

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

Transcript of the proceedings had in the
above-entitled matter, on the 21st day of October,
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:

MR. JOHN FEKETE, President

MR. KEVIN DOYLE, Vice President

MR. HENRY RODRIGUEZ, Secretary

MR. RAY LOPEZ, Treasurer/Financial Officer

MR. JOHN BAKOTA, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

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

Also Present:

Tim Anderson, CliftonLarsonAllen

David Alonzo, BMO Harris Bank

Natalie Mills, USACE

Jack Brunner, Tetra Tech

ECWMD
October 21, 2015

1 MR. FEKETE: I'd like to call to order the
2 East Chicago Wastewater Management Board. Today's
3 date is October 21, 2015, and the time is 5:03.
4 Role call.

5 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 MR. ZAGAR: Here.

13 MR. FEKETE: Kevin Doyle?

14 MR. DOYLE: Here.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete, here. We have
18 everyone. All right. Executive director's
19 report, Mr. Trevino.

20 MR. TREVINO: Fernando Trevino, FMT
21 Consulting. I'd first like to start off with
22 going over the contents of your board packet. You
23 have the board minutes for September 16, 2015, for
24 approval consideration. You have
25 CliftonLarsonAllen financial statement dated

1 September 30, 2015. You have the claim docket
2 dated October 21, 2015, for approval
3 consideration. You have the 2015 budget amendment
4 proposal dated October 21, 2015. You have a 2016
5 proposed budget, and that's dated October 21,
6 2015. Well, it's dated "'16" but it should be
7 2015. And you have a description and backup for
8 the 2016 forecast for FMT Consulting and office
9 assistant. You have the 2016 legal budget
10 breakdown for Attorney Ellen Gregory, and that's
11 dated -- has a date of October 14, 2015. You have
12 a 2016 user fee rate review, dated October 21,
13 2015. You have a memorandum of understanding
14 between the office of Indiana Attorney General and
15 the Waterway Management District. You have a
16 modification to ArcelorMittal dredging cost escrow
17 agreement, and the revised date is October 19,
18 2015. You have an e-mail regarding the perf
19 account. You have the Great Lakes Legacy Act
20 Project agreement as amended in your packet, and
21 that's on the agenda also for approval. You have
22 the BMO Harris Bank ECI facility trust report,
23 dated October 19, 2015. You have a BMO Harris
24 Bank account statement for account ending in 761
25 for the month of August 2015 and a second account

1 from BMO Harris for account ending in 534 for the
2 month of September 2015. You have a Citizen's
3 Bank -- I'm sorry, First Merchant's Bank statement
4 for account ending in 608 and 616; both are for
5 the month of September 2016.

6 You have a People's Bank statement for the
7 period of July 1st through September 30, 2015;
8 and it's for the escrow account, the tipping
9 fee and dredging accounts. You have in your
10 packet the blank forms for FMT performance
11 evaluation. You have in your packet the
12 monthly progress report from Tetra Tech for the
13 month of September 2015. You have the Army
14 Corps of Engineer's board report, dated
15 October 21, 2015. And last, but not least, you
16 have Attorney Ellen Gregory's report to the
17 board with the revision date of October 20th,
18 2015.

19 A couple of things to update the board on.
20 As I mentioned, my performance evaluation form
21 is in your packet. And just as a reminder, per
22 my contract, the month of October is our
23 evaluation period; so if you could fill those
24 out and get them back to me, I can try to have
25 a summary report by the November board meeting.

1 IDEM had their Care Committee seminar
2 scheduled for October 8th; so I attended that
3 on behalf of the district. After the seminar,
4 there was a site visit to the Grand Cal' River,
5 and Jim Wescott gave a presentation on the
6 Great Lakes Legacy Act project that they're
7 doing on our behalf. So Mr. Wescott did a very
8 good job on the presentation.

9 The finance committee met this past
10 Monday, which included board member Fekete,
11 Kevin Doyle and Ray Lopez. Some of the items
12 that we reviewed included the 2015 budget
13 amendment, the 2016 budget proposal, and the
14 2016 user fee rate; and the review and the
15 recommendations that came out of the meeting
16 are in your board packet and are for board
17 consideration at tonight's meeting.

