

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana
June 15, 2016
Wednesday, 5:00 p.m.

Transcript of the proceedings had in the
above-entitled matter, on the 15th day of
June, 2016, 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.
14 Indiana Avenue - Suite A
1st Source Bank Building
Valparaiso, Indiana 46383
(219) 464-2178

June 15, 2016

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

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Secretary

MR. PATRICK RODRIGUEZ, Board Member

MR. KEVIN DOYLE, Board Member

MR. RAY LOPEZ, 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

DAVID ALONZO, BMO Harris

MIKE NGUYEN, Army Corps of Engineers

DEBBIE MILNE, First Merchant's Bank

BRENDA JONES, EPA

* * * *

June 15, 2016

1 MR. FEKETE: I'd like to call to order
2 the meeting of the East Chicago Waterway Management
3 District Board of Directors. Today's date is June
4 15th, 2015, and the time is 5:02. We'll have a roll
5 call. John Bakota?

6 (No Response)

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 MR. DOYLE: Here.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete? Here. We have
18 a quorum. Okay. First order of business the
19 Consulting Engineering report, Mr. Trevino.

20 MR. TREVINO: Fernando Trevino, FMT
21 Consulting. I'd like to start by reviewing the
22 contents of your Board packet. You have the Board
23 minutes for May 18, 2016.

24 You have the claim docket for
25 today's Board meeting dated June 15, 2016.

3

June 15, 2016

1 You have the 2015 tax return form
2 for the Trust, for the State and the Federal.

3 You have First Merchant's Bank
4 statement for account ending in 616 and 608,
5 including the User Fee deposits that were made for
6 that month in account 616.

7 You have the BMO Harris Trust report
8 dated June 14, 2016. You have the BMO Harris Bank
9 statement for month of May 2016 for account ending
10 in 761. And another BMO Harris Brokerage account
11 statement for the month of May 2016 for account
12 ending in 534.

13 You have a letter dated June 9,
14 2016, from myself to Matt Light of the Attorney
15 General's Office regarding User Fees.

16 You have Attorney Ellen Gregory's
17 notes on insurance, on directors and officers
18 insurance, dated June 13th. You have a letter from
19 Rothschild Insurance Agency dated June 8, 2016, and
20 the declaration summary for Old Republic Insurance
21 Company for directors and officers insurance.

22 You have Tetra Tech's monthly
23 progress report regarding the Great Lakes Legacy Act
24 Project dated June 8th, and it's for the month of
25 May 2016.

4

June 15, 2016

1 You have two permits from the State
2 of Indiana, Department of Natural Resources, for
3 construction of floodway. And these permits were
4 applied by Tetra Tech for the Great Lakes Legacy Act
5 Project. And you have another construction and a
6 floodway permit, but this one is from, it originated
7 from BP. That's an FYI.

8 You have Attorney Ellen Gregory's
9 report to the Board dated June 8, 2016. Pages got
10 stuck, but you also have the Army Corps of Engineers
11 report to the Board dated June 15, 2016.

12 You have a letter from IDEM to the
13 Army Corps of Engineers regarding inspection summary
14 and non-compliance letter, and that is dated
15 June 14, 2016.

16 You have ARCADIS progress report No.
17 293, 292, for work on the ECI refinery project. And
18 it's the summary of their recovery and containment
19 system and their boom maintenance. You have another
20 report from ARCADIS dated May 10, 2016 titled,
21 Monthly Bird Observations for the month of
22 April 2016.

23 You have a letter from Atlantic
24 Richfield Company dated June 10, 2016, to EPA
25 regarding project report for the month of May 2016

5

June 15, 2016

1 and it's regarding the ECI refinery site
2 investigation activities.

3 And also, it didn't make the packet,
4 but I did hand out a hard copy of the
5 CliftonLarsonAllen financial statement for the month
6 of May. It's dated May 31st, 2016.

7 I'll go over a couple of items. On
8 the agenda is the approval consideration for
9 insurance. Since the last Board meeting we've
10 gathered additional information on insurance. In
11 this case directors and officers insurance, which is
12 in your packet. And the recommendation is approve
13 the cost of the insurance, which is \$2,822.00.

14 I've been working with Rodney
15 Humphrey to summarize the CDF cost construction,
16 cost share report. A draft of that report is in
17 your packet. Also been working with Enviro
18 Forensics on their cost summary report for the CDF
19 construction and end cost that the Corps has
20 provided us. We have received the site
21 investigation report from the South Tank Farm.

