shortly.

10 MR. IRELAND: We'll know after we get the
11 study done. It's my personal opinion that, yeah,
12 I think there's not going to be a whole lot of
13 stuff that's in there because I think anything
14 that's been in there has been carried out.

15 MR. WESCOTT: We're hoping -- we've done some
16 field measurements and we were dropping tapes off
17 the bridges on 151st and Chicago and Columbus --
18 is it Columbus? Columbus. And it wasn't as deep
19 as I was hoping. Maybe we were hitting the top of
20 a car, but it was, you know, four to six feet; and
21 I was hoping it was going to be deeper. And the
22 velocity, we notice the velocity is really strong
23 at 151st right where the two branches come
24 together and shoot through. Then it doesn't seem
25 to be as fast as you get farther down the channel,

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1 but that's the -- the bathymetric survey will tell
2 us how deep the sediment is below the water
3 surface, and we're kind of hoping it gets deeper
4 in the Indiana Harbor Canal because then maybe we
5 just have to put sand in the bottom to cover it up
6 and that gives a habitat for organisms but you
7 don't have to spend a lot of money digging it out
8 because it's already deep enough. But if it's too
9 shallow, we'll have to.

10 MR. BAKOTA: Will there be a membrane also in
11 there, or no?

12 MR. IRELAND: If the contamination is not
13 that bad, we'll have to model it, but in some
14 cases, sand will be sufficient to block anything
15 from coming up. The stuff we're dealing with now
16 on the east and west branch, the contamination was
17 a lot higher, and we needed organic material,
18 whether in a mat or membrane or in bulk form, that
19 trapped or slowed down the contamination moving
20 upward. If in that area there's not that much, we
21 may be able, like Jim said, be able to throw a
22 layer of sand down and that will be sufficient to
23 start the habitat for coming in.

24 MR. WESCOTT: A lot of that will sort itself
25 out in the fall after we collect the data, kind of

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1 know what we really have, and then kind of sort
2 through, and then we'll refine it some more in the
3 design phase.

4 MR. FEKETE: We look forward to your results.

5 MR. IRELAND: We do, too. I'm excited about
6 this and what you're talking about with there's
7 this pent up aggression that everybody wants to
8 move forward with things, I want to tap into that
9 and make sure that we harness that as opposed to
10 not hear what everybody has got to say. So if
11 you're aware of something, bring it to my
12 attention. We can make sure that we always keep
13 things in mind. There's certain things we can't
14 do under the law, certain things we can, so we'll
15 just make sure that we understand what we've got
16 and then try to incorporate everything we can.

17 MR. BAKOTA: What's good about it, I mean,
18 the public will be able to use that river. They
19 haven't used it in probably 120 years, you know.

20 MR. WESCOTT: Like Roxanna we did a couple
21 years ago. It's amazing how many people are
22 walking out there now. You can see the river.

23 MR. BAKOTA: It looks great compared to what
24 it was. You know, you go up there, squint your
25 eyes, you think you're up north somewhere.

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1 MR. IRELAND: We had some people come to the
2 public availability session after that that said,
3 When I was a little kid, we used to come out here,
4 and you just didn't want to drive by. Now we want
5 to go there.

6 MR. LOPEZ: I agree with John because when we
7 were trying -- like this, and they're so serious,
8 and we put so much time into it, and you guys are
9 going for it, everybody wants to get on it, but I
10 hope it doesn't -- everybody gets on it and it
11 bogs down.

12 MR. IRELAND: Not going to let that happen.

13 MR. LOPEZ: Have good ideas and try and get
14 it all --

15 MR. IRELAND: Exactly. Exactly.

16 MR. LOPEZ: Yeah.

17 MR. IRELAND: So we're not going to try to
18 make sure that everything, you know, we have to
19 just wait and wait, and wait to get all these good
20 ideas, and we are going to move forward, and we
21 have a pretty good schedule.

22 MR. WESCOTT: And he's not lagging. He is
23 just moving at a methodical pace.

24 MR. BAKOTA: It's good to see you get along
25 so far.

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1 MR. WESCOTT: We've gotten along for less
2 years. I'll be here every month, but, you know,
3 Fernando -- we're talking every week.

