

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Ave.
East Chicago, Indiana
November 19, 2014
Wednesday, 5:00 P.M.

Transcript of the proceedings had in the
above-entitled matter, on the 19th day of
November, 2014, 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.

November 19, 2014

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

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Secretary

MR. RAY LOPEZ, Treasurer/Financial Officer

MR. JOHN BAKOTA, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. TED ZAGAR, Board Member

MR. FERNANDO TREVINO, FMT Consulting

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

Also Present:

JIM WESCOTT, Tetra Tech

TIM ANDERSON, CliftonLarsonAllen

NATALIE MILLS, USACE

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1 MR. FEKETE: I'd like to call to order the
2 meeting of the East Chicago Waterway Management
3 Board of Directors. Today's date is November
4 19th, 2014, and the time is 5:00. First order of
5 business is the call to order. John Bakota?

6 MR. BAKOTA: Here.

7 MR. FEKETE: Henry Rodriguez?

8 MR. HENRY RODRIGUEZ: Here.

9 MR. FEKETE: Patrick Rodriguez?

10 MR. PATRICK RODRIGUEZ: Here.

11 MR. FEKETE: Ted Zagar?

12 (No response.)

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Present.

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

16 (No response.)

17 MR. FEKETE: We have a quorum. And our first
18 order of business after that is the FMT report, I
19 would guess. Mr. Trevino.

20 MR. TREVINO: Fernando Trevino, FMT
21 Consulting. I'd like to start off by going over
22 the contents of your board packet. We have the
23 board minutes for October 15, 2014. We have the
24 financial statements prepared by
25 CliftonLarsonAllen dated October 31st, 2014. The

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1 claim docket for approval consideration dated
2 November 19, 2014. You have a 2015 proposed
3 budget amendment dated October 15, 2014. You have
4 First Merchants Bank statements for account ending
5 in 608 and 616, and both are for October of 2014.
6 And you have two deposits that were made in the
7 month of October. One is a user fee deposit dated
8 October 1st, 2014, and one is for Explorer
9 Pipeline license agreement, and that deposit was
10 made October 29th. You have the ECI Facility
11 Trust report from BMO Harris Bank, dated November
12 18th, 2014. You have BMO Harris brokerage account
13 statements for account ending in 534 for the Month
14 of October, 2014. Another BMO Harris Bank account
15 statement for account ending in 761, also for the
16 month of October, 2014. You have a user fee
17 summary, 2014 versus 2015 spreadsheet, dated
18 October 13, 2014. You have Tetra Tech's progress
19 report for the month of October, and that's dated
20 November 14, 2014. You have information on the
21 Eighth International Conference on Remediation and
22 Management of Contaminated Sediments conference in
23 your packet. You have a copy of the right-of-way
24 permit -- INDOT right-of-way permit copy.
25 You have a letter from Save the Dunes, dated

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1 October 27, 2014.

2 You have a report from ARCADIS dated
3 October 30, 2014, for the month of July 2014.

4 And you have a letter from myself to
5 Mr. Earnest Jones, September 18, 2014, thanking
6 him for his service as board member of the
7 Waterway Management District.

8 You have an Army Corps report to the board dated
9 November 19, 2014. And a report from Attorney
10 Ellen Gregory dated 11/18/2014.

11 A couple of items to report on. As a
12 reminder, the board approved an Explorer
13 Pipeline License Agreement a while back; and
14 since then we have received the
15 countersignature on the license agreement and
16 we've also received the \$180,000 affiliated
17 with that agreement; and that amount has been
18 deposited.

19 I attended the OSHA eight-hour refresher
20 course on November 6th. Also, as a reminder,
21 the district entered into an agreement with BP,
22 commonly referred to as a BP Section 10
23 Agreement; and per that agreement, the district
24 agrees to sign the manifest affiliated with
25 boom disposals and also do what's necessary

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1 with the affiliated INDOT permit. And so I
2 have been signing the manifest on behalf of the
3 district, and we just renewed the INDOT permit
4 affiliated with that agreement.

5 User fees on today's agenda: There is a
6 recommendation for the 2015 user fee rate, and
7 that recommendation is to be consistent with
8 the 2014 rate of \$8.10 per lineal foot.