22 To review, the items on the agenda
23 for approval are the Board meeting notes for May 18,
24 2016; the accounts payable voucher dated May 18,
25 2016; and again the insurance proposal.

6

June 15, 2016

1 Quick update on the User fees. At
2 the last Board meeting the Board approved extending
3 the 2016 User Fees to July 15th. Those late notices
4 have been mailed out and since then we have received
5 four additional payments. At the last Board meeting
6 I also mentioned that there were two appeals that we
7 had received and the appeal officer has rendered a
8 decision on the appeals to grant them both and those
9 two appeals have been forwarded to the appealing
10 company.

11 The Great Lakes Legacy Act Project.
12 Tetra Tech submitted a few permits on behalf of the
13 project. We have received two of those permits
14 which are for construction and floodway permits,
15 which are in your packet.

16 We met with IDEM's Care Committee
17 last month on May 24. Jim Wescott presented an
18 update of the project to the committee. The Great
19 Lakes Legacy Act Project continues to explore
20 funding options for the remediation phase of the
21 project.

22 Earlier this afternoon, Brenda
23 Jones, the EPA project manager and I met with the
24 City folks to review the CSO project and the details
25 related to the project, some of the design

7

June 15, 2016

1 information, scheduling cost, and with the hopes
2 that either all or at least some of the project cost
3 may qualify as cost share.

4 The other projects that are being
5 evaluated is the BP projects that are adjacent to
6 the waterways and we're also still evaluating
7 reimbursement from the Corps for CDF construction as
8 possible source.

9 Tetra Tech's progress report is in
10 your Board packet. For additional information Jim
11 Wescott of Tetra Tech will provide more detail on
12 the project.

13 I mentioned at the last Board
14 meeting that EPA was appointing a new project
15 manager to take Diana Mally's place and the new
16 project manager is Brenda Jones. She wasn't able to
17 make last month's meeting, but she is here today and
18 so I'd like to really quick introduce her.

19 MS. JONES: Fernando asked me to say a few
20 words. My name is Brenda Jones and I have been with
21 the US EPA little over 22 years now. I have done
22 several remedial projects up in Milwaukee, Wisconsin
23 area, just completing those up. So I have a little
24 bit under my belt and experience in doing
25 construction projects and trying to get these under

8

1 way.

2 As Fernando said, he and I met this
3 afternoon with the folks from East Chicago Sanitary
4 District to talk about the good work that they are
5 doing and for me to get a better understanding, for
6 me to get better understanding of what they are
7 doing. And hopefully we can make some evaluation of
8 whether that can be considered as part of cost share
9 for the Great Lakes Legacy Act Project. So, I'm
10 available if anybody has any questions. I've got
11 some business cards if anybody needs them and any
12 questions for me.

13 MR. LOPEZ: Thank you.

14 MR. TREVINO: The Army Corps, I mentioned
15 the Army Corps Board report is in your packet. We
16 have a follow-up meeting this Friday regarding the
17 review of the CDF construction and cost share
18 analysis. We are also in the process of finalizing
19 the appraisal, of course researching some additional
20 information that's relevant to the appraisal. And I
21 mentioned at the last Board meeting that there's a
22 dredging public meeting scheduled for today at 6:00
23 p.m., which is immediately after this Board meeting,
24 and Mike Nguyen of the Corps will give an update on
25 behalf of the Corps.

June 15, 2016

1 Attorney Ellen Gregory's report was
2 in your packet. She'll give an update on various
3 legal matters. And that concludes my report.

4 MR. FEKETE: Any questions for Mr.
5 Trevino?

6 (No Response)

7 MR. FEKETE: Thank you very much. Next
8 order of business is approval of Board meeting notes
9 of May 18, 2016.

10 MR. LOPEZ: Motion to approve.

11 MR. FEKETE: I hear a motion. Do I have a
12 second?

13 MR. HENRY RODRIGUEZ: Second.

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

16 (All signify aye.)