18 The perf termination resolution that we
19 approved a few meetings ago was forwarded to
20 the state and they are requesting some followup
21 forms be submitted as part of that process, and
22 that's in your board packet.

23 Tetra Tech is working on finalizing the
24 remedial design for the cleanup of the river
25 and canal. At our last board meeting, the

1 board approved a project agreement amendment,
2 and with the caveat that there weren't any
3 major changes made from that draft, there has
4 been some changes made to that draft. Although
5 minor, it's probably not a bad idea to approve
6 the current version that's in front of you.

7 Also, as you are aware, the budget has a
8 line item for grant writing, and I've started
9 talks with Tetra Tech to see if they're
10 interested in possibly writing grants for us in
11 2016 and just seeing what their qualifications
12 are and, if so, what type of contractual
13 arrangements it would be for providing those
14 services.

15 The Corps has concluded their 2015
16 dredging season. Natalie Mills, project
17 manager for the Corps, is here to give us an
18 update on the dredging project. Been working
19 with the Corps, Army Corps and BP, on renewing
20 the Section 10 permit. And the Corps is also
21 looking at calculating the O&M cost for
22 material disposing to the CDF.

23 Attorney Gregory will be giving an update
24 on various legal matters. And that concludes
25 my report.

1 MR. FEKETE: Any questions for Mr. Trevino?

2 (No response.)

3 MR. FEKETE: Thank you. The next item of
4 business is the approval of the board meeting
5 notes for our last meeting, which was
6 September 16, 2015.

7 MR. PATRICK RODRIGUEZ: So moved.

8 MR. LOPEZ: Second.

9 MR. FEKETE: We have a motion and a second.
10 I'll entertain a voice vote. All in favor,
11 signify by saying "aye."

12 (All signify aye.)

13 MR. FEKETE: Any opposition?

14 (No response.)

15 MR. FEKETE: The motion is passed.

16 Accountant consulting report,

17 Mr. Anderson.

18 MR. ANDERSON: Tim Anderson with
19 CliftonLarsenAllen. The report is in your packet.
20 We have a full house here today.

21 The first page with numbers on it is
22 Page 2, and it shows our cash receipts and
23 disbursements through September 30th. The
24 receipts are the transfer from the budget -- or
25 from the trust account, some interest income,

1 and user fees collected. There's \$697,000 of
2 cash receipts for the nine months ending
3 September 30th. And the disbursements are
4 there for your reading: Legal, engineering,
5 accounting. The Great Lakes Legacy project is
6 the -- by far -- the biggest line item. We've
7 written checks for \$480,000 through
8 September 30th; so our cash has increased
9 \$216,800 since January. Cash at the beginning
10 of the year, \$2,006,000. And as of the end of
11 September we had \$2.2 million in the operating
12 account and user fee account.

13 Page 3 just shows the goings on of both
14 accounts each month, the interest that comes
15 in, and we write all the checks out of the
16 operating account. The only thing is on the
17 user fee account, the user fees go into the
18 account and then we make a transfer based on
19 the budget to the operating account. So
20 there's \$467,000 in the operating account and
21 \$1.7 million in the user fee account.

22 Page 4 is the important page that shows
23 that we're not exceeding our budget on any line
24 item, and we, of course, look at this before we
25 cut checks. But as you can see, the checks

1 that are on the claims docket today, the
2 \$85,920, we make sure that there's no --
3 nothing is over budget. And as you can see in
4 that right most column, we've got some room on
5 most every line that we've got there. So if
6 you saw a negative -- well, you never will.
7 But we always do the schedule before we put the
8 checks together so we know we're not going over
9 on any of the line items.

10 And that's my report. Any questions?

11 (No response.)

12 (Whereupon all board members say
13 "thank you.")

14 MR. FEKETE: The next order of business is
15 the approval consideration for the accounts
16 payable voucher presented today's date,
17 October 21, 2015. I'll entertain a motion.