9 Great Lakes Legacy Act Project: We're in
10 the process of finalizing access agreement
11 documents to present to the city and the
12 schools. Work and discussion on the community
13 stakeholder engagement progress continues. As
14 part of that process, Jim Wescott and I will be
15 presenting to the IDEM's Care Committee on
16 December 2nd. Also, as part of the stakeholder
17 engagement process, I took part in Ball State's
18 community stakeholder engagement process that
19 occurred last month. And part of that input
20 included the Chicago waterways. And board
21 member, John Bakota, and I were able to attend
22 one of the evening sessions that was held here
23 at Heritage Hall. Ball State is scheduled to
24 present their findings from their efforts on
25 December 8th. I've been working on the

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1 district's work-in-kind report to EPA. I'm
2 waiting for some clarifications from EPA's
3 Diane O'Malley.

4 Tetra Tech's progress report is in your
5 packet. For additional information, Jim
6 Wescott is here today to present more details
7 on the project, including sediment sampling,
8 topographic survey, bathymetry report, and the
9 city sewer sampling status.

10 The Army Corps board report is in your
11 packet, and Natalie Mills, with the Corps, is
12 here to give us an update on the Indy Boulevard
13 Parkway and other items.

14 Also, on October 31st I met with Natalie
15 Mills and a couple other folks from the Corps
16 regarding ideas for the CDF and engaging the
17 community, such as the high school students,
18 for either doing some type of entrance mural to
19 the CDF or to the city, and we talked about
20 possibly engaging the students in an art
21 competition or even maybe an essay competition
22 as well. So I'll be working with the Corps on
23 coordinating those efforts. I think it's a
24 good idea. It will give exposure to the
25 project and including the work that's going on

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1 in the canal and the river.

2 Attorney Ellen Gregory will be giving an
3 update on legal matters.

4 Regular meetings that I've been
5 participating on behalf of the district include
6 the BP biweekly meetings; the Great Lakes
7 Legacy Act project meetings; the city's Roxanna
8 Marsh area development meetings, which are
9 attended by the EPA and City and other
10 stakeholders; the dredging project meetings;
11 and the canal oil response meetings.

12 Also, as a reminder, the FMT performance
13 evaluations are due. I've received four
14 evaluations. I know there's some new board
15 members that just came on, but I was going to
16 give them an opportunity, if they wanted, to
17 present or not that evaluation. If not, I'll
18 give a summary report at the December meeting.

19 Also, last month, I provided information
20 on the Eighth International Conference on
21 Remediation and Management of Contaminated
22 Sediments, and I think it's a good fit for the
23 district to have attendance representation at
24 the conference, and just something for the
25 board's consideration. That concludes my

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1 report.

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

3 (No response.)

4 MR. FEKETE: Hearing none, thank you very
5 much. I'll entertain a motion to approve the
6 board meeting notes for our meeting in October,
7 which was October 15th, 2014. Entertain a motion.

8 MR. BAKOTA: Motion to approve.

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

11 MR. LOPEZ: Second.

12 MR. FEKETE: All in favor signify by saying
13 aye.

14 (All say aye.)

15 MR. FEKETE: Opposed?

16 (No response.)

17 MR. FEKETE: Hearing none, the motion is
18 approved.

19 We have the accounting consultant report,
20 Mr. Anderson.

21 MR. ANDERSON: Tim Anderson, with
22 CliftonLarsonAllen. Everybody got a copy of the
23 report? If you want to look at Page 2, it's the
24 first page with numbers on it. Cash receipts for
25 the ten months ended October 31st were \$833,000.

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1 Our cash disbursements for the ten months ended
2 October 31st were \$440,000. And we've detailed a
3 list there of what all those costs are: Legal,
4 engineering, accounting. Great Lakes Legacy
5 Project, the big one this year. But cash through
6 October 31st has increased \$393,000. So we have
7 \$1.6 million in cash the beginning of the year in
8 the operating account and the user fee account.
9 And at the end of October, those two accounts
10 totaled \$2,079,000.

11 Page 3 has a monthly breakdown of interest
12 earned and cash disbursements for each of the
13 two accounts that we have.

