

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana
September 21, 2016
Wednesday, 5:00 p.m.

Transcript of the proceedings had in the
above-entitled matter, on the 21st day of September,
2016, at 5:00 p.m., at the City of East Chicago,
Engineering/Annex Building, 4444 Railroad Avenue,
East Chicago, Indiana, before Pamela C. Mokrzycki,
Certified Shorthand Reporter and Notary Public
for the County of Porter, State of Indiana.

ISEMINGER & ASSOCIATES, INC.
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September 21, 2016

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

MR. JOHN FEKETE, President

MR. JOHN BAKOTA, Board Member

MR. RAY LOPEZ, Board Member

MR. HENRY RODRIGUEZ, 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, U.S. Army Corps of
Engineers

* * * * *

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1 MR. FEKETE: We are on the record.

2 I would like to call to order the East
3 Chicago Waterway Management District Board
4 of Directors' Meeting for September. This
5 is September 21st, 2016, and time is 5:09.

6 The roll call. John Bakota?

7 MR. BAKOTA: Here.

8 MR. FEKETE: Henry Rodriguez?

9 MR. RODRIGUEZ: Here.

10 MR. FEKETE: Patrick Rodriguez?

11 (No Response.)

12 MR. FEKETE: Ted Zagar?

13 (No Response.)

14 MR. FEKETE: Kevin Doyle?

15 (No Response.)

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Here.

18 MR. FEKETE: John Fekete? Present.

19 We have a quorum.

20 Mr. Trevino, the engineering report,
21 consulting engineering report.

22 MR. FERNANDO: Okay. Fernando
23 Trevino, with FMT Consulting. I would like
24 to start by going over the contents of your
25 Board packet. You have the Board minutes

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1 for August 17th, 2016.

2 You have the CliftonLarsonAllen
3 financial statement dated August 31st, 2016.

4 You have the claim docket dated
5 September 21st, 2016, that is also on the
6 agenda for approval consideration.

7 You have the East Chicago Marina 2016
8 Hall Rental Agreement, also for approval
9 consideration.

10 We have the ECI Facility Trust Report
11 dated September 19th, 2016.

12 You have the BMO Harris brokerage
13 account statement ending in 534 for the
14 month of August of 2016.

15 And you have the First Merchant's Bank
16 statement for accounts ending in 608 and
17 616, and those are for the month of August
18 of 2016.

19 And you also have the user fee deposit
20 memory that is affiliated with the August
21 statement and the deposit memo is dated
22 August 22nd, 2016.

23 You have Tetra Tech's Progress Report
24 for the month of August and it is dated
25 September 9th, 2016.

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1 You have the Army Corps of Engineers
2 report to the Board dated September 21st,
3 2016.

4 You have Attorney Ellen Gregory's
5 report to the Board with the revision date
6 of September 20th, 2016.

7 You have an agenda from the East
8 Chicago Waterway Management District Finance
9 Committee Meeting. And that is dated
10 September 19th, 2016.

11 We also have a copy of my contract,
12 Exhibit A, which is the FMT Consulting
13 Performance Evaluation.

14 You have an Arcadis Report dated
15 August 22nd, 2016. And another one dated
16 September 9th, 2016. And a third dated
17 September 12th, 2016. And they are all
18 progress reports related to the prephase
19 recovery and boom maintenance, b-o-o-m.

20 And that concludes the contents of
21 the Board packet.

22 A couple things to go over. A couple
23 reports are still a draft. We are waiting
24 on a few items to finalize. The Rodney
25 Humphrey Report that summarizes the costs

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1 shared with the Army Corps for 2015.

2 You have the Enviro Forensics Report
3 that analyses the CDF construction costs
4 through closure. And we are also working to
5 finalize the Feddeler appraisal.

6 Attorney Ellen Gregory is working on a
7 legal analysis and position of the CDF
8 construction costs share and we hope to have
9 that summary letter finalized prior to our
10 next Board meeting.

11 BP informed us that Parsons will be
12 replacing Arcadis on their Whiting refinery
13 projects so, of course, we will be
14 cooperating with the transition process.