18 MR. PATRICK RODRIGUEZ: Motion to approve
19 those.

20 MR. FEKETE: Do I have a second?

21 MR. HENRY RODRIGUEZ: Second.

22 MR. FEKETE: We have a second. I'll have a
23 role call vote.

24 John Bakota?

25 MR. BAKOTA: Yes.

1 MR. FEKETE: Henry Rodriguez?

2 MR. HENRY RODRIGUEZ: Yes.

3 MR. FEKETE: Patrick Rodriguez?

4 MR. PATRICK RODRIGUEZ: Yes.

5 MR. FEKETE: Ted Zagar?

6 MR. ZAGAR: Yes.

7 MR. FEKETE: Kevin Doyle?

8 MR. DOYLE: Yes.

9 MR. FEKETE: Ray Lopez?

10 MR. LOPEZ: Yes.

11 MR. FEKETE: John Fekete, I vote yes. The
12 motion is approved.

13 The next order of business is the 2015
14 budget amendment. Do you want to explain that?

15 MR. TREVINO: Yes. You have in front of you
16 a 2015 budget amendment to transfer \$5,000 from
17 Community Outreach, line item 21 to line item
18 No. 7, which is legal, board attorney needs.

19 MR. PATRICK RODRIGUEZ: I'd like to make a
20 motion to transfer the funds from line item 21 to
21 line item 7.

22 MR. BAKOTA: Second.

23 MR. FEKETE: We have a motion and a second.
24 Any discussion?

25 (No response.)

1 MR. FEKETE: Hearing none, we'll have a role
2 call vote.

3 John Bakota?

4 MR. BAKOTA: Yes.

5 MR. FEKETE: Henry Rodriguez?

6 MR. HENRY RODRIGUEZ: Yes.

7 MR. FEKETE: Patrick Rodriguez?

8 MR. PATRICK RODRIGUEZ: Yes.

9 MR. FEKETE: Ted Zagar?

10 MR. ZAGAR: Yes.

11 MR. FEKETE: Kevin Doyle?

12 MR. DOYLE: Yes.

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Yes.

15 MR. FEKETE: John Fekete, I vote yes. The
16 motion is approved.

17 The next order of business is the approval
18 consideration for the 2016 budget.

19 MR. LOPEZ: Motion to accept.

20 MR. FEKETE: We have a motion to accept.

21 MR. PATRICK RODRIGUEZ: Second.

22 MR. FEKETE: And a second. Any discussion?

23 (No response.)

24 MR. FEKETE: Hearing none, we'll have a role
25 call vote.

1 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: Ted Zagar?

8 MR. ZAGAR: Yes.

9 MR. FEKETE: Kevin Doyle?

10 MR. DOYLE: Yes.

11 MR. FEKETE: Ray Lopez?

12 MR. LOPEZ: Yes.

13 MR. FEKETE: John Fekete, I vote yes. The
14 motion is approved.

15 The next order of business is the 2016
16 user fee rate that has been recommended that it
17 be held at the \$8.10 per linear foot.

18 Do we have a motion to hold the 2016 user
19 fee rate?

20 MR. BAKOTA: Motion to accept.

21 MR. FEKETE: Do I have a second?

22 MR. HENRY RODRIGUEZ: Second.

23 MR. PATRICK RODRIGUEZ: Second. I defer to
24 Henry.

25 MR. FEKETE: Okay. That was Henry.

1 Any discussion?

2 (No response.)

3 MR. FEKETE: Hearing none, we'll have a role
4 call vote.

5 John Bakota?

6 MR. BAKOTA: Yes.

7 MR. FEKETE: Henry Rodriguez?

8 MR. HENRY RODRIGUEZ: Yes.

9 MR. FEKETE: Patrick Rodriguez?

10 MR. PATRICK RODRIGUEZ: Yes.

11 MR. FEKETE: Ted Zagar?

12 MR. ZAGAR: Yes.

13 MR. FEKETE: Kevin Doyle?

14 MR. DOYLE: Yes.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Yes.

17 MR. FEKETE: John Fekete, I vote yes.

18 The next order of business is the MOU with
19 the attorney general's office. Fernando or
20 Ellen, do you want to explain?

