

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana
September 16, 2015
Wednesday, 5:00 p.m.

Transcript of the proceedings had in the
above-entitled matter, on the 16th day of
September, 2015, at 5:00 p.m., at the City of East
Chicago, Engineering/Annex Building, 4444 Railroad
Avenue, East Chicago, Indiana, before Peggy S.
LaLonde, Certified Shorthand Report and Notary
Public for the County of LaPorte, State of
Indiana.

ISEMINGER & ASSOCIATES, INC.
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1st Source Bank Building
Valparaiso, Indiana 46383
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A P P E A R A N C E S:

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Secretary

MR. JOHN BAKOTA, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

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

ALSO PRESENT:

NATALIE MILLS, U.S. Army Corps of Engineers

JIM WESCOTT, Tetra Tech

TIM ANDERSON, CliftonLarsonAllen

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East Chicago 9-16
September 16, 2015

1 MR. FEKETE: I'd like to call to order the
2 meeting of the East Chicago Waterway Management
3 District Board of Directors. Today's date is
4 September 16th, 2015, and the time is 5:07. We'll
5 have a roll call. 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: Kevin Doyle?

14 (No Response)

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete? Here. We have
18 a quorum. Okay. Mr. Trevino.

19 MR. TREVINO: Yes. Fernando Trevino, with
20 FMT Consulting, Executive Director. First I'd like
21 to start off by going over the contents of your
22 Board packet. You have the Board minutes for
23 August 19th, 2015 for approval consideration.

24 You have the CliftonLarsonAllen
25 financial statements dated August 31, 2015.

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1 You have the claim docket dated
2 September 16, 2015, for approval consideration.

3 You have the 2014 tax forms for
4 the ECI Facility Trust.

5 You have the engagement letter
6 for Attorney Ellen Gregory dated September 16th,
7 2015, and that's on the agenda for approval
8 consideration.

9 You have the Great Lakes Legacy
10 Act Project Agreement Amendment and that's on the
11 agenda for approval consideration.

12 You have US EPA Great Lakes
13 National Program Office, the Great Lakes Restoration
14 Initiative overview of grants. And you also have
15 Lake Michigan Coastal Grants Program handout in your
16 packet as well.

17 You have First Merchants Bank
18 account statements for accounts ending in 608 and
19 616 for the month of August 2015, including a User
20 Fee deposit dated August 24, 2015.

21 You have the BMO Harris Bank ECI
22 Facility Trust report.

23 You have an Arcadis progress
24 report for the month of June 2015.

25 You have Tetra Tech's progress

4

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1 report for the month of August and the report is
2 dated September 9, 2015.

3 And you have Attorney Ellen
4 Gregory's report to the Board with the revision date
5 of September 11th, 2015.

6 You have a Northwest Indiana
7 Times article on Board member John Fekete on his
8 soccer coaching experience. And another article
9 from Northwest Indiana Times on Board member Ted
10 Zagar and his astrological abilities.

11 That summarizes the content of
12 your Board packet. I also, after the fact, handed
13 out the Army Corps of Engineers progress report to
14 to the Board.

15 A couple of updates. A reminder
16 that the IDEM Care Committee is having their annual
17 seminar on October 8th, 2015. So far Board Member
18 Lopez has asked me to sign him up. Anyone else
19 interested let me know as the date approaches, I'll
20 sign you up on the internet.

21 Last month we approved an
22 investment policy and the next step was to meet with
23 First Merchants to put together a recommendation on
24 the funds being held at First Merchants. However
25 I'm waiting for a response from the Corps on some

1 potential money that they owe us so we can be able
2 to better plan for our 2016 and 2017 remediation
3 work. So once we get a better picture of our
4 finances I'll schedule a Finance Committee meeting
5 and then report to the Board on recommendation.

6 We are still working on pursuing
7 insurance for the District. We provided additional
8 information. We are waiting back on response.

9 I went through an eight-hour
10 OSHA refresher course on September 8th and I also
11 attended Lake Michigan Coastal Grant workshop on
12 August 25th.