15 We had a Finance Committee Meeting
16 this past Monday. All three Board members
17 were able to attend, Mr. John Fekete, Kevin
18 Doyle, and Ray Lopez. I mentioned a copy of
19 the agenda is in your Board packet.

20 I plan to have the 2017 budget
21 prepared for Board consideration at our next
22 Board meeting. The current dollar figure
23 the district is considering funding towards
24 the Great Lakes Legacy Act Project is
25 1.5 million. And since the amount is

6

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1 substantial the authorization of those funds
2 will require a Board resolution to be
3 prepared through a first and second reading
4 approval process.

5 There is also a CD that will be
6 expiring in October and we will have
7 recommendations to the Board from the
8 Finance Committee on what we are doing with
9 the -- what we are recommending with the
10 expiring CD.

11 Three items that are on today's agenda
12 for approval, the Board meeting notes, the
13 accounts payable voucher register, and the
14 EC Marina Rental Agreement for the
15 October 19, IDEM Care Committee Public
16 Meeting.

17 And if any of those that you need the
18 spelling for just let me know.

19 COURT STENOGRAPHER: (Nodding.)

20 MR. FERNANDO: User fees. All user
21 fees are paid up except for one entity,
22 which is user ID 13, General Machine, which
23 has a delinquent payment for 2015 and '16.
24 The matter has been forwarded to the
25 Attorney General's Office for their

7

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1 handling.

2 Another entity accidentally shorted us
3 sixty cents, which we will just add to the
4 2017 invoice rather than to initiate a
5 collection process.

6 The Great Lakes Legacy Act Project
7 team continues to explore funding options
8 for the remediation phase. We are having
9 weekly project planning meetings with EPA
10 and BP to discuss remediation budgets,
11 scope, schedule, and submitting a project
12 proposal.

13 EPA provided comments to the
14 district's 2015 Cost Share Report, I
15 have revised the report since then and
16 resubmitted it to the EPA.

17 Tetra Tech's project report is in your
18 Board packet for additional information and
19 Mr. Jim Wescott of Tetra Tech is here to
20 provide additional detail updates on the
21 project.

22 The Army Corps report is in your
23 packet. Dredging started on September 13th
24 and Project Manager Natalie Mills of the
25 Corps will give an update on behalf of the

8

1 Corps.

2 Attorney Ellen Gregory will give an
3 update on various legal matters.

4 And that concludes my report.

5 MR. FEKETE: Thank you. Any questions
6 for Mr. Trevino?

7 (No Response.)

8 MR. FEKETE: The next order of
9 business will be the accounting consultant
10 report. Mr. Anderson.

11 MR. ANDERSON: Yes. Tim Anderson from
12 CliftonLarsonAllen. I will sit right here
13 by you.

14 COURT STENOGRAPHER: Thank you.

15 MR. FERNANDO: Do you guys all have a
16 copy of our report in your packet? Page two
17 is the first page with numbers on it. Cash
18 receipts \$694,000.00 which is made up of our
19 user fees. \$414,000.00 and then the
20 transfer from the trust, 276,000. And then
21 we have got our list of expenses that you
22 guys have approved over the months. And we
23 have spent down 369,000 of the money. So
24 our increase in cash was 325,000 for the
25 eight months ended August 31st. Started the

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1 year with \$2,058,000.00 and as of August
2 31st we have 2.3 -- \$2,383,000.00 in the two
3 accounts.

4 The next page, page three, is just a
5 summary of those two checking accounts. The
6 operating account, which we keep our unspent
7 budget in which is \$339,000.00 and that is
8 our checking account. And then the user fee
9 account is the one with the \$2,044,000.00
10 in it.

11 Page four is the important page. This
12 shows our original budget, the payables that
13 we had left over from last year and the cash
14 disbursements that we have made through
15 August. It also shows the 30,000 that is on
16 your claim docket for today. And then our
17 -- the balance of our unspent budget, which
18 is 308,000. And this page is important, of
19 course, because you guys need to know that
20 the checks that you are approving today
21 don't exceed our budget appropriation, which
22 none of them do, (gesturing) so we are good
23 on the claim docket for September. There's
24 a budget for every check that you have on
25 your claim docket.