21 MS. GREGORY: Yeah. The original MOU with
22 the attorney general's office, which was to assist
23 us in pursuing unpaid user fees, that expired; and
24 so Fernando and I have discussed with the
25 attorneys at the attorney general's office who are

1 overseeing this matter to propose a new memorandum
2 of understanding that will allow the attorney
3 general's office to help us pursue the one unpaid
4 user fee that remains.

5 MR. FEKETE: Okay. Any questions on the
6 explanation?

7 (No response.)

8 MR. FEKETE: I'll entertain a motion to
9 approve.

10 MR. LOPEZ: Motion to approve.

11 MR. FEKETE: Do I have second?

12 MR. PATRICK RODRIGUEZ: Second.

13 MR. FEKETE: Any discussion?

14 (No response.)

15 MR. FEKETE: Role call vote.

16 John Bakota?

17 MR. BAKOTA: Yes.

18 MR. FEKETE: Henry Rodriguez?

19 MR. HENRY RODRIGUEZ: Yes.

20 MR. FEKETE: Patrick Rodriguez?

21 MR. PATRICK RODRIGUEZ: Yes.

22 MR. FEKETE: Ted Zagar?

23 MR. ZAGAR: Yes.

24 MR. FEKETE: Kevin Doyle?

25 MR. DOYLE: Yes.

1 MR. FEKETE: Ray Lopez?

2 MR. LOPEZ: Yes.

3 MR. FEKETE: John Fekete, I vote yes.

4 The next item is the approval
5 consideration for the ArcelorMittal dredging
6 escrow agreement amendment.

7 MS. GREGORY: I can address that, too. The
8 original dredging cost escrow agreement was
9 finalized in 2012, and under the terms of that
10 agreement there was to be a final accounting
11 before any funds that were left over in the
12 account would be paid back to ArcelorMittal if
13 they hadn't been used. There are some funds in
14 the account now that haven't been used, and in
15 order to allow those funds to be dispersed back to
16 ArcelorMittal, the agreement had to be modified to
17 provide for an interim accounting. So the
18 modification has a provision in there that if
19 there is an interim accounting, that the People's
20 Bank, who holds the funds, puts together -- then
21 the funds that are in the account that haven't
22 been used can be dispersed back to ArcelorMittal.
23 So it's basically what the modification is.

24 MR. FEKETE: Okay. There's clarification in
25 the original document that provides a little more

1 flexibly that apparently wasn't there originally.

2 Any questions of Miss Gregory?

3 (No response.)

4 MR. FEKETE: I'll entertain a motion to
5 approve the consideration for the escrow agreement
6 amendment.

7 MR. BAKOTA: Motion to approve.

8 MR. FEKETE: We have a motion. Do I hear a
9 second?

10 MR. HENRY RODRIGUEZ: Second.

11 MR. FEKETE: We have a second. Any
12 discussion?

13 (No response.)

14 MR. FEKETE: Hearing none, we'll have a role
15 call vote.

16 John Bakota?

17 MR. BAKOTA: Yes.

18 MR. FEKETE: Henry Rodriguez?

19 MR. HENRY RODRIGUEZ: Yes.

20 MR. FEKETE: Patrick Rodriguez?

21 MR. PATRICK RODRIGUEZ: Yes.

22 MR. FEKETE: Ted Zagar?

23 MR. ZAGAR: Yes.

24 MR. FEKETE: Kevin Doyle?

25 MR. DOYLE: I'm going to abstain.

1 MR. FEKETE: Okay. Ray Lopez?

2 MR. LOPEZ: Yes.

3 MR. FEKETE: John Fekete, I vote yes. The
4 motion is approved.

5 Perf census verification report.

6 Mr. Trevino.

7 MR. TREVINO: Yes. A couple of meetings ago
8 the board approved a resolution to terminate our
9 retirement account with Indiana, and we forwarded
10 that resolution to the State, and they sent us an
11 e-mail saying that the forms in front of you had
12 to be signed as part of their process. So what
13 you have in front of you is the form from the
14 State as part of the process of terminating our
15 account.