17 MR. FEKETE: All those opposed?

18 (No Response)

19 MR. FEKETE: Hearing none, motion is
20 approved. Accounting consultant report, Mr.
21 Anderson.

22 MR. ANDERSON: Tim Anderson,
23 CliftonLarsenAllen. So everyone has a paper copy of
24 the report this month. Okay, every page is page 3
25 this month to confuse everybody. So on page 3, this

10

June 15, 2016

1 is called the Schedule Cash Account Activity. And
2 this shows the two accounts that the Waterway
3 basically has check writing privileges on. The
4 operating account, which is our budget account ends
5 the month of May with \$441,985 in it. And the User
6 Fee ends the month of May with \$1,976,000 in it.
7 And you can see what goes into those accounts and
8 what comes out. The operating account is where we
9 cut the checks for our budgeted items.

10 If you flip a couple pages back,
11 there's a statement of cash receipts and cash
12 disbursements, and this is on both accounts. So the
13 receipts through May 31st are \$626,000 made up of
14 User Fees, \$347,000 in User Fees and the \$276,000
15 transfer from the Trust. The disbursements are our
16 normal disbursements, legal, accounting,
17 engineering. Great Lakes Legacy Project is the big
18 one this year. So through May we have expended
19 266,000 with cash receipts of 626. So we have got
20 an increase in those two accounts of 359,000. So
21 basically between the two we've got 2,418,000.

22 The last page number three shows
23 what the budget for the year, the appropriated
24 budget. We get to add accounts payable at the end
25 of last year to our budget appropriation. Our cash

11

June 15, 2016

1 disbursements through May that we just looked at,
2 and then the cash disbursements June is what is on
3 your docket for today, the 43,916.

4 So as you can see in that right most
5 column, before you cut these checks, we've got
6 available budget for everything that you're
7 approving today. So the 397,000 which is your
8 unused budget is what is in that operating account,
9 cash account.

10 Any questions that I can answer?

11 (No Response)

12 So every year we have to file a tax
13 return for the ECI Facility Trust and on that tax
14 return we basically show the income of the Trust
15 money. Not the two checking accounts that we have,
16 this is just on the Trust. And we show the income
17 that the bank reports to us and then we claim an
18 exception under Section 115, that this is a
19 municipality. If you recall a few years ago we had
20 an issue with our beloved friends at the Internal
21 Revenue, and the 115 exclusion fell off and we had
22 to remind them that we are a government entity. And
23 every year we file this to memorialize that we are a
24 government entity and that none of our account is
25 subject to tax. And that's due in September,

12

June 15, 2016

1 October, but we might as well file it. We've got
2 the numbers.

3 MR. TREVINO: And those documents require
4 signature from the Board president.

5 MR. ANDERSON: Yes. We file electronic so
6 there's no signature. All we sign is the
7 authorization. That's all I've got. Thank you.

8 MR. LOPEZ: Thank you.

9 MR. FEKETE: We have before us for
10 approval consideration the accounts payable voucher
11 dated June 15, 2016. I'll entertain a motion to
12 approve.

13 MR. LOPEZ: So moved.

14 MR. FEKETE: We have a motion to approve.
15 Do I have a second?

16 MR. DOYLE: Second.

17 MR. FEKETE: Roll call. John Bakota?

18 (No Response)

19 MR. FEKETE: Henry Rodriguez?

20 MR. HENRY RODRIGUEZ: Yes.

21 MR. FEKETE: Patrick Rodriguez?

22 MR. PATRICK RODRIGUEZ: Yes.

23 MR. FEKETE: Ted Zagar?

24 (No Response)

25 MR. FEKETE: Kevin Doyle?

13

June 15, 2016

1 MR. DOYLE: Yes.

2 MR. FEKETE: Ray Lopez?

3 MR. LOPEZ: Yes.

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

5 The motion is approved. First Merchants Bank
6 report.

7 MS. MILNE: Good evening. I'm Deb Milne.
8 From First Merchants Bank and I brought along for
9 you this evening our first quarter 2016 fact sheet
10 for First Merchant, which gives a high level
11 overview of what we are working on in our company.
12 It also highlights our financial numbers and
13 continues to show the strength of the organization.
14 So I can give you one of those.

15 We have 109 banking centers, 20 of
16 which are here in our Lake shore region, probably
17 use both East Chicago offices, perhaps in Hammond.
18 John Freyek continues to be relationship manager and
19 then I pitch hit from the deposit side. I
20 appreciate the invitation to be here today and I can
21 entertain any questions.