10

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1 Do you guys have any questions on any
2 of the numbers at this point?

3 MR. LOPEZ: (Gesturing.)

4 MR. ANDERSON: Mr. Lopez.

5 MR. LOPEZ: Can you make the print
6 bigger?

7 MR. ANDERSON: Yeah. Why is it doing
8 that? From now on I am going to bring a
9 copy just on paper for you guys. I don't
10 know why when we print it out -- see,
11 (gesturing) because my copy is landscaped
12 and --

13 MR. LOPEZ: Tell them that you have
14 got a bunch of seniors here.

15 MR. ANDERSON: I did tell them that.
16 I don't know what the story is. It must be
17 when you print it out, Fernando.

18 MR. FEKETE: I think what happens is
19 when you print double sided and you click it
20 and then you continually, (gesturing) I
21 think it just prints it this way.
22 (Gesturing) If you were to select this
23 individually I think it would probably
24 come out landscaped.

25 MR. LOPEZ: Yeah, but look at his

11

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1 copy.

2 MR. FEKETE: Huh?

3 MR. LOPEZ: Look at his copy.

4 (Gesturing)

5 MR. ANDERSON: No, you know what I
6 will do, I will bring a big power point and
7 put it up on the wall for you guys if I have
8 to. No, you know what I will do from now
9 on, I will bring paper of just this page so
10 that --

11 MR. LOPEZ: I appreciate that. Thank
12 you for this, (gesturing) I am straining.

13 MR. ANDERSON: But if you can't read
14 the numbers, Mr. Lopez, we do have a good
15 balance of all of our budgets.

16 MR. LOPEZ: Yeah, when I sign it I
17 will --

18 MR. ANDERSON: I want you to know that
19 before you sign your claim.

20 Thank you.

21 MR. FEKETE: Thank you.

22 MR. FERNANDO: Thank you.

23 MR. FEKETE: Going back, I skipped an
24 item. The approval consideration for the
25 Board meeting notes of August 17th, 2016.

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1 Entertain a motion for approval.

2 MR. BAKOTA: Motion to approve.

3 MR. FEKETE: Do I have a second?

4 MR. RODRIGUEZ: Second.

5 MR. FEKETE: All in favor signify by
6 saying aye.

7 (All signify aye.)

8 MR. FEKETE: Any opposition?

9 (No Response.)

10 MR. FEKETE: The motion is approved.

11 The next order of business is to
12 approve the accounts payable voucher
13 register dated September 21st, 2016.

14 I will --

15 MR. LOPEZ: Motion to accept.

16 MR. FEKETE: I have a motion to accept
17 the approval.

18 MR. BAKOTA: Second.

19 MR. FEKETE: And we have a second. I
20 have a roll call vote. John Bakota?

21 MR. BAKOTA: Yes.

22 MR. FEKETE: Henry Rodriguez?

23 MR. RODRIGUEZ: Yes.

24 MR. FEKETE: Patrick Rodriguez?

25 (No Response.)

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1 MR. FEKETE: Ted Zagar?

2 (No Response.)

3 MR. FEKETE: Kevin Doyle?

4 (No Response.)

5 MR. FEKETE: Ray Lopez?

6 MR. LOPEZ: Yes.

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

8 The motion is approved.

9 And the next order of business is the
10 approval consideration for the East Chicago
11 Marina Rental Agreement. This -- Do you
12 want to explain? Okay. You explain it.
13 (Gesturing)

14 MR. FERNANDO: Well, we can do it
15 together.

16 MR. FEKETE: No, you can do it.

17 MR. FERNANDO: The agreement that you
18 have is the Waterway Management District is
19 co-hosting the IDEM Public Meeting through
20 their Care Committee and the event date is
21 October 19th, 2016. The agreement that you
22 have in front of you is just a formality.
23 They have waived all the fees and so it's
24 just a formality to get the Board to agree
25 to co-host the event on that date at the

14

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1 marina, and based on these terms, which is
2 no fees.