13 Regarding User Fees. We have
14 one user who hasn't paid User Fees in 2015, so we'll
15 be following up on that.

16 Our MOU with Attorney General's
17 office to pursue nonpayment has expired so Ellen and
18 I will be working with the AG's office on renewing
19 that MOU.

20 Great Lakes Legacy Act Project,
21 Jim Wescott is here with Tetra Tech to provide an
22 update on the schedule and the design.

23 Working with Tim Anderson on a
24 fixed cost proposal for EPA. There also on the
25 agenda, as I mentioned, is the project agreement

1 amendment, which will include BP as a project
2 partner. So if there is any projects that BP has in
3 the future that may apply to our cost share scenario
4 we'll be able to capture it. So that's on the
5 agenda for approval.

6 Let's see, and as I mentioned we
7 are waiting for a response from the Corps on the CDF
8 construction reimbursement. So once we get those
9 pieces together we'll be able to better identify
10 what the schedule would look like in 2016 and '17
11 as far as the remediation work.

12 The Corps dredging project. The
13 Corps has concluded their 2015 dredging season.
14 Natalie has provided an update to the Board which is
15 in your packet. We have been working with the Corps
16 to renew the Section 10 permit. And we are still
17 waiting on the TSCA permit meeting between IDEM, EPA
18 and the Corps to respond to the Corps comments.

19 Attorney Ellen Gregory will be
20 giving an update on various legal matters. And
21 that's my update to the Board.

22 MR. FEKETE: Any questions for Mr.
23 Trevino?

24 (No Response)

25 MR. FEKETE: Thank you very much. Next

1 order of business is the approval consideration of
2 the Board meeting notes for our last meeting, which
3 was August 19, 2015. I'll entertain a motion.

4 MR. BAKOTA: Motion to accept.

5 MR. LOPEZ: Second.

6 MR. FEKETE: We have a motion and second.
7 Consider a voice vote. All in favor signify by
8 saying aye?

9 (All signify aye.)

10 MR. FEKETE: Any opposition?

11 (No Response)

12 MR. FEKETE: Hearing none, motion is
13 approved.

14 Accounting consultant report,
15 Mr. Anderson.

16 MR. ANDERSON: Tim Anderson, with
17 CliftonLarsonAllen. You guys all have a copy of the
18 financial statement that we do. These financials
19 are through August 31st, of '15. First page with
20 numbers on it is page 2. So for the eight months
21 ended August 31st, of '15, we have got the budget
22 transfer of 268,000 from the Trust into our
23 operating account. We have earned \$2900 of interest
24 income on the two cash accounts, the operating
25 account and User Fee account. And we have collected

1 almost all of the User Fees, 425,000, so we've got
2 total cash receipts of 696,000. And then you can
3 see our cash disbursements there. There is a list,
4 legal fees, engineering, accounting. Great Lakes
5 Legacy Project is the big one this year. So we have
6 expended 441,000 through August 31st. Our cash is
7 increased 255,000 for the eight months ending
8 August 31st. We started the year with just a little
9 over two million and we've got cash, reconciled cash
10 in the bank at 2.2 million, as of August 31st.

11 Page 3 has the operating account
12 and the User Fee account separated, so you can see
13 the interest going in each month and the checks that
14 we write each month coming out of the operating
15 account. So there's a half million in the operating
16 account, which roughly equates our unused budget at
17 this point. And then the User Fee account, we just
18 keep stashing the user fees into that account.
19 There's 1.7 million in that account.

20 The next page, page 4, is the
21 important page. It shows our budget appropriation
22 for the year. And in the left column, that's what
23 we thought we were going to spend this year. We get
24 to add the payables from last December to that
25 number, for our total spend for '15 of 947. And we

1 have written checks for \$441,731 through August.
2 And then we add the 38 that is before you guys today
3 on the voucher register. So our unused budget or
4 our cash available to spend is 466,000, which again
5 roughly equates the balance in the operating
6 account. If you take the unused budget, add back
7 the September disbursements, you get pretty close to
8 that cash account.

9 MR. TREVINO: December?

10 MR. ANDERSON: What's that?

11 MR. TREVINO: December or September --
12 okay.

13 MR. ANDERSON: Okay. If you take the
14 unused budget, which is that right most column, add
15 back September, that roughly equates the balance of
16 our cash account. The reason it's off a little
17 because we have earned interest on the cash account
18 which we didn't -- we can't account for that in the
19 budget. Any questions?