14 Page 4, this shows each expense item:
15 What we budgeted, what we have available to
16 distribute or to write checks on, what we have
17 written checks on, and what we have yet to
18 spend here in '14. So you'll notice there's no
19 negative. We can't have a negative amount in
20 that last column of the available budget; so
21 we're right on track with everything this year
22 and shouldn't have any issues with -- we only
23 had one left. This cash disbursement is
24 November. That's what you guys are signing off
25 on today; so this available budget column,

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1 theoretically, would be what we have for next
2 month. So unless there's something that would
3 go over that, we should be fine for the year
4 here.

5 Do you guys have any questions on any of
6 this?

7 (No response.)

8 MR. ANDERSON: No? We're going to file a
9 report with the state board after next month.
10 You'll have to be part of that this year because
11 Mike is gone now. So I go in there and I prepare
12 a report, and it's all in the software. So I'll
13 prepare it, and you've got to go in and click off
14 on it, and that's all we do.

15 MR. LOPEZ: Thank you. Nice report.

16 MR. FEKETE: Thank you very much. Let the
17 record show that Mr. Zagar has joined us.

18 (Ted Zagar joins the meeting).

19 MR. FEKETE: And the next order of business,
20 the approval consideration of the accounts payable
21 voucher register, dated November 19, 2014.
22 Entertain a motion to approve.

23 MR. HENRY RODRIGUEZ: So moved.

24 MR. FEKETE: We have a motion. Do I hear a
25 second?

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1 MR. LOPEZ: Second.

2 MR. FEKETE: We have a motion and a second.
3 We'll have a roll call vote. 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: Ray Lopez?

12 MR. LOPEZ: Yes.

13 MR. FEKETE: John Fekete, I vote yes. Kevin
14 Doyle?

15 (No response.)

16 MR. FEKETE: Motion to approve the November
17 19, 2014, payable voucher register has been
18 approved.

19 MR. LOPEZ: Motion to accept.

20 MR. FEKETE: We've just approved it. The
21 next order of business is the 2015 budget.

22 MR. TREVINO: Just as a reminder, the board,
23 at the last meeting, approved the 2015 budget. At
24 that meeting, part of the packet was the backup
25 for some of the items on the overall budget. The

12

1 backup for Line Item 7 and 8 on the 2015 were
2 accurate; however, when they were transposed to
3 the cover sheet, they were transferred
4 inaccurately. So I wanted to -- although the
5 backups were accurate, I wanted to present what
6 the accurate budget should reflect just to be
7 clear; and I also wanted -- I also thought it
8 would be a good idea to approve the clarification.

9 MR. FEKETE: Okay. I'll entertain a motion
10 to approve the amended budget.

11 MR. PATRICK RODRIGUEZ: So moved.

12 MR. FEKETE: We have a motion. And a second?

13 MR. BAKOTA: Second.

14 MR. FEKETE: We have a second. Roll call
15 vote. John Bakota?

16 MR. BAKOTA: Yes.

17 MR. FEKETE: Henry Rodriguez?

18 MR. HENRY RODRIGUEZ: Yes.

19 MR. FEKETE: Patrick Rodriguez?

20 MR. PATRICK RODRIGUEZ: Yes.

21 MR. FEKETE: Ted Zagar?

22 MR. ZAGAR: Yes.

23 MR. FEKETE: Ray Lopez?

24 MR. LOPEZ: Yes.

25 MR. FEKETE: John Fekete, I vote yes. Kevin

1 Doyle?

2 (No response.)

3 MR. FEKETE: That motion has been approved.
4 The next order of business is the approval
5 consideration for the 2015 user fee.

6 MR. TREVINO: As I mentioned, the
7 recommendation is to maintain the user fees
8 consistent with the rates from 2015, and that
9 recommendation has been cleared and discussed with
10 the finance committee, and the recommendation is
11 for the rate to be \$8.10 per lineal foot.

12 MR. FEKETE: I'll entertain a motion to
13 approve the recommendation.

14 MR. BAKOTA: Motion to approve.

15 MR. FEKETE: We have a motion. And a second?

16 MR. HENRY RODRIGUEZ: Second.

17 MR. FEKETE: We have a second. Any
18 discussion?

19 (No response.)