3 MR. FEKETE: I will entertain a motion
4 to approve the contract presented.

5 MR. RODRIGUEZ: Motion to approve.

6 MR. FEKETE: We have a motion to
7 approve. I need a second.

8 MR. LOPEZ: Second.

9 MR. FEKETE: We have a second. And
10 the roll call vote. I have a roll call
11 vote. John Bakota?

12 MR. BAKOTA: Yes.

13 MR. FEKETE: Henry Rodriguez?

14 MR. RODRIGUEZ: Yes.

15 MR. FEKETE: Patrick Rodriguez?

16 (No Response.)

17 MR. FEKETE: Ted Zagar?

18 (No Response.)

19 MR. FEKETE: Kevin Doyle?

20 (No Response.)

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

23 MR. FEKETE: John Fekete? I vote yes.
24 The motion is approved.

25 The next order of business is the

15

1 BMO Harris Bank Trust Report, Mr. Alonzo.

2 MR. ALONZO: David Alonzo, BMO Harris.

3 So before I jump into the normal
4 report, I was going to go through -- there
5 was a -- If you guys recall, we have got a
6 brokerage account where in the past we were
7 buying government agency bonds. And as
8 those rates were good we were doing that,
9 and as those rates fell apart we stopped
10 doing that. But in the meantime, we left
11 that account open just to make it --

12 COURT STENOGRAPHER: I'm sorry --

13 MR. ALONZO: What's that?

14 MR. FEKETE: Slow down a little.

15 MR. ALONZO: Oh, I thought I was
16 talking too loud.

17 COURT STENOGRAPHER: No, no. And in
18 the meantime --

19 MR. ALONZO: In the meantime, we
20 were just going to go ahead and keep that
21 brokerage account open in case we decide --
22 or I shouldn't say in case we decide, if
23 rates would get better we can go back in
24 that direction. So what happened was that
25 we hadn't used it in sometime and they

1 ended up cutting a check for the 300 and
2 some dollars that was in there and closing
3 the account out, so Fernando let me know
4 that they received a check. I did a little
5 research and it was because of inactivity.
6 We got the same account number opened up
7 again. We pretty much put a stop order on
8 the check and the money has been deposited
9 back in there, so we will keep that account
10 open for hopefully better rates to come,
11 whenever that might be.

12 So going into the report. Of course,
13 the first page is just the historical data,
14 since we have had the trust bond. The
15 balance from September 19th, 2016 was
16 \$5,572,380.00, which was a whopping \$31.00
17 difference from our last meeting.

18 And then the total disbursements for
19 the year were 276,950 for the budget.

20 On that third page Fernando had
21 mentioned, you know, that we have got a CD
22 coming up here next month on the 21st, and
23 we are going to look at some options for
24 that. That is the three-year Flex CD if you
25 are looking at that report. Right now it is

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1 showing a value of \$1,549,000.00, so we will
2 look at some options and take a look at what
3 rates are.

4 And then next year, early in the year,
5 we will have another CD coming due.

6 Now, that \$31.00 difference came from
7 just the money market. If we look at the
8 far right column (gesturing) we don't have
9 any interest being paid on these CDs and so
10 after our next meeting, the next meeting I
11 think is the 19th, which is a Wednesday. A
12 lot of these CDs pay interest on the 21st
13 through the 30th of next month, so we will
14 really see a nice pop in interest come our
15 November meeting.

16 In the meantime, is there any
17 questions at all?

18 (No Response.)

19 MR. ALONZO: The Fed didn't do
20 anything with rates again today, so we are
21 probably not going to see much on that.

22 (Gesturing)

23 MR. BAKOTA: After election.

24 MR. ALONZO: Yes, I know it isn't
25 going to do anything until the market is

18

1 ready for it.

2 MR. BAKOTA: Yeah.

3 MR. ALONZO: So in the meantime, we
4 will still work with you guys on rates and
5 when this one comes up in -- uh -- we will
6 have some ideas for you here to come.

7 MR. FEKETE: I did notice in the
8 report out from the Fed that there is a
9 little dissension in the ranks.

10 MR. ALONZO: Yeah, they all talk
11 different sizes.

12 MR. FEKETE: Yeah, three of the Fed,
13 was it district presidents, or whatever, are
14 at odds, so --

15 MR. ALONZO: Yeah, exactly. We will
16 see what happens, slow and steady is
17 probably what we will see, unfortunately,
18 or, fortunately for the markets.