4 MR. FEKETE: Okay. The next order of
5 business is the Army Corps of Engineers' report.

6 MS. MILL: Natalie Mills, with the U.S. Army
7 Corps of Engineers. The contractor is scheduled
8 -- let me step back. The contractor is currently
9 mobilizing on site, and he is scheduled to start
10 dredging on Monday, which is the 21st of April.
11 So that's still on schedule, and hopefully the
12 weather is going to cooperate, and it shouldn't be
13 a problem anymore.

14 Fernando, we do need to coordinate the
15 tour. We tried to do the tour last year. We
16 were unsuccessful, so we should try to propose
17 some dates again. Hopefully, before Colonel
18 Drummond moves on, you know, he'll be moving on
19 at the end of May, so maybe we can look at some
20 dates in May. Just so you know, you all know
21 we get a commander every three years, so his
22 term is up.

23 MR. TREVINO: How should we do that, Natalie?
24 Should we give you two or three dates, or do you
25 want to propose two or three dates?

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1 MS. MILL: I guess I should probably give you
2 two or three dates and make sure they're
3 available.

4 MR. TREVINO: I think that's what we did last
5 year. You gave us a few dates for consideration,
6 and then I went to the board with it. I think
7 that's easier than the other way around, because
8 it will be dependent on, on -- well, it sounds
9 like not just the Corps' dredging but Colonel
10 Drumond.

11 MS. MILL: Yes, because he never was able to
12 get out on the boat. So that was something he
13 wanted to do.

14 The next item I have is the retrofit, and
15 so that's the main entrance ramp repair, and
16 that work is scheduled to be done, which is
17 just placing some concrete and it should be
18 done this spring.

19 CDF documentation: We did submit the TSCA
20 permit on the 27th of March to the regulatory
21 agencies and to ECWMD. So that period of
22 review was a year, so I don't expect to hear
23 much any time soon, but there will be a public
24 meeting at some point, and they'll let us know
25 when that's going to be -- or schedule with us

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1 when that's going to be.

2 Oil boom coordination: Our contractor is
3 coordinating the movement of the oil boom
4 across Indianapolis Boulevard, and we did get
5 notice from Paul Johnson today that the boom
6 has been removed. So we'll be prepared to come
7 through -- or the contractor will be prepared
8 to come through on Monday.

9 The PCA and nonfederal funding: I don't
10 have anything on the PCA. I'll allow Attorney
11 Ellen Gregory to update. As Fernando
12 indicated, we do have a proposed meeting date
13 on the appraisal on the 29th of April. I can
14 set up a time and send out a conference call
15 number to everyone.

16 I previously requested a date for ECWMD
17 with Ellen and Fernando to meet with the Corps'
18 cost share team so we can talk about credits.
19 So just let me know when you guys have some
20 dates.

21 MR. TREVINO: If we could meet after this
22 meeting, just so we have -- since we're all here.

23 MS. MILL: Okay. Sure. Indianapolis parkway
24 improvements: We did receive the authorization
25 for entry from ECWMD, and right now we're awaiting

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1 our stone delivery, so we have a request for
2 proposal out, and so we're waiting on proposals
3 from contractors, and then we'll be able to
4 schedule a delivery date for the stone. And then
5 we can -- once we know when the material is
6 coming, then we can plan some dates.

7 MR. LOPEZ: We got a guy that watches
8 everything.

9 MS. MILL: Okay. Good. We did send out a
10 request for you guys to fill out the customer
11 survey. Let us know how we're doing. So that is
12 due tomorrow. So if you have an opportunity to
13 give some feedback --

14 MR. TREVINO: We reviewed it and I'll be
15 submitting something tonight.

16 MS. MILLS: I know it will be amazing. Thank
17 you. Thank you in advance. Whatever feedback,
18 you know, we appreciate feedback from all
19 sponsors, so if you guys are available to, we
20 appreciate you get that in.

21 And I did receive the public meeting
22 presentation. I know, Ellen, you had asked for
23 me to provide that in the past. So I need to
24 put it on a disk. So they put it on the drive
25 and so I've got to put it on some disk of some

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1 sort, or if I can coordinate with you on how to
2 do that.

3 MS. GREGORY: I use Dropbox, but I know you
4 guys can't, so a disk is fine.

5 MS. MILLS: No, I can't download that.

6 MS. GREGORY: Right.

7 MS. MILLS: That's all I have at this time.

8 MR. FEKETE: Any questions for Natalie?

9 (No response.)