20 MR. FEKETE: Hearing none, we'll have a roll
21 call vote. John Bakota?

22 MR. BAKOTA: Yes.

23 MR. FEKETE: Henry Rodriguez?

24 MR. HENRY RODRIGUEZ: Yes.

25 MR. FEKETE: Patrick Rodriguez?

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1 MR. PATRICK RODRIGUEZ: Yes.

2 MR. FEKETE: Ted Zagar?

3 MR. ZAGAR: Yes.

4 MR. FEKETE: Ray Lopez?

5 MR. LOPEZ: Yes.

6 MR. FEKETE: John Fekete, I vote yes. Kevin
7 Doyle?

8 (No response.)

9 MR. FEKETE: That motion is approved. The
10 next order of business is the Great Lakes Legacy
11 Act project update, Tetra Tech.

12 MR. WESCOTT: Jim Wescott, Tetra Tech. So
13 it's been a busy month since I saw you last, and
14 we've been primarily working doing the field
15 sampling, which is being funded by the federal
16 partner, EPA. We started sediment sampling
17 October 27th, and we'll continue sediment sampling
18 probably for -- most of it is done. There's a few
19 sample points I need to get. The sediment
20 sampling should be done by Christmas. There's
21 other media that we need to sample for the
22 project, and that ties into the access agreements
23 that Fernando had mentioned earlier, because we
24 want to collect samples on city property, and also
25 some Buckeye property, which I'm still talking to

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1 them, as well as the south tank farm, which I'm
2 coordinating with ARCADIS. It will probably end
3 up at, where we are today, that all that upland
4 field sampling will probably happen, like, March,
5 early April, because I think by the time I get all
6 the access agreements -- as long as we don't have
7 six feet of snow, like Buffalo, it will probably
8 be too cold and the ground will be too hard. But
9 most of the fieldwork for EPA should be
10 accomplished by the end of the calendar year --
11 this calendar year.

12 We've started some work on the preliminary
13 design from the bathymetric survey, because we
14 need to create existing condition drawings for
15 the contractors. And then once we get the
16 analytical results for the field sampling,
17 we'll start to -- and we complete the remedial
18 investigation report and the feasibility study,
19 we can continue with the preliminary design,
20 which will probably continue throughout the
21 spring.

22 We are also working with the East Chicago
23 Sanitary District to sample certain outfall
24 points. We tried to get a couple samples, and
25 that's also funded by the federal partner.

16

1 There was a rain event, I think, last week. We
2 got a couple samples, but it didn't really rain
3 hard enough to sample all of the outfalls. But
4 that will be -- we'll try to sample a couple
5 times between now and the spring just to
6 identify any sources that nobody knows about or
7 didn't really anticipate initially. I mean,
8 there's a few sources we all know about.
9 There's no reason to sample those again.

10 For the care meeting, just to let you know
11 how that -- because that will be between now
12 and the next meeting. Fernando and I will
13 attend. I think the expectation is not
14 to necessarily -- we're looking for feedback
15 from the stakeholders, and we'll probably
16 divide the discussion into the Grand Cal, and
17 the Indiana Harbor Canal, and the Lake George
18 Canal, and just try to get feedback on those
19 geographical areas and, essentially, talk about
20 the potential remedies that are available; and
21 not try to guide the discussion, but try to get
22 feedback.

23 So we can dredge; we can cap, which means
24 put material over the existing bad stuff; we
25 can leave it alone and just monitor it --

1 that's an option. And then we could do
2 nothing. That last one, I don't think anybody
3 wants to do. And we can do a combination of
4 those previous options and, really, it's just
5 trying to get a sense from the stakeholders
6 what they -- the level they want to see in
7 different areas.

8 One thing we potentially can look at is
9 the Grand Calumet River has a remedial
10 objective that we're trying to meet. We may
11 not want to necessarily try to meet the same
12 remedial objective in the Indiana Harbor Canal,
13 as well as the Lake George Canal. That's one
14 of the things we get feedback on, because if
15 it's -- it may be like a sliding, you know,
16 higher quality in Grand Cal, a little less
17 quality in the Harbor, and then we'll discuss
18 how we'll deal with it. And the logic there is
19 once you get to the navigation channel, they're
20 doing navigation dredging but not environmental
21 dredging. So it doesn't make sense to spend a
22 whole lot of money right up to the navigation
23 channel and then the quality potentially drops
24 off significantly.