19 (Gesturing)

20 Any questions?

21 (No Response.)

22 MR. ALONZO: Thank you.

23 MR. FEKETE: Thank you very much.

24 MR. LOPEZ: Thank you.

25 MR. FERNANDO: Thank you.

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1 MR. FEKETE: Great Lakes Legacy Act
2 Project update. Mr. Wescott from Tetra
3 Tech.

4 MR. WESCOTT: Good evening.

5 I don't really have much to report,
6 there wasn't much done in the last month.
7 It really goes back to Fernando's discussion
8 about trying to figure out from a project
9 partner standpoint available funds and
10 desired project that they want to accomplish
11 in 2017.

12 Like I mentioned last month, I mean,
13 there is still time to kind of put something
14 together, depending on the scope of work. I
15 think the project partners just need to kind
16 of come to a decision shortly.

17 MR. FEKETE: (Nodding.)

18 MR. WESCOTT: And I will be at the
19 Care Committee Meeting next month.

20 MR. FEKETE: Okay. You --

21 MR. WESCOTT: And, hopefully, the
22 scope is worked out, so I can talk about
23 something.

24 MR. FEKETE: Something.

25 (Everyone laughing out loud.

20

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1 MR. FEKETE: You are going to be
2 making a presentation on what we have done
3 up-to-date at the marina?

4 MR. WESCOTT: I will. And I will talk
5 to Fernando more. I mean, my -- I would
6 like to be able to talk about what the plan
7 is for 2017, but if there is no plan yet I
8 can just talk about what has been done to
9 date, but --

10 MR. FEKETE: One of the questions that
11 will probably come up, because we have had
12 some prior discussion, and it was Mr. Bakota
13 that brought it up, is the interface between
14 the canal project and our waterway work that
15 we are doing and what is going on in West
16 Calumet. West Calumet --

17 MR. WESCOTT: Was that regarding the
18 USS Lead Project?

19 MR. FEKETE: Yes. It is not only USS
20 Lead, but it is also the area that is north
21 of 151st.

22 MR. WESCOTT: That is still USS Lead
23 unit one is the Housing Authority.

24 MR. FEKETE: And so the question
25 becomes -- and we are not looking for an

21

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1 answer now, but you may want to think about
2 that and at some point in time whether we
3 should address it, (gesturing) you should
4 address it, somebody else should address it,
5 (gesturing) but we have looked at the
6 sediment, you have looked at the sediment.
7 There is somebody else is looking at the
8 property.

9 MR. WESCOTT: Right.

10 MR. FEKETE: What about the interface,
11 the banks, and things of that nature? You
12 know, under whose jurisdiction does that
13 fall? And who should be taking a look at it
14 and who -- you know, we know that the work
15 that you are doing, and under the Great
16 Lakes Legacy Act there can be no work done
17 if there is going to be a continual release
18 from something --

19 MR. WESCOTT: Uh-huh.

20 MR. FEKETE: -- whether it be oil,
21 seepage, outfalls, or even migration from
22 contaminated property, I would assume.

23 (Gesturing)

24 MR. WESCOTT: Uh-huh.

25 MR. FEKETE: So anyway, it's a

22

1 question, and we are not looking for an
2 answer from you today.

3 MR. WESCOTT: Okay.

4 MR. FEKETE: But it is --

5 MR. BAKOTA: Did you have one?

6 MR. FERNANDO: (Nodding.)

7 MR. FEKETE: But it is burning in the
8 back of our mind.

9 MR. WESCOTT: Well, I know that when
10 they did the investigation on the Housing
11 Authority that they did do samples at the
12 top of berm -- or at the top of the bank,
13 (gesturing) right along the fence line.

14 MR. BAKOTA: Oh, did they?

15 MR. WESCOTT: They did. And I haven't
16 seen the result. I mean -- And I know that
17 in the last sixty days that whole project's
18 kind of got turned around because there was
19 a plan for the Housing Authority and now
20 that plan is a lot different. (Gesturing)

21 MR. BAKOTA: Who took them samples,
22 EPA or --

23 MR. WESCOTT: Yeah, EPA's consultant.

24 (Brief pause had in the proceedings.)