20 (No Response)

21 MR. ANDERSON: The reason this page is
22 important, you can't go over any of these line
23 items. If there's a negative amount, we'll have the
24 State Board knocking at the door and we don't want
25 that.

1 Fernando, I sent over a tax
2 form. We do a Trust form, what's called a 1041 for
3 the Trust which goes to the Internal Revenue
4 Service. We report our income that goes into the
5 Trust account, which is for the most part interest
6 earned on the cash accounts in the Trust, which is
7 all exempt from Federal income tax. So there is no
8 tax. If you guys recall, a couple years ago we got
9 a tax notice where the IRS sort of had that, for
10 some reason it dropped off one year that we were
11 exempt, so it showed quite a bit of tax we owed. As
12 soon as we reminded them we are a municipal agency
13 they dropped it. So we file every year a tax return
14 with them to keep that exemption in place. And so
15 we did that. It was due September 15th, so we did
16 that before the due date.

17 And then now that this audit is
18 over with the Sate Board, Fernando and I will jump
19 back on the indirect cost, fixed cost allocation and
20 we'll be working on that. That's my report.

21 MR. FEKETE: Any questions?

22 (No Response)

23 MR. FEKETE: Thank you, Tim.

24 MR. LOPEZ: For the Board's information,
25 this is really important for us, these nickles and

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1 dimes add up. We know where all our money is going.

2 MR. FEKETE: You sound like Edward
3 Dirksen. Add it up and pretty soon you got a lot of
4 money.

5 Next order of business is the
6 approval consideration for the accounts payable
7 voucher presented dated September 16, 2015. Do I
8 hear a motion to approve?

9 MR. HENRY RODRIGUEZ: Motion to approve.

10 MR. FEKETE: We have a motion to approve.
11 Do I have a second?

12 MR. LOPEZ: Second.

13 MR. FEKETE: We'll have a roll call vote.
14 John Bakota?

15 MR. BAKOTA: Yes.

16 MR. FEKETE: Henry Rodriguez?

17 MR. HENRY RODRIGUEZ: Yes.

18 MR. FEKETE: Mr. Patrick Rodriguez?

19 MR. PATRICK RODRIGUEZ: Yes.

20 MR. FEKETE: Ted Zagar?

21 (No Response)

22 MR. FEKETE: Kevin Doyle?

23 (No Response)

24 MR. FEKETE: Ray Lopez?

25 MR. LOPEZ: Yes.

1 MR. FEKETE: John Fekete? Yes. Motion is
2 approved.

3 Next order of business is the
4 approval consideration for the Attorney Ellen
5 Gregory engagement letter, which I believe was
6 presented to us by Mr. Trevino. Do we have any
7 questions?

8 MR. LOPEZ: Motion to accept.

9 MR. BAKOTA: Second.

10 MR. FEKETE: I have a motion to accept and
11 a second. We'll have a roll call vote. John
12 Bakota?

13 MR. BAKOTA: Yes.

14 MR. FEKETE: Henry Rodriguez?

15 MR. HENRY RODRIGUEZ: Yes.

16 MR. FEKETE: Patrick Rodriguez?

17 MR. PATRICK RODRIGUEZ: Yes.

18 MR. FEKETE: Ted Zagar?

19 (No Response)

20 MR. FEKETE: Kevin Doyle?

21 (No Response)

22 MR. FEKETE: Ray Lopez?

23 MR. LOPEZ: Yes.

24 MR. FEKETE: John Fekete? I vote yes.
25 Motion is approved.

1 urgency in this because now you threw a wrench in
2 there when you said if there's minor changes.

3 MR. TREVINO: I just mentioned one was
4 that the signature page might have two different
5 signature lines, one for BP and one for ARCO.

6 MR. LOPEZ: The content of what we are
7 approving, is that going to change, the wording or
8 anything like that?

9 MR. TREVINO: No. If there's anything
10 substantive we'll bring it back to the Board. I
11 just want to make sure, you know, for instance, you
12 approve the one that was circulated and then you see
13 a final one and it's got two signature pages, you
14 know, that we have already stipulated that it's
15 going to have two signature pages.