25 MR. FEKETE: I think a lot of it depends on

1 what the shoreline users --

2 MR. WESCOTT: That's correct.

3 MR. FEKETE: -- the shoreline uses
4 possibilities exist.

5 MR. WESCOTT: That is correct.

6 MR. FEKETE: I mean, if it's still going to
7 be an armored shoreline that is inaccessible to
8 the general public, then that's one thing.

9 MR. WESCOTT: Correct.

10 MR. FEKETE: If it's a shoreline that is
11 accessible to the public, then that's a different
12 thing. That's what you're driving at.

13 MR. WESCOTT: That's the kind of feedback we
14 want to try to get. And then the other
15 constraint, which Fernando is well aware of, is
16 just the financial constraint. I mean, I can get
17 feedback back from stakeholders, and then it's a
18 financial solution. But at this point, we're just
19 trying to make sure that everybody that has an
20 opinion -- because there's a lot of interest of
21 groups -- that we try to get as much feedback as
22 we can. And I think most of the stakeholders who
23 are involved in this project know we can't achieve
24 everything that everybody wants, but right now
25 we're trying to maximize the value.

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1 MR. TREVINO: And the folks affiliated with
2 the care committee understand a lot of the other
3 projects and activities going on in the area; so
4 they might be able to offer some other
5 opportunities to capture synergies from other
6 projects or efforts going on in the area, or even
7 might offer suggestions on other stakeholders that
8 we make sure we talk to in case -- you know,
9 again, like Jim said, make sure we get everyone's
10 input and maximize that effort.

11 MR. FEKETE: One thing you'll hear from the
12 care committee is "beneficial use impairments,"
13 and to what extent the proposal is, and the
14 options, what affect will it have on beneficial
15 use impairments. Because that's one of the things
16 the care committee is looking at because of its
17 stewardship of the Grand Calumet River AOC and the
18 14 beneficial uses that were impaired. So you're
19 going to find that out, that in each of the
20 segments that are being addressed, and the canal
21 being several segments of concern, what of the
22 beneficial use impairments that exist there
23 currently, to what extent are they going to be
24 addressed. And, so that's the kind of question
25 you're going to be getting, I would suspect.

20

1 MR. WESCOTT: Correct.

2 MR. FEKETE: And we're going to need to get
3 that kind of dialogue going, because Fish & Wild
4 Life looks at it one way. Other people can look
5 at it -- DNR may look at it differently; so we
6 just need to get that conversation going.

7 MR. WESCOTT: Right. I mean, the big
8 picture, which we all know, is to D-list the Grand
9 Cal of concern. So you have to get rid of the
10 beneficial use impairments; and it's just trying
11 to figure out how to get rid of them in the most
12 cost effective way.

13 MR. FEKETE: Yeah. And since we're out
14 there, what other sociological benefits are there
15 to the residents of East Chicago?

16 MR. WESCOTT: Right. That ties into the
17 community plan and the outreach that we're doing.
18 So there's a lot of moving parts, and I think we
19 made a lot of progress in the last nine months --
20 ten months, since we started. So we'll talk to
21 the care committee and get feedback continuing to
22 move forward.

23 MR. BAKOTA: When Scott Ireland was active, I
24 asked him whether they were going to do a study on
25 the river, if there was a possibility to do a

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1 study of the sediment trap that can be installed.

2 MR. WESCOTT: And we're doing that.

3 Actually, that -- so as part of the fieldwork, we
4 collected some sediment samples to do the model.

5 She's probably going to do in January. She needs
6 to get some of the existing total suspended solid
7 numbers in the flow rates, and then we'll get the
8 analytical results in December, and she'll

9 probably start the model in January. And right

10 now we're looking at putting a sediment basin

11 somewhere on the Indiana Harbor Canal. Initially,

12 I thought we would, without -- before we did the

13 sediment sampling, I was inclined -- and this is

14 all still -- things can shift but I was inclined

15 to put a basin between Chicago and Columbus. But

16 based on the Corps, it looks like that actually is

17 surprisingly not too bad. It's mostly sand. The

18 top two feet, you know, it's darker, and whether

19 that's normal organic or some oil -- actually,

20 between, I think it's 151st and Columbus, it

21 actually seems worse. And I'm not sure if that's

22 the Union Tank Car or stuff coming in from

23 downstream, but that seems to have -- it looks

24 like it has a deeper impact, and that may be the

25 better place to put a sediment basin, because

22

1 you'd get rid of a lot more mass, the
2 contaminants. And that place between Chicago and
3 Columbus, it actually doesn't look too bad about
4 two feet down; so it doesn't make sense to dig a
5 big hole for the sediment basin.