25 MR. WESCOTT: My -- Without seeing

1 the results, the expectation would be that
2 most of the slag material that was used as
3 fill and got deposited on the surface
4 (gesturing) does not pose a source that
5 would run off into -- because we have not
6 really seen a lot of metals in the sediment.
7 (Gesturing)

8 MR. FERNANDO: The other concern was
9 the bank, so traditionally what is the bank
10 included in Great Lakes Legacy Act?

11 MR. WESCOTT: It can be if it is
12 impacted. I mean, the bank along the
13 Housing Authority is -- in many places is
14 riffraff. There is some places where it is
15 just soil, you know, goes right out.

16 (Gesturing) And that just goes back to what
17 -- If we can look at -- If the EPA samples
18 show impacts up to the top of the bank
19 (gesturing) the expectation would be that
20 project would then continue and grab the
21 banks if they had to.

22 MR. BAKOTA: And another thing that
23 we are concerned about is runoff, future
24 runoff from that property.

25 MR. WESCOTT: Uh-huh.

1 MR. BAKOTA: Water runoff if there is
2 no berm or barrier between that property
3 and the river, you know, would it
4 jeopardize --

5 MR. WESCOTT: Yeah, I mean, I would
6 assume that the final remedy for the Housing
7 Authority would include clean cover
8 material, so that if there is a rain event
9 there is nothing -- no impact of soil is
10 going to be washing from the Upland site
11 back down into the Indiana Harbor there, but
12 it's -- I can go back and I can make a
13 couple calls and see if I can find the
14 report that shows the bank samples or the
15 bank samples at the top of the bank and try
16 to have something by the Care Committee
17 Meeting. (Gesturing)

18 MR. FEKETE: Okay. That would be
19 great. I think that we would appreciate
20 that.

21 MR. WESCOTT: (Nodding.)

22 MR. FEKETE: You know, it is not part
23 of the presentation, but it is clearly in
24 the back of everyone's mind.

25 MR. WESCOTT: It is an interface

1 between the two --

2 MR. FEKETE: Right.

3 MR. WESCOTT: -- both projects are
4 very high profile and I am sure that there
5 is --

6 MR. FEKETE: Uh-huh.

7 MR. WESCOTT: -- potentially
8 questions, and at least a perception that
9 one is impacting the other.

10 MR. FEKETE: Right.

11 MR. WESCOTT: My sense is that they
12 are not, but I can understand the public
13 concern.

14 MR. FEKETE: Uh-huh. Okay.

15 MR. BAKOTA: Yeah, because we are
16 concerned with the led, but also with the
17 arsenic --

18 MR. WESCOTT: Right.

19 MR. BAKOTA: -- you know.

20 MR. FEKETE: Okay. Very good. Thank
21 you very much.

22 MR. BAKOTA: Thanks, Jim.

23 MR. FEKETE: The next order of
24 business is the U.S. Army Corps of Engineers
25 Report, Natalie Mills.

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1 MS. MILLS: Good evening, Natalie
2 Mills with the U.S. Army Corps of Engineers.

3 The CDF construction, as Fernando
4 indicated, the contractor did begin the
5 dredging operations on the 13th of
6 September. The network is scheduled to
7 continue through December. And that
8 includes the federal and the non-federal
9 work for a total of 270,000 cubic yards of
10 material. The Equipment Source Facility
11 Contract, that work is ongoing. They are
12 scheduled to be completed with their work
13 in October of 2016. Permit USEPA, IDEM, and
14 the Corps met on the 27th of April and the
15 16th of May to discuss the cost of permits
16 and we're supposed to get the draft TSCA
17 permit this week.

18 They had some questions for us that
19 we responded to and so I will keep you all
20 posted.

21 Ellen, I will send it on once we
22 receive it.

23 MS. GREGORY: (Nodding.)

24 MS. MILLS: And see if it is
25 favorable, if they are conditions that we

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1 believe that we can make adjustments and
2 incorporate into our contract. They did
3 indicate, USEPA indicated, that the
4 conditions would be somewhat of a take it
5 or leave it type of thing. So we will see.
6 But we don't plan to do any TSCA dredging
7 in this current dredge season because,
8 obviously, it is too late, at this point
9 we don't have the permit, so we are not able
10 to incorporate that work at this time.