16 MR. LOPEZ: Okay. So we approve this and
17 this is what we get?

18 MR. BAKOTA: Well, you can state any
19 changes in it, then it's brought back for agreement
20 of changes.

21 MR. FEKETE: I would say what is being
22 presented today, absent a dual signature page, is
23 what we are approving. Any substantive changes
24 beyond that, obviously there may be typos and things
25 of that nature, but if there is anything of

1 materiality or substance to any changes, then I
2 think we need to reapprove it.

3 MR. TREVINO: I agree.

4 MR. BAKOTA: I think presenting it to the
5 Board, he mentioned that. That it would be brought
6 back for review.

7 MR. TREVINO: Right.

8 MR. FEKETE: So that basically is the sum
9 and substance of our approval, and that is the
10 motion that's on the floor.

11 MR. TREVINO: Good.

12 MR. LOPEZ: Okay.

13 MR. FEKETE: So I entertain a motion to
14 approve.

15 MR. BAKOTA: Motion to approve.

16 MR. FEKETE: John Bakota presented the
17 motion. Do I have a second?

18 MR. LOPEZ: Second.

19 MR. FEKETE: I have a second from Mr.
20 Lopez. Roll call vote. John Bakota?

21 MR. BAKOTA: Yes.

22 MR. FEKETE: Henry Rodriguez?

23 MR. HENRY RODRIGUEZ: Yes.

24 MR. FEKETE: Patrick Rodriguez?

25 MR. PATRICK RODRIGUEZ: Yes.

1 MR. FEKETE: Ted Zagar?

2 (No Response)

3 MR. FEKETE: Kevin Doyle?

4 (No Response)

5 MR. FEKETE: Ray Lopez?

6 MR. LOPEZ: Yes.

7 MR. FEKETE: John Fekete? I vote yes.

8 The GLRI Grant Application discussion.

9 MR. TREVINO: I just included that in your
10 packet. We are exploring the possibility of
11 submitting a grant on behalf of the District that
12 may incorporate some of the scope of work that might
13 be part of the Great Lakes Legacy Act Project. So
14 there was an overview section for the grant on the
15 internet, so I thought I'd include that in the
16 packet as an FYI to the Board members.

17 MR. FEKETE: Procedure standpoint, should
18 we, since we have a draft in front of us and yet it
19 hasn't been completely spelled out, what sort of
20 approval do we need to make this application because
21 it's due at the end of the month, right?

22 MR. TREVINO: Right.

23 MR. FEKETE: We're not going to have
24 another Board meeting before then.

25 MR. TREVINO: Well, that's a good

1 question. I guess I defer to Attorney Ellen Gregory
2 here. I'm wondering, again it's not a hundred
3 percent clear we'll submit one. If the Board wants
4 to give the approval to you and me to evaluate that
5 and submit it, and then return it, have that
6 submitted at the next Board meeting.

7 MR. FEKETE: I'd be more inclined to have
8 a Special Board meeting just to approve it, the fact
9 we have something to come into play. It's just a
10 little bit, to use a nonlegal term, a little fuzzy
11 in my own mind --

12 MR. TREVINO: Okay.

13 MR. FEKETE: -- what we might be doing
14 with it.

15 MR. TREVINO: All right.

16 MR. FEKETE: Okay.

17 MR. TREVINO: It would have required your
18 signature anyway, so we definitely won't be doing
19 it, right?

20 MR. FEKETE: If I'm going to sign, it will
21 be less than fuzzy.

22 MR. LOPEZ: So a special meeting on this?

23 MR. FEKETE: Yeah.

24 MR. HENRY RODRIGUEZ: If we need one.

25 MR. FEKETE: If we are going to pursue it,

1 we'll have a special meeting.

2 MR. HENRY RODRIGUEZ: I understand.

3 MR. FEKETE: BMO Harris Bank, trust
4 report. We have it in our packet.

5 MR. TREVINO: Mr. Alonzo I guess wasn't
6 able to make the meeting. So did submit a summary
7 of his report. Page 1 highlights the historical
8 value of the Trust since 1997 and also distributions
9 each year since '97.