6 MR. FEKETE: And you have a rotary bridge in
7 there, too.

8 MR. WESCOTT: In between; so we are looking
9 at that.

10 MR. BAKOTA: Because the Army Corps of
11 Engineers, their answer to that is that, you know,
12 in the ship canal would be a sediment trap and
13 they would dredge it there. But the dredging is
14 so -- you know, I mean, they may dredge for two
15 months and not dredge. By that time, it washes
16 out to the lake. You know, what I mean?

17 MR. WESCOTT: Or depending on the lake level,
18 it washes back into the Grand Cal.

19 MR. BAKOTA: But the narrow part of that
20 river, I think, would be the better place for a
21 sediment trap, wouldn't it?

22 MR. WESCOTT: That's what we're going to
23 model. Natalie is here. Feel free to talk to
24 Natalie.

25 MR. FEKETE: At least the question is being

1 addressed and that's --

2 MR. TREVINO: Let me add to your comment on
3 the sediment trap. That was one of the things
4 that the board insisted on making sure we looked
5 at, and we made it part of the contract. So
6 it's -- we're required to look at --

7 MR. BAKOTA: Look at.

8 MR. TREVINO: -- and evaluate the benefit of
9 that.

10 MR. WESCOTT: I think it ties in well,
11 because the depth of the impact between 151st and
12 Chicago, it almost -- it would -- it can kind of
13 kill two birds with one stone. I mean, you can
14 put a sediment basin in there that's not impacted
15 because it will serve the purpose of trapping
16 sediment before it gets into the area you want to
17 protect. But if I've already -- if I can get out
18 some of the contaminant mass and also serve a
19 longer term purpose --

20 MR. BAKOTA: Uh-huh.

21 MR. WESCOTT: -- then it makes a lot more
22 sense from an economic standpoint, as well.

23 MR. BAKOTA: Yeah. If anything new is
24 introduced into the stream, you can catch it.
25 Just a question, that would be -- that basin would

1 be cleared every so often depending on --

2 MR. WESCOTT: Well, that's one of the
3 things -- like, there's already a couple --
4 there's a basin at Cline Avenue, because the Gary
5 section is impacted and we're actually cleaning
6 the section between Cline and Kennedy; so we dug a
7 big basin at the beginning of that project --

8 MR. FEKETE: We were there. That's what you
9 saw when we were there.

10 MR. WESCOTT: -- to protect the -- and that's
11 like ten feet deep. And we've done some
12 monitoring, and it has accumulated a little bit of
13 sediment just in the last year. There's a few
14 long-term plans that will have to be incorporated
15 into the design. Like, if we do a lot of habitat
16 restoration along the banks, somebody will have to
17 maintain that in the future. If we put a cap in
18 the river, somebody will have to take
19 responsibility for monitoring the cap. And the
20 same with the basin. If we put a sediment basin
21 in, somebody -- it may be a state agency -- will
22 do, like, a bathymetric survey every five years
23 just to see if it's filling in, and that may or
24 may not need to be cleaned out.

25 MR. BAKOTA: Who would incur the cost?

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1 MR. WESCOTT: That's one of the discussions
2 that would have to occur. I would tell you on the
3 west branch, we did a cap, and I believe either
4 IDEM or I-DNR has taken responsibility for
5 long-term cap maintenance. It may be the
6 trustees, which is basically both of them. So
7 they're required every five years to go out and do
8 a simple survey, and then about every 20, 25 years
9 to do a more robust, you know. So I would talk to
10 your state legislators and make sure they
11 understand all the effort you're putting in, and
12 you need their long term cooperation to make the
13 project a success.

14 But those things we've done before on the
15 other phases, and that's a good question. It's
16 one of those things that we know has to happen.
17 That's probably one of those things that will
18 happen in the summer, fall, as we get closer to
19 the design, assuming all the financing and the
20 other pieces come together.