16 So I don't know if the board wants to
17 approve, but it requires Mr. Fekete's
18 signature. So I don't know if it's just an FYI
19 or --

20 MR. FEKETE: I'll entertain a voice vote on
21 this. Do I have a motion to --

22 MR. BAKOTA: Again, what is it? I'm sorry.

23 MR. FEKETE: Just signing the document.

24 MR. TREVINO: It's signing the documents to
25 terminate our retirement account with the State.

1 We don't have any employees. All of our services
2 are contracted.

3 MR. FEKETE: Yeah, so we're kind of cleaning
4 up the paperwork. Okay, so do we have a motion?

5 MR. PATRICK RODRIGUEZ: So moved.

6 MR. FEKETE: Do I have a second?

7 MR. HENRY RODRIGUEZ: Second.

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

10 (All signify aye.)

11 MR. FEKETE: Any opposition?

12 (No response.)

13 MR. FEKETE: Hearing none, it is approved.

14 Great Lakes Legacy Project agreement
15 amendment. This is kind of a followup to the
16 amendment we approved at last month's meeting,
17 and I believe part of our approval motion was
18 that if there were any changes to be made in
19 the document, they would come back to the board
20 again, and there have been some changes.
21 Although, they're not deemed to be significant,
22 I think it only appropriate that we go through
23 the process of approving the changes as
24 presented today. So I entertain a motion to
25 approve the changes. I'll entertain the

1 document as currently changed.

2 MR. LOPEZ: Motion to accept.

3 MR. FEKETE: I have a motion. I'll entertain
4 a second.

5 MR. DOYLE: Second.

6 MR. FEKETE: We have a second. Role call
7 vote.

8 John Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Henry Rodriguez?

11 MR. HENRY RODRIGUEZ: Yes.

12 MR. FEKETE: Patrick Rodriguez?

13 MR. PATRICK RODRIGUEZ: Yes.

14 MR. FEKETE: Ted Zagar?

15 (No response.)

16 MR. FEKETE: Kevin Doyle?

17 MR. DOYLE: Yes.

18 MR. FEKETE: Ray Lopez?

19 MR. LOPEZ: Yes.

20 MR. FEKETE: John Fekete, I vote yes. The
21 motion is approved.

22 BMO trust report.

23 MR. ALONZO: David Alonzo with BMO Harris.
24 I'm just going to go through our report here.
25 Really, just looking at that first page with the

1 chart, just giving us that historical data from
2 1997 up until now, and then going through the
3 market values and distributions along that time
4 frame.

5 Page 2, the trust value as of
6 October 19th, was \$5,761,119. One thing I
7 noticed on the third -- or staying on this page
8 was that I had indicated there was going to be
9 some interest payments at the end of September,
10 which actually it's going to be the end of
11 October. If we look, the last time there was a
12 -- sort of a bump in interest was in August.
13 Where the previous month, we had about \$9,000
14 less. Then when we reported in August, it was
15 \$9,000 more; so we're actually -- interest is
16 paid quarterly. So we should see the interest
17 that hit at the end of this month. So there
18 really wasn't a major difference from the last
19 month to this month. It was only from the
20 money market interest of \$60.

21 If we go to Page 3, what I was pointing
22 out is if we look at that far right-hand column
23 where it says, "Next interest credit due," most
24 of these are going to kick out interest at the
25 end of this month, which would then be reported

1 in November.

2 So this just runs through the balances
3 that we have. We really do not have anything
4 maturing until the end of -- about a year from
5 now. In October, we have a \$1.5 million CD
6 coming due.

7 Any questions at all on that?

8 (No response.)

9 MR. ALONZO: Rates aren't much better than
10 when we set these up; so I know we've been giving
11 some increases on these rates along the way better
12 than what's out there, but nothing is looking much
13 better than what we have now.

14 MR. LOPEZ: Thank you.

15 MR. FEKETE: Thank you.

16 Great Lakes Legacy Act project update.

17 Mr. Brunner.

18 MR. BRUNNER: Hi. Jack Brunner with Tetra
19 Tech. We are continuing work on the remedial
20 design. We expect that the cap design will be
21 provided to the district for comments by the end
22 of October. We do still need to get the comments
23 from the district on our basis of design report
24 and the dredge drawings, the dredge portion of our
25 design.

1 As Mr. Trevino mentioned, we did discuss
2 the feasibility study at the Care Committee
3 meeting on October 8th, and we're also working
4 with the district on the framework for
5 providing grant support in 2016.