22 MR. FEKETE: Thank you very much for
23 attending our meeting.

24 MS. MILNE: You bet. My pleasure.

25 MR. FEKETE: BMO Harris Bank Trust report.

14

June 15, 2016

1 Mr. Alonzo?

2 MR. ALONZO: David Alonzo, BMO Harris
3 Bank. So there's not a whole lot of activity this
4 past month. As we know the interest is paid
5 quarterly, so we haven't seen anything really come
6 through this month.

7 Again, the first page is the Trust
8 values since '97 and then the withdrawal since 1997
9 since we've have had the account. The value of the
10 Trust as of June 14, \$5,557,364. Disbursements year
11 to date have been \$276,950 and there has been a
12 \$19,000,000 withdrawal since 1997.

13 So the one thing I noticed on there,
14 the error I sent off, the second page on the bottom
15 in yellow, the difference was actually from the last
16 meeting in yellow, the 14,000, not from this past
17 meeting or for this past month I should say. If we
18 jump to the third page, which is really the holdings
19 page, really the difference was just on that money
20 market account we see in the bottom green there. So
21 again, not a whole lot of interest came through, but
22 we will see the interest get credited in July for
23 these.

24 One other note is that we've got the
25 certificate on October 21st which will be coming

15

June 15, 2016

1 due, so we'll want to get together maybe a month or
2 so beforehand to get an idea what the rates are.
3 The Federal Reserve met today, pretty much has taken
4 the Summer off with rate hikes seems like, so likely
5 the rates as they are now will likely be the same
6 towards the end of the third quarter of this year.
7 And we are meeting to let you know we're working
8 with you guys to get you better interest rates
9 beyond what the standard rates have been. We'll
10 keep you in the loop at that time with any
11 promotional rates out there to get the best rates on
12 that. Any questions at all for me?

13 MR. LOPEZ: What's this \$30?

14 MR. ALONZO: That's the money market.
15 Yeah, I mean I got point one five is the yield on
16 that prime money market. Ten-year Treasury is about
17 1.65, actually maybe a couple days ago. So putting
18 things in context right now, I mean the rates are
19 pretty bare bones. I know we were trying to keep at
20 least half a million dollars in that money market
21 account. Right now we are not at this point, maybe
22 when this CD comes due in October. But based on the
23 rates we might not want to keep that high of a
24 balance in there. I think if we sort of get an idea
25 of what we anticipate maybe the budget distribution

16

June 15, 2016

1 is going need to be in 2017, maybe keep a little
2 less in there to maximize the return on that.

3 But everything else, the rates we
4 have on here, we have got pretty good interest rates
5 on some of these CDs right now beyond the standard
6 rates. So we'll give a little bit more managing
7 this money for you guys.

8 MR. LOPEZ: Thank you.

9 MR. FEKETE: We'll schedule a meeting when
10 it's appropriate.

11 MR. ALONZO: Perfect, sounds good.

12 MR. FEKETE: User Fee update report.

13 MR. TREVINO: I kind of gave a summary of
14 the User Fee report during my report. Just really
15 quick, the late notices went out early June and we
16 have received four additional User Fee payments
17 since then.

18 MR. FEKETE: Okay. Very good. Any
19 questions?

20 (No Response)

21 MR. FEKETE: Approval consideration for
22 the insurance. I guess it's a policy or approval to
23 go ahead and secure the policy.

24 MR. TREVINO: Yes.

25 MR. FEKETE: Okay. That is the motion,

17

June 15, 2016

1 will somebody actually make the motion.

2 MR. LOPEZ: Motion to approve. That's
3 going to be about 28,000, right?

4 MR. TREVINO: 2800. And so I anticipate
5 we'll have an invoice for that amount for the next
6 Board meeting.

7 MR. FEKETE: Which would be part of our
8 regular --

9 MR. TREVINO: Which would be part of the
10 claim docket.

11 MR. FEKETE: So we have the motion. I'll
12 entertain a second.

13 MR. HENRY RODRIGUEZ: Second.

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

16 (No Response)

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 (No Response)

23 MR. FEKETE: Kevin Doyle?

24 MR. DOYLE: Yes.

25 MR. FEKETE: Ray Lopez?

18

June 15, 2016

1 MR. LOPEZ: Yes.

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

3 Motion is approved. Great Lakes Legacy Act Project
4 update, Mr. Wescott?

5 MR. WESCOTT: Jim Wescott, Tetra Tech. So
6 as Fernando mentioned a couple more, really one
7 permit came in, the construction floodway, but the
8 State because of the size of the project wanted to
9 split it in two. That's why there's two permits.
10 One covers the Grand Calumet part of the project and
11 the other the Indiana Harbor and the Lake George
12 section. So there's two that have been applied for
13 that are still outstanding. One is the NPD
14 discharge permit, which would allow us to treat the
15 water from the sediment and discharge it back into
16 the waterway. That should be issued very shortly.