11 The next thing that I have is the new
12 contracts. We are evaluating proposals for
13 the new operation and dredging contract and
14 we are on schedule to award a new contract
15 by the 30th of September. I can't tell you
16 how many proposals, or who we got proposals
17 from, you will have to wait until the award
18 notice. (Gesturing)

19 And that is all that I have at this
20 time.

21 MR. FEKETE: Okay.

22 MR. RODRIGUEZ: You know, this Monday
23 I've got to give a report to the city
24 council since I am their appointee. I have
25 told them the last couple of meetings that

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1 we were told that the dredging would start
2 like the first couple weeks of August, but
3 now it started September 13, so if they ask,
4 (gesturing) you know, why? Why a month
5 late, you know, why did it start a month
6 late?

7 MS. MILLS: I don't know that it's
8 late. I mean, this is just their schedule
9 and just how they schedule their work.
10 (Gesturing) They were doing water treatment
11 onsite --

12 MR. RODRIGUEZ: Uh-huh.

13 MS. MILLS: -- just basically they
14 went and got their crew.

15 MR. RODRIGUEZ: So the contractors
16 pushed back their --

17 MR. WESCOTT: Uh-huh.

18 MR. RODRIGUEZ: -- delivery time just
19 because --

20 MS. MILLS: Right. Yes, nothing
21 remarkable that happened or any particular
22 delays, it's just their schedule.

23 MR. RODRIGUEZ: Okay. I will tap
24 dance them.

25 MS. MILLS: It is a tap dance.

29

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1 MR. RODRIGUEZ: Okay. All right.

2 MR. FEKETE: Very good. I need to
3 talk to you about the presentation on the
4 19th.

5 MS. MILLS: Okay.

6 MR. FEKETE: So afterwards.

7 MS. MILLS: Okay.

8 MR. FEKETE: Any other questions?

9 (No Response.)

10 MR. FEKETE: Thank you very much.

11 MS. MILLS: Thank you.

12 MR. FEKETE: Attorney Ellen Gregory
13 Report.

14 MS. GREGORY: Ellen Gregory with Ellen
15 Gregory Law.

16 On the consent decree, the last
17 biweekly call we had was last Thursday,
18 September 15th. EPA has issued a final
19 approval for the AOC site investigation
20 work. And EPA and BP are discussing --
21 coordinating the next steps for remediation
22 for the next phase of the investigation and
23 coordinating that with the consent decree.

24 On the PCAs Fernando mentioned we are
25 working on putting together a position to be

30

1 able to present to the Corps at/or around
2 the next Board meeting.

3 The INDOT permit for the booms which
4 attach --

5 COURT STENOGRAPHER: I'm sorry, with
6 the booms?

7 MS. GREGORY: -- the booms, b-o-o-m-s,
8 to attach the booms to the bridge expires
9 this November. We will be coordinating with
10 INDOT in the next month or so to make sure
11 that we get that extended before the
12 November deadline.

13 The Feddeler parcel the Corps is
14 trying to contact BP about transferring BP's
15 interest in the Feddeler parcel before we
16 approach Feddeler about negotiating the
17 value of that parcel. We have not heard
18 back from the Corps on whether or not they
19 have actually gotten in touch with Michael
20 Elam of BP yet.

21 COURT STENOGRAPHER: I'm sorry,
22 whether they have gotten in touch with --

23 MS. GREGORY: Michael Elam, E-l-a-m,
24 of BP.

25 COURT STENOGRAPHER: Thank you.

1 MS. GREGORY: On the property
2 transfers we have provided BP with a list
3 of proposed appraisers and we are waiting
4 on a response from them. I haven't heard
5 anything from them on that yet.

6 And that is all that I have.

7 MR. FEKETE: Okay. Any questions for
8 Ms. Gregory?

9 (No Response.)