10 Page 2, the current value of the
11 account is 5.7 million as of September 14th, which
12 reflects a \$62.00 gain from our last meeting. The
13 gain is from the interest paid to the money market
14 distributions year to-date, which are 268,519.

15 On page 3, shows the value of
16 the money market essential business checking account
17 and CD. It also compares each of their values from
18 the last meeting until September 14th. Interest
19 will be paid at the end of the month on the two CDs
20 ending in 32 and 33, and that will be reflected at
21 the October meeting. No CDs are scheduled to mature
22 until October of 2016.

23 MR. FEKETE: Okay. The next order is
24 Great Lakes Legacy Act Project update. Mr. Wescott?

25 MR. WESCOTT: Jim Wescott. Not a

1 significant amount new from last month. I provided
2 preliminary drawings on the basis of design report
3 to Fernando for review. So he's got a lot of
4 drawings, primarily focus on dredging part of the
5 project and then I'm looking for his feedback. I
6 also got feedback from the East Chicago Sanitary
7 District. We propose doing dredging up there at the
8 outlet, which they are okay with.

9 So the expectation going
10 forward is to kind of get the rest of the design
11 drawings done by the end of October, and then get
12 feedback and have a complete package with the
13 designs, the permit applications, and the
14 specifications all by the end of the calendar year.
15 That may change, as you discussed earlier, the
16 project agreement with BP and other potential
17 sources of funding that come into play. The way the
18 project is currently set up is to do it all at once,
19 but we may pull stuff out if that can be done
20 sooner. The available funds will afford that, and
21 that's discussion that Fernando and I have been
22 having. Once there is more clarity on sources of
23 funding and other issues, the Board and I can take
24 that up and kind of prioritize what we really want
25 and what money is available. But generally things

1 are fine.

2 MR. FEKETE: Any questions for Mr.
3 Wescott?

4 MR. BAKOTA: The final design would be
5 like December?

6 MR. WESCOTT: Yes. And then before
7 Christmas, probably December 18th is probably what
8 I'm shooting for, the week before Christmas. And
9 then the expectation would be that the design packet
10 goes to the EPA, who's the federal partner, which
11 would then bid it out to one of their construction
12 teams. And then if we need to kind of split stuff
13 off, we can easily do that, and then provide that.
14 You need coordination with the federal partners to
15 figure out what the team is going to try to do and
16 then bid that out.

17 MR. BAKOTA: Did you do an engineering
18 study of priorities if it's done in stages?

19 MR. WESCOTT: Well, the feasibility study
20 kind of just focuses on the exposure areas and I
21 don't necessarily -- there isn't like one area
22 that's more important from an engineering standpoint
23 I would say.

24 MR. BAKOTA: I mean the area of PCB, would
25 they consider that a priority?

1 MR. WESCOTT: Well, I would recommend that
2 be done sooner than later. It all depends on --
3 it's going to end up being a combination of the
4 State Board's interest on the end of the month. So
5 the area where the PCB, high PCB are in the Indiana
6 Harbor Canal has been there for probably years and,
7 you know, it may not, you know, the risk there is
8 necessarily imminent. So it's just discussion that
9 the Board and the other stakeholders kind of sit
10 down and need to sit down and talk through more
11 clearly if you can afford to do it. If you can't
12 afford to do it, if you can do something positive
13 within the City of East Chicago, then find something
14 that you can do. But at the same time you don't
15 want to -- you don't want to try to do just a little
16 if you can wait a year and maybe do a lot. I guess
17 there's a fine balance there. And that's a
18 discussion that Fernando and I have been struggling
19 with for a couple months.

20 MR. FEKETE: It's the mobilization of all
21 your equipment and everything. You don't want to
22 mobilize, demobilize and then have to remobilize
23 again.

24 MR. WESCOTT: Setting up and mobilizing is
25 a significant thing, millions of dollars. The

1 project is many millions of dollars. If you, every
2 time you mobilize, you are kind of spinning your
3 wheels. So you want to try to get that economy of
4 mass where you can just get a big chunk done at one
5 time and the equipment that's mobilized, it does
6 everything it's meant to do so you don't have to
7 bring that equipment back more than once. That's
8 sort of the balance. I think from scheduling
9 standpoint we are still looking okay. There should
10 be clarity soon.