17 I got an e-mail from IDEM in the
18 last couple of weeks just confirming nothing has
19 changed, so I would expect that permit to be issued
20 in the next 30 days.

21 And then the second permit is the
22 404 permit, which is issued by the Corps of
23 Engineers and that will probably be in the Fall. It
24 shouldn't effect the schedule. That's usually the
25 one that's at the end.

19

June 15, 2016

1 Other than the permits, there have
2 been continuing, we have had continued discussions
3 with the other stakeholders, primarily BP about
4 trying to marry up the sediment project with the
5 closure project for the south ECI site. And there
6 will continue to be meetings probably through the
7 Summer to sort out how the Glenco Project and the BP
8 Arco project will marry up, because they are on the
9 Lake George section. And so that's what happened
10 the last 30 days.

11 Myself, Fernando and Brenda will
12 meet with EPA's PCB Group Tuesday to kind of get the
13 details, because we have that high PCB spot in
14 Indiana Harbor Canal, just to make sure that the
15 design and specifications address everything PCB
16 section that EPA wants it to be. I don't anticipate
17 it's going to be any significant change from the
18 drawings or specifications that we have now. But we
19 just need to modify a couple of things just to make
20 sure that we are capturing everything that the EPA's
21 PCB Group wants.

22 And as Fernando mentioned, it's just
23 really coming down to funding. The permits are
24 probably all going to be in place and then we'll
25 just see where we go.

20

1 MR. FEKETE: Time to shake the trees.

2 MR. LOPEZ: How far are you from where you
3 started to where you are at now, how far is it?
4 Because I know when you get to Columbus Drive all
5 those pipes and no dredging on there, what do you do
6 when you get there?

7 MR. WESCOTT: So the dredging, we are not
8 -- we are going to dredge in specific locations.
9 Remember that the main thing that we'll keep the
10 sediment, the bad sediment away from the water is
11 the cap. So everything is going to get, or most
12 areas are going to get some kind of cap. So Indiana
13 Harbor Canal we are primarily dredging from 151st up
14 to about the north end of the Housing Authority,
15 where the park is. There's like a little softball
16 diamond there. We would dredge from 151st north to
17 the baseball diamond, and then there's a small area
18 up near Columbus, but south of where all the
19 pipelines are that we would dredge too.

20 And there's pipelines that stick out
21 of the water and the plan is to remove those. Those
22 are abandoned. They are Nipsco lines that have been
23 abandoned. They have at least three, maybe six.
24 They are not sure. We are not sure. What will
25 happen is, if it goes to the field, there will be

June 15, 2016

1 some, during construction, some final sort of
2 inspection to make sure how many lines Nipsco
3 actually has and some coordination between the
4 construction contractor and Nipsco to make sure the
5 lines are truly abandoned and turned off before they
6 break anything.

7 Nipsco is pretty sure they have at
8 least the three that show up out of the water and
9 then there's three more that go underneath those
10 that go all the way across. So we'll dredge
11 sediment there and also while they're dredging the
12 sediment, we will rip out the abandoned lines and
13 get them out of the way. But there are other areas
14 that will not be dredged because there is so many
15 pipelines and those will get a cap over that
16 sediment so that there's no sediment exposed in
17 Indiana Harbor or the Grand Calumet that's exposed
18 to water. Does that kind of answer the question?

19 MR. LOPEZ: Yeah. Once you start digging
20 all that stuff is going to come out.

21 MR. WESCOTT: It will come out. Hopefully
22 it doesn't make a big mess. If we get going, the
23 contractor at Glenco that Brenda has under her sort
24 of, that she can hire, all three of them are very
25 good firms. So I wouldn't expect anybody would

22

June 15, 2016

1 really create any issues. So it's just a matter of
2 getting the ball rolling on the construction phase.