21 MR. FEKETE: Any other questions?

22 (No response.)

23 MR. FEKETE: Thank you very much, and we will
24 see you on the 2nd.

25 MR. WESCOTT: All right. Thank you.

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1 MR. FEKETE: The next order of business is
2 the Army Corp's report. Miss Mills.

3 MS. MILLS: Good evening. Natalie Mills,
4 with the U.S. Army Corps of Engineers. Facility
5 and operations contract. That contractor is
6 totally demobilized from the site. We are still
7 having meetings and planning for the dredging
8 season for next year. So we're having monthly
9 meetings at this point, and the next meeting is
10 scheduled in December.

11 The permanent well installation contract:
12 That contractor will be on site in the spring
13 to start the installation of the eight wells
14 around the site. We also are in continual
15 discussions with the East Chicago Sanitary
16 District regarding the permit to discharge pond
17 water into their facility. They provided us
18 with a draft permit, I think, on the 14th of
19 November. The permit will remain "draft" until
20 we provide them with stamped engineering
21 drawings, which will be provided via the
22 facility and dredging operations contract.
23 They're intending to issue a modification to
24 Kokosing and O'Brien to perform that work.

25 CDF documentation: I still don't have any

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1 update on the TSCA permit. We're in constant
2 communication asking for a meeting of some sort
3 to discussion the permit, but thus far we
4 haven't had any meeting dates or any feedback
5 at all on the permit, which was made back in
6 March.

7 The oil boom coordination: I don't have
8 anything to update at this time.

9 PCA: I don't have anything to update at
10 this time. Ellen, I don't know if you've heard
11 anything from --

12 MS. GREGORY: No. Haven't heard.

13 MS. MILLS: Okay. Kim just got back from
14 vacation so I'll try to see if I can get her to
15 respond.

16 The Feddeler parcel: I'm just wondering
17 if you have any feedback on the appraiser.

18 MS. GREGORY: We had a call today. This is
19 Ellen Gregory, Ellen Gregory Law. The first
20 appraiser, Nick Tillema, was basically rejected.
21 So we got the list of Corps' approved appraisers.
22 We've contacted one of them who is based in
23 Northwest Indiana. So we're planning to move
24 forward with him once we get Paul Sach's, I guess,
25 confirmation that he's going to be okay to use.

1 MR. TREVINO: Yeah. Once we get a proposal
2 from him, we'll -- we've asked him to put the
3 cost, and schedule, and scope of work, all the
4 traditional items in a proposal, and if everything
5 looks good, we'll present it to this board for
6 approval at the December board meeting.

7 MS. MILLS: Okay. Thank you for the update.
8 The Parkway Improvement: We did begin that work
9 yesterday. So they -- yeah, it actually started.

10 MR. BAKOTA: I don't believe it.

11 MS. MILLS: It started with removing some of
12 the existing. So we're going to start with doing
13 that and so they're going to do the stretch
14 between the bridge and the gate first instead of
15 doing the whole stretch; so they'll clear that and
16 put the stone and continue on for the remainder.
17 So the plan is just to continue as long as they
18 can, until they finish, you know.

19 And that's all I have at this time. Any
20 questions?

21 MR. FEKETE: Any questions?

22 (No response.)

23 MR. FEKETE: Thanks. I believe the next
24 order of business is our attorney report.

25 MS. GREGORY: Ellen Gregory, with Ellen

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1 Gregory Law. The first item is the consent
2 decree, and AOC, the Administrative Order on
3 Consent. Both of those documents are being
4 revised by BP and the Department of Justice. They
5 have said that next week they should have the --
6 probably not the signed version but the final
7 version for execution; so that's finally moving
8 forward. We're seeing light at the end of the
9 tunnel.

10 On the Feddeler issue, as we just
11 discussed, we're working with the second
12 appraiser. The first appraiser was rejected by
13 the Corps, and the one we're working with now
14 is on their pre-approved list. His name is Jim
15 Lee.

16 As mentioned before also, I'll be working
17 with Tetra Tech to coordinate access agreements
18 for their work on the city-owned property and
19 the schools' properties.