11 MR. BAKOTA: Was there any surprises?
12 Considering the other stretch of water, was there
13 any surprises in that stretch of water?

14 MR. WESCOTT: Well, I mean I talked about
15 it. Lake George is interesting in its own right and
16 the PCBs in the Indiana Harbor Canal, we didn't
17 expect to see that. But otherwise the things that
18 we are dealing with here are, you know, synonymous
19 for the whole system. So there really isn't any
20 significance.

21 MR. FEKETE: Are you going to make a
22 presentation at the October meeting?

23 MR. WESCOTT: I am. I was going to
24 mention, there's the Care Committee meeting and I am
25 planning to talk about something, which I will

1 coordinate with Ashley and the Care Committee and
2 Fernando to make sure my topic is right.

3 MR. BAKOTA: You don't have your speech
4 ready?

5 MR. WESCOTT: I do not.

6 MR. FEKETE: He's got lots of speeches.

7 MR. WESCOTT: But I will be there. It's
8 in Hammond, right, this year, at the Marina in
9 Hammond?

10 MR. FEKETE: Yes.

11 MR. WESCOTT: Any other questions?

12 (No Response)

13 MR. WESCOTT: Well, thank you.

14 MR. LOPEZ: No, thank you.

15 MR. FEKETE: US Army Corps report, Natalie
16 Mills.

17 MS. MILLS: Good evening. Natalie Mills
18 with the US Army Corps of Engineers. CDF
19 construction, the facility and dredging operation
20 contract proposing they have demobilized their
21 dredging equipment. So that work is done for this
22 fiscal year. Anticipate they will return some time
23 next year. The timing of their return will depend
24 on the water treatment.

25 We did award modification to

1 proposing contract for water treatment. If you
2 might remember sometime ago I reported that we were
3 trying to work with the City to discharge the water
4 to the Sanitary District. That didn't work out. So
5 we went through the process of doing a modification
6 to our existing contract to include water treatment.
7 So it took several months, but we finally awarded
8 the modification to the existing contract and they
9 should be mobilizing this month. And they said they
10 will probably start treating water sometime in
11 October. So we are looking forward to that.

12 I didn't update the final
13 quantities here, and I see I don't have the Federal
14 dredging quantities or what the final quantity for
15 the Corps is, so I'll have to report back on what
16 the final quantities were actually dredged.

17 Permanent well installation
18 contract, based on the final inspection on the 20th
19 of August, they are continuing to test the system to
20 ensure that it works with the existing system and
21 that the computer works and that the wells turn on
22 and off as they are suppose to.

23 Equipment storage facility, that
24 contract was awarded in July. So they are doing
25 their submittal process and they are not scheduled

1 to start mobilizing till March of 2016.

2 As far as CDF document, I don't
3 have any update on the status of our comments to the
4 TSCA permit. We submitted our comments to EPA and
5 IDEM back in August with the hopes of having a
6 meeting with the regulators to discuss our comments,
7 but they haven't responded yet on the bid.

8 Oil boom coordination. If you
9 didn't already know, the oil boom across
10 Indianapolis Boulevard has been replaced and will
11 remain in place until the next dredging season.

12 PCA revisions, we have a meeting
13 scheduled on Friday, but sounds like we are on
14 target to meet that.

15 I'll let Ellen discuss the
16 Feddeler parcel.

17 And then new contracts. The
18 FY16 to '21 dredging and operations contract, we are
19 preparing plans and specs. Fernando, you were sent
20 a copy of the plans for review and we are scheduled
21 to award that contract in March of 2016. And that's
22 all I have.

23 MR. FEKETE: This contract, this next
24 contract will include the TSCA area?

25 MS. MILLS: It will include the TSCA area.

1 I don't know that will actually --

2 MR. FEKETE: With the assumption that we
3 get the TSCA permit.

4 MS. MILLS: Right, I mean the contract
5 included it.

6 MR. FEKETE: It did. I thought there was
7 a last minute adjustment?

8 MS. MILLS: Yes, it will be in there.
9 Whether we do it under that, I don't know.

10 MR. PATRICK RODRIGUEZ: Could I ask you,
11 what was East Chicago's issue with respect to
12 releasing the waste water?