6 That's all I have to report. Does anyone
7 have any questions?

8 (No response.)

9 MR. BRUNNER: Thanks.

10 MR. FEKETE: The next order of business is
11 the US Army Corps of Engineers' report.
12 Miss Mills.

13 MS. MILLS: Good evening. Natalie Mills with
14 the US Army Corps of Engineers.

15 The Kokosing contract, they're currently
16 continuing their mobilization of the wastewater
17 treatment plant. They should be beginning
18 their testing of the system within the --
19 probably by next week. And actually treatment
20 is scheduled to start the week of November 2nd
21 and they'll go -- they'll treat water for as
22 long as the weather will permit them to. Then
23 they'll demode and then come back in the spring
24 and continue more water treatment in
25 preparation of dredging sometime in the spring.

1 The schedule for the part of the dredging will
2 be dependent upon the rate of removal of the
3 water from the silt.

4 I've also included a summary of the dredge
5 quantities. So these are the final quantities
6 that were dredged in 2015. So on the fed side,
7 we got 274,348 cubic yards; out of the plan,
8 280,000 cubic yards of dredging material; and
9 we got all the non-fed yards of 40,000 cubic
10 yards, which was what was planned.

11 The permanent well installation contract:
12 They're still testing that system. It is
13 operational but they're required to do the
14 testing; so they're continuing to do that work.

15 Equipment storage facility: Not much is
16 happening right now on that work. They'll
17 start mobilizing to the site in March of 2016.

18 CDF documentation: The draft permit
19 condition on TSCA was received back in May. We
20 did send some comments to that red line
21 document back in August. We've been
22 unsuccessful to-date in setting up a meeting
23 with the state regulators for the TSCA permit,
24 but we'll continue to persist and contact the
25 EPA and IDEM.

1 The PCA revisions: We've been -- we had a
2 meeting on the 16th of October, and we have
3 another one scheduled for the 30th of October.
4 I think we're going to be back to our biweekly
5 schedule.

6 The Feddeler Park resolution, I'll let
7 Ellen discuss that.

8 And as far as new contracts, we have the
9 next Dredging and Operations Contract that we
10 are working on. The current contract is
11 scheduled to end on September 30 of 2016; so
12 our plan is to award a new contract by March of
13 2016. We want to have some overlap because we
14 expect the incumbent contractor to train the
15 new contractor on the system. So we want to
16 make sure we have continuity of service when
17 the contract ends in September.

18 That's all I have right now.

19 MR. BAKOTA: Have we been allotted the cubic
20 yards we could dredge for next year?

21 MS. MILLS: We're thinking right now -- this
22 could change, but we're thinking from us, about
23 150,000 to 200,000 cubic yards. And from what we
24 hear from ArcelorMittal, they're tracking about
25 20,000 cubic yards.

1 MR. TREVINO: Natalie, you said these yards
2 that you have, they're final?

3 MS. MILLS: Yes.

4 MR. TREVINO: Okay. Final-final?

5 MS. MILLS: Final-final, according to the
6 surveys.

7 Any other questions?

8 MR. FEKETE: What's the total amount to-date
9 of all of the dredging?

10 MS. MILLS: Approximately, 900,000 cubic
11 yards. I can get you that number.

12 MR. FEKETE: No. That's -- a ball park is
13 fine.

14 MS. MILLS: Okay.

15 MR. FEKETE: Thank you.

16 MR. PATRICK RODRIGUEZ: I have a question.
17 The permanent well station, when are they supposed
18 to be done?

19 MS. MILLS: That's a very good question.

20 MR. PATRICK RODRIGUEZ: It's been ongoing and
21 ongoing, and obviously it's costing the --

22 MS. MILLS: There's no increase in cost, no.
23 It's just required of their contract, but I've
24 been reporting that.

25 MR. PATRICK RODRIGUEZ: Ongoing and ongoing.

1 When are they going to be ready to rock 'n roll?

2 MS. MILLS: The system is operational. They
3 are extracting water; so it's being used. So what
4 happens is they have to do this test. It's called
5 an endurance test. It's a series of tests. It's
6 called -- one is a PVC, one is an endurance test.
7 So they'll have to complete one, submit an
8 approval for one before they can start with the
9 other.