20 The user fees: I've been in contact with
21 the attorney general's office. We have one
22 unpaid user fee assessment that we're still
23 working on, trying to get the attorney general
24 to assist us on that.

25 And my last item is the PCA, and Natalie

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1 has already mentioned we're waiting very
2 patiently for Kim Szabo to get back to us on
3 when we can move forward with that. And that's
4 all I have.

5 MR. FEKETE: Any questions for our attorney,
6 Ellen Gregory?

7 (No response.)

8 MR. FEKETE: Okay. Hearing none, the next
9 order of business is the BMO Harris report.
10 Mr. Alonzo.

11 MR. ALONZO: David Alonzo with BMO Harris.
12 I'm going to run through the report. Page 1 will
13 just be the chart, which reflects the historical
14 values in the account since '97, 1997, and then
15 distributions since that same period of time. So
16 as of November 18, 2014, the trust was valued at
17 \$5,983,692, and that was a positive difference
18 from our last meeting of \$10,107. The 2014
19 distributions were \$234,110. So go to the third
20 page. So the increase that we saw, the \$10,000,
21 was those three certificates of deposit that made
22 interest at the end of October. That was the
23 three-year CD that ends in 58, that was the
24 three-year flex CD that ends in 22, and that was
25 also the three-year CD that ends in 32.

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1 We don't really have anything coming due
2 until middle of next year. We've got about
3 \$2.2 million that will mature that we'll need
4 to find some rates for. And the next time we
5 have interest hit the account will be at the
6 end of December, and that would be reflected in
7 the January meeting. Interest rates are still
8 where they are for the last five years.

9 Nothing exciting out there. So other than
10 that, no major updates on that. Any questions?

11 MR. FEKETE: Oh, for the good 'ol days.

12 MR. ALONZO: We've given you some little
13 extra rates off of our chart; so we try to
14 accommodate that.

15 MR. LOPEZ: We see one pop up like that, 3.6,
16 let us know.

17 MR. ALONZO: Yeah, that was a good call five
18 years ago.

19 MR. FEKETE: Any questions?

20 (No response.)

21 MR. LOPEZ: Thank you.

22 MR. FEKETE: Next order of business is new
23 business. Earlier on in Mr. Trevino's
24 presentation he had mentioned the program entitled
25 the Eighth International Conference on Remediation

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1 and Management of Contaminated Sediments that is
2 to be held in January in New Orleans, and in
3 looking through the agenda it looks to fit with
4 all the things we are involved with, and I think
5 it would behoove us to send Mr. Trevino to this
6 conference.

7 MR. LOPEZ: Motion to --

8 MR. FEKETE: Make a motion to approve his
9 request?

10 MR. LOPEZ: -- approve his request.

11 MR. BAKOTA: Second.

12 MR. FEKETE: We have a motion and a second.
13 This will be a roll call vote. Mr. Bakota?

14 MR. BAKOTA: Yes.

15 MR. FEKETE: Mr. Henry Rodriguez?

16 MR. HENRY RODRIGUEZ: Yes.

17 MR. FEKETE: Patrick Rodriguez?

18 MR. PATRICK RODRIGUEZ: Yes.

19 MR. FEKETE: Ted Zagar?

20 MR. ZAGAR: Yes.

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

23 MR. FEKETE: John Fekete, I vote yes. The
24 motion is approved. Is there any other new
25 business?

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1 (No response.)

2 MR. FEKETE: Any continuing business?

3 (No response.)

4 MR. FEKETE: Any public comments?

5 (No response.)

6 MR. FEKETE: Hearing none, our next meeting
7 is December 17, 2014, at 5:00 p.m., at this
8 facility. I will now entertain a motion for
9 adjournment.

10 MR. BAKOTA: Motion to adjourn.

11 MR. FEKETE: Do we have a second?

12 MR. HENRY RODRIGUEZ: Second.

13 MR. FEKETE: All in favor signify by saying
14 aye.

15 (All signify aye.)

16 MR. FEKETE: This meeting is adjourned.

17 MEETING 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 19th day of November, 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 is a true and accurate record of said proceedings had.

Dated this 12th day of December, 2014.

Dawn M. Iseminger

Dawn M. Iseminger, RPR

My Commission expires: 7/22/2017