13 MS. MILLS: It wasn't East Chicago, it was
14 actually IDEM. They want East Chicago to change
15 their discharge standards to match ours and they
16 didn't want to, and I didn't blame them.

17 MR. PATRICK RODRIGUEZ: So it was IDEM?

18 MS. MILLS: Yes.

19 MR. TREVINO: Will the next dredging
20 contract go through the public review as the last
21 one did? I know we, the Corps had a meeting at City
22 Hall.

23 MS. MILLS: Prior to award?

24 MR. TREVINO: Yes, I believe they did.

25 MS. MILLS: Like a pre bid meeting?

1 MR. TREVINO: Yes.

2 MS. MILLS: Yes, they'll have a pre bid
3 meeting. And so it will be, probably be maybe here
4 or somewhere in this area. I'll coordinate that
5 with you some time early next year.

6 MR. LOPEZ: Your report sounds real
7 familiar, mobilizing this and mobilizing that.
8 Typical Army, mobilizing, mobilizing.

9 MS. MILLS: We do.

10 MR. FEKETE: Any other questions for
11 Natalie?

12 (No Response)

13 MS. MILLS: Thank you.

14 MR. FEKETE: Attorney Ellen Gregory's
15 report.

16 MS. GREGORY: Ellen Gregory, recently of
17 Ellen Gregory Law again. On the consent decree, our
18 next biweekly call is tomorrow. There haven't been
19 a whole lot of discussions specifically regarding
20 the consent decree, but the DOJ attorney has been
21 absent for several weeks, maybe months. The plan is
22 for the consent decree to be modified slightly to
23 incorporate some of the issues related to the Great
24 Lakes Legacy Act Project agreement modification.

25 The most recent AOC work plan

1 for the south parcel was sent on September 9, 2015.
2 I think it's expected that work will begin shortly
3 once EPA approves the work plan.

4 The Feddeler parcel, as Natalie
5 mentioned, we have final appraisal from David
6 Begoin, the appraiser, who is retained with the
7 approval of the Army Corps. The final appraisal was
8 submitted to the Army Corps on September 10th. And
9 the next step is for them to review that appraisal
10 and if approved move forward negotiating with the
11 Feddeler attorney.

12 Fernando and I have been working
13 to coordinate formal withdrawal from the Indiana
14 Public Retirement System for employees who were
15 previously employed by the District. So we are
16 working on some forms that they have sent us to
17 confirm that and then get our formal withdrawal
18 request in.

19 And then I think Fernando
20 mentioned this, but to reiterate, we are working
21 with the Attorney General's office to try and get
22 the Memorandum of Understanding modified, basically
23 extend the termination date for coordinating
24 pursuing unpaid User fees and trying to make sure we
25 get a Section 10 permit extended also. I think we

1 are waiting on the Corps on that. And that's all I
2 had. Any questions.

3 (No Response)

4 MR. FEKETE: Hearing none, we thank you
5 very much.

6 Next order of business is new
7 business. Any new business to come before the
8 Board?

9 (No Response)

10 MR. FEKETE: Any other business?

11 (No Response)

12 MR. FEKETE: Any other public comments?

13 (No Response)

14 MR. FEKETE: Next Board meeting will be
15 October 21, 2015, at 5:00 o'clock at this facility.

16 I will now entertain a motion
17 for adjournment.

18 MR. BAKOTA: Motion to adjourn.

19 MR. FEKETE: Do I have a second?

20 MR. PATRICK RODRIGUEZ: Second.

21 MR. FEKETE: All in favor signify by
22 saying aye?

23 (All signify aye.)

24 MR. FEKETE: We are now adjourned. Thank
25 you very much.

East Chicago 9-16
September 16, 2015

C E R T I F I C A T E

I, Peggy S. Lalonde, Certified Shorthand Reporter (CSR), and Notary Public within and for the County of LaPorte, 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 September, 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 28th day of September, 2015.



Peggy S. LaLonde, CSR

My Commission expires: 3/14/2018