10 MR. FEKETE: Thank you very much.

11 MS. MILLS: Thank you.

12 MR. FEKETE: Next order, Attorney Ellen
13 Gregory report.

14 MS. GREGORY: Ellen Gregory, with Ellen
15 Gregory Law. I'm just going to whiz through some
16 of these items that I have here. The consent
17 decree: The latest version was distributed by the
18 Department of Justice attorney in late January.
19 Fernando and I have met a couple of times to go
20 through that. We submitted some preliminary
21 comments to the Department of Justice attorney
22 about two weeks ago and are working on finalizing
23 our comments and then we'll be having a call with
24 the Department of Justice lawyer to go through
25 those with him. One of the main concerns is that

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1 the new version of the consent decree has
2 identified the Waterway Management District as a
3 party who is responsible for performing the work
4 on the RISF, which originally BP was supposed to
5 be on the hook for. So that's our main concern
6 that we're going to address with the DOJ lawyer
7 and the other lawyers in the group.

8 On real estate matters, the Feddeler claim
9 continues to move forward. Our real estate
10 lawyer, Jim Wieser, has been doing a lot of
11 work on looking through title documents, and
12 we've had phone conversations with the Army
13 Corps of Engineers' real estate lawyer to go
14 over the Feddeler claim and whether or not the
15 interest in the real property is actually a fee
16 interest or a right of way. So we're
17 proceeding on that. I've also been working
18 with Mirca Blessich (phonetic), who is the real
19 estate advisor, to try to put together a
20 summary of the easements, other rights-of-way,
21 and other documents that relate to all of the
22 Waterway Management District parcels and will
23 have, hopefully, a finalized summary of that by
24 the next board meeting.

25 The PCA, we have had a brief discussion

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1 with Army Corps about revisions to the original
2 2000 PCA. We continue to -- Fernando and I are
3 looking at the options that have been
4 presented, and we'll be putting together
5 something for the board to review next month,
6 and then hopefully shortly thereafter to
7 respond to the Corps. And, as Mr. Trevino
8 mentioned, we are trying to set up meetings
9 with the Corps on the various PCA credit items,
10 which include the appraisal of the CDF parcel,
11 as well as the local costs that have been
12 incurred to date; and in conjunction with that,
13 the meeting with the Corps' financial people
14 hopefully will move us forward in that a little
15 bit.

16 And then finally on the user fees: We
17 will be looking at non-payers. The user fees
18 are due April 1st, and so we'll be looking at
19 the non-payers who haven't paid by about May
20 1st and deciding how to proceed with the
21 Attorney General's office and enforcing against
22 those non-payers. That's all I have. Does
23 anybody have any questions?

24 MR. FEKETE: Any questions for Miss Gregory?

25 (No response.)

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1 MR. FEKETE: Thank you very much. Any new
2 business to come before the board? Other
3 business?

4 (No response.)

5 MR. FEKETE: Just to bring everybody up to
6 date on the current state of affairs, there will
7 be a meeting on April 22 at 10:00 at the Indiana
8 Department of Environmental Management's northwest
9 regional office to discuss the status of the
10 Jeorse Park project. Mr. Lopez and I are planning
11 on attending that meeting and we will dully report
12 out at the next meeting. Right now -- yes.

13 MR. IRELAND: I'm sorry. What was the date
14 of that?

15 MR. FEKETE: That's 10:00 on April 22nd. We
16 will report out what we learn at that meeting.
17 Right now we have not heard much from Michigan
18 State, but we've not been asked for any financial
19 support, so we'll see where we are on that
20 particular day. Any other business?

21 (No response.)

22 MR. FEKETE: Hearing none, our next board
23 meeting -- any public comments?

24 (No response.)

25 MR. FEKETE: No comments from the public.

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1 Our next board meeting will be May 21, 2014, at
2 5:00 in this office, or in this building.

3 Entertain a motion of adjournment?

4 MR. BAKOTA: Motion to adjourn.

5 MR. FEKETE: Second?

6 MR. RODRIGUEZ: Second.

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

9 (All signify aye.)

10 MR. FEKETE: We are adjourned.

11 PROCEEDINGS 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 16th day of April, 2014, 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 consisting of thirty-eight (38) pages is a true and accurate record of said proceedings had.

Dated this 15th day of May, 2014.



Dawn M. Iseminger, RPR
My Commission expires: 7/22/2017