10 MR. FEKETE: Thank you very much.
11 Any new business to come before the
12 Board?

13 MR. BAKOTA: Mr. Chairman.

14 MR. FEKETE: Yes.

15 MR. BAKOTA: I would like to make a
16 motion that we contact the EPA on our
17 concern that -- to reflect our concern on
18 the condition of the banks parallel to the
19 West Calumet Project.

20 COURT STENOGRAPHER: To the west side?

21 MR. BAKOTA: The West Calumet Project.

22 I would like testing for lead and
23 arsenic, but also this would include the
24 north and south side of the 151st Street
25 bridge, the banks parallel to that

1 shoreline. My concern is that, of course,
2 that river empties into Lake Michigan, our
3 drinking water source and swimming areas and
4 I haven't seen any test results on that and
5 I don't know if they tested the banks. So
6 if we could just contact the EPA and reflect
7 our concerns on that issue.

8 MR. LOPEZ: I will second the motion.

9 MR. FEKETE: Okay.

10 MR. LOPEZ: We have to write it up.

11 (Gesturing)

12 MR. FEKETE: If it is not passing
13 funds or anything we will take a vote, a
14 voice vote on this matter. All in favor
15 signify by saying aye?

16 (All signify aye.)

17 MR. FEKETE: Any opposition?

18 (No Response.)

19 MR. FEKETE: Any abstention?

20 (No Response.)

21 MR. FEKETE: Hearing none, the motion
22 is passed.

23 I guess under the order of new
24 business I did mention, both to Mr. Wescott
25 and to Ms. Mills, the October 19th event

1 that will be held at the East Chicago
2 Marina. It's being co-hosted by ourselves,
3 the East Chicago Waterway Management
4 District, and the Indiana Department of
5 Environmental Management. And it's the
6 annual update on work going on in the Grand
7 Calumet River area of concern, which
8 includes the Grand Calumet River and the
9 Indiana Harbor Ship Canal, as well, a number
10 of habitats in that particular defined area.
11 The event has been held annually and it was
12 held two years ago here in East Chicago, it
13 is returning again to the marina and we had
14 agreed that we would help sponsor it. And
15 to that extent, I would like to ask for
16 permission to set aside \$1,500.00 of our
17 outreach money in case it be needed for any
18 items associated with it, particularly with
19 the food, if necessary. We do have the
20 money in the budget and so I would entertain
21 a motion to set aside the \$1,500.00 for this
22 particular event.

23 MR. BAKOTA: Motion to accept.

24 MR. FEKETE: I have a motion to
25 accept. Do I have a second?

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1 MR. LOPEZ: Second.

2 MR. FEKETE: I have a second. I have
3 a roll call vote. I have a roll call vote.
4 John Bakota?

5 MR. BAKOTA: Yes.

6 MR. FEKETE: Henry Rodriguez?

7 MR. RODRIGUEZ: Yes.

8 MR. FEKETE: Patrick Rodriguez?

9 (No Response.)

10 MR. FEKETE: Ted Zagar?

11 (No Response.)

12 MR. FEKETE: Kevin Doyle?

13 (No Response.)

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

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

17 The motion is approved.

18 Any other business to come before the
19 Board?

20 (No Response.)

21 MR. FEKETE: Any public comment?

22 (No Response.)

23 MR. FEKETE: Hearing none, the next
24 Board meeting will be October 19th, 2016,
25 5:00 p.m., at this facility.

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1 I will entertain a motion for
2 adjournment.

3 MR. RODRIGUEZ: Motion to adjourn.

4 MR. FEKETE: Is there a second?

5 MR. BAKOTA: Second.

6 MR. FEKETE: We have a second. All
7 in favor signify by saying aye?

8 (All signify aye.)

9 MR. FEKETE: Our meeting is approved
10 and over.

11
12 (Meeting adjourned.)

13
14 * * * * *

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C E R T I F I C A T E

I, PAMELA C. MOKRZYCKI, a competent and duly qualified court reporter, C.S.R., 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 September, 2016, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I did report in machine shorthand, the foregoing proceedings and that my shorthand notes so taken at said time and place were thereafter reduced to typewritten transcript under my personal direction.

I further certify that the foregoing typewritten transcript constitutes a complete record of the said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Valparaiso, Indiana, this 30th day of September, 2016.


Pamela C. Mokrzycki