3 MR. LOPEZ: Well, I want to thank you.
4 Every time we ask questions you've got answers and
5 give us a good report, let us know what's going on.
6 Even when you get a cup of coffee we get that. So
7 that's great for us. We want the knowledge and want
8 to know what's going on. Thank you.

9 MR. WESCOTT: Anything else?

10 (No Response)

11 MR. FEKETE: Thank you. U.S. Army Corps
12 of Engineers report. Mr. Nguyen.

13 MR. NGUYEN: Mike Nguyen, for the Corps of
14 Engineers. Update on the Indiana Harbor CDF project
15 for the facility and dredging operation. The
16 contract resume wastewater treatment on the week of
17 14 March. Dredging is tentatively scheduled for
18 August 2016. Really depends on the water treatment,
19 the removal of the water in the CDF. We could start
20 earlier than August, but right now it's scheduled
21 for August.

22 Equipment storage facility, the
23 contractor started excavation work for the building
24 foundation and other utility.

25 For the CDF documentation

23

June 15, 2016

1 permits. The US EPA, IDEM and the Corps met on 27
2 April and 16 May to discuss details of the TSCA
3 permits. We're scheduling more meetings with US EPA
4 and IDEM to finalize the permit.

5 For the PCA, no update on the
6 oil boom coordination. For the PCA revision,
7 biweekly meeting with the Corps and ECW.

8 For the Feddeler parcel
9 resolution, Ellen Gregory is going to give an
10 update.

11 And for the new contracts, the
12 new dredging and operation contract. We're still
13 moving forward with that. We canceled on 26 April
14 and we are going to be re-advertising new one
15 sometime in June to be awarded by September.

16 And other things, the annual
17 public meeting is scheduled at 6:00 o'clock right
18 after this meeting. That's it.

19 MR. LOPEZ: Now I remember when you guys
20 canceled the contract in April. Now you are saying
21 by September you have a contract awarded.

22 MR. NGUYEN: We are going to be
23 advertising in June.

24 MR. LOPEZ: So the whole Summer going to
25 be wasted, no dredging?

24

June 15, 2016

1 MR. NGUYEN: No. This is the new
2 contract. The old contract expires at the end of
3 September and we're going to be, even though it
4 expires in September, even if the contractor didn't
5 complete it, they are required to complete it. It's
6 just the contract.

7 MR. FEKETE: Basically the contract for
8 the following year.

9 MR. TREVINO: For 2017.

10 MR. LOPEZ: So work is ongoing.

11 MR. NGUYEN: Yes.

12 MR. LOPEZ: Thank you.

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

15 MS. GREGORY: Ellen Gregory with Ellen
16 Gregory Law. As Mike mentioned, the Feddeler
17 appraisal issue. Fernando gave a brief update,
18 which I don't really have much to add to it.
19 Basically the Corps is researching some issues
20 related to the Feddeler parcels. We're waiting on
21 that information before we can move forward on the
22 appraisal.

23 Consent decree, the last biweekly
24 call we had was June 9, 2016. It's anticipated that
25 discussions on the consent decree will move forward

25

June 15, 2016

1 now that the South Tank Farm and West Tank Farm AOC
2 work has been completed and coordination of the AOC
3 work and the consent decree will proceed.

4 We also met, we had a telephone
5 conference with EPA and IDEM on June 7, 2016
6 related to the TSCA permit and also discussed
7 spending from the Trust and issues related to
8 financial assurances for the CDF, as well as
9 financial assurances on the non CDF parcels. We
10 expect to have a follow-up meeting or call with IDEM
11 to talk through with the RICRA, regulatory people at
12 IDEM about the financial assurance going forward.

13 And CDF, the Section 10 permit, we
14 are still waiting for the Army Corps permit writer
15 to get back to us on her review of the application
16 that we sent in in December. That's all I have.
17 Any questions?

18 (No Response)

19 MR. FEKETE: Thank you very much. Any new
20 business to come before the Board?

21 (No Response)

22 Any outstanding business that we
23 haven't covered?

24 (No Response)

25 Any public comments?

26

June 15, 2016

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(No Response)

Hearing none, I'll mention our next Board meeting will be July 20, 2016, 5:00 p.m., at this facility. This meeting is now adjourned.

(MEETING ADJOURNED.)

* * * * *

June 15, 2016

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 15th day of June, 2016, 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 23rd day of June, 2016.

Peggy S. LaLonde



Peggy S. LaLonde, CSR

My Commission expires: 3/14/2018