10 We had several comments on the submittals,
11 and so it was kind of a back-and-forth thing.
12 So that's what was taking so long before they
13 can proceed to the next step of the testing.

14 MR. PATRICK RODRIGUEZ: Okay.

15 MS. MILLS: They've been responsive and
16 they've begin working. It is taking a long time.
17 I acknowledge that.

18 MR. PATRICK RODRIGUEZ: Thank you.

19 MS. MILLS: You're welcome.

20 MR. FEKETE: Any questions?

21 MR. ZAGAR: (Inaudible.)

22 MS. MILLS: No. The submittal they have
23 to --

24 MR. ZAGAR: Submit (inaudible) Nice job.
25 Thank you.

1 MS. MILLS: You're welcome. Thank you.

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

4 MS. GREGORY: Ellen Gregory with Ellen
5 Gregory law. On the consent decree, the last call
6 we had was October 15th. BP plans to incorporate
7 some of the items related to the Great Lakes
8 Legacy Act and the AOC into the existing language
9 of the consent decree and move forward with that
10 soon.

11 I covered a couple of items already on the
12 user fee and the dredging cost escrow
13 agreement.

14 On the Feddeler parcel, the Army Corps
15 yesterday has informed us that they plan to
16 have a response to the appraisal that was
17 submitted to them last month by the middle of
18 the week next week. We've heard from
19 Feddeler's attorney asking what the status was;
20 so he's been alerted that we are expecting a
21 response from The Corps next week.

22 Section 10 permit, we're still trying to
23 coordinate with the Army Corps on getting that
24 extension.

25 And on the PCA, as Natalie mentioned,

1 we're having biweekly calls. We will hopefully
2 start making progress on that. The next call
3 will be October 30th, next Friday.

4 And that's all I have.

5 MR. FEKETE: Okay. Any questions?

6 (No response.)

7 MR. FEKETE: Thank you very much. Next order
8 of business, I believe -- I lost it. Other
9 business.

10 MR. TREVINO: New.

11 MR. FEKETE: New business. And we do have an
12 item that you wanted to bring up?

13 MR. TREVINO: Yeah. There is a seminar
14 that's being held regarding boundary issues and
15 easement law. One is in Indianapolis, the other
16 is in Merrillville. I'm asking the board to
17 approve my attendance to the seminar in
18 Merrillville, which is November 17th. The cost
19 is -- the cost of the seminar is \$359. And with
20 all the property issues that the district has,
21 including the potential of selling some of our
22 parcels, I think it's a good idea.

23 MR. LOPEZ: That's the one in Merrillville?

24 MR. TREVINO: Yes.

25 MR. FEKETE: Okay. I'll entertain a motion.

1 MR. BAKOTA: Motion to approve.

2 MR. FEKETE: We have a motion from
3 Mr. Bakota.

4 MR. LOPEZ: I second.

5 MR. FEKETE: And a second from Mr. Lopez.
6 I'll entertain a voice vote. All in favor,
7 signify by saying "aye."

8 (All signify aye.)

9 MR. FEKETE: Any opposition?

10 (No response.)

11 MR. FEKETE: Hearing none, the motion is
12 approved.

13 MR. LOPEZ: One thing, McDonald's has
14 breakfast all day.

15 MR. FEKETE: Thanks for sharing.

16 Okay. Any other business to come before
17 the board?

18 (No response.)

19 MR. FEKETE: Any public comments?

20 (No response.)

21 MR. FEKETE: The next board meeting is
22 November 18, 2015, at 5:00 p.m. at this facility.
23 I will entertain a motion for adjournment.

24 MR. BAKOTA: Motion to adjourn.

25 MR. LOPEZ: Second.

1 MR. FEKETE: We have a motion and a second.
2 All in favor, signify by saying "aye."

3 (All signify aye.)

4 MR. FEKETE: Meeting adjourned. The time is
5 5:37 p.m.

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 October, 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 13th day of November, 2015.

Dawn M. Iseminger

Dawn M. Iseminger, RPR

My Commission expires: 7/22/2017

