

In the Matter Of:
East Chicago Waterway Management

MEETING OF 6-20-18

June 20, 2018



Iseminger & Associates, Inc.
877-337-7379

1 EAST CHICAGO WATERWAY MANAGEMENT

2 DISTRICT BOARD OF DIRECTORS' MEETING

3 City of East Chicago, Engineering/Annex Building

4 4444 Railroad Avenue

5 East Chicago, Indiana

6 JUNE 20, 2018

7 Wednesday 5:00 p.m.

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10 Transcript of the proceedings had in the
11 above-entitled matter, on the 20th day of June, 2018 at
12 5:00 p.m., at the City of East Chicago,
13 Engineering/Annex Building, 4444 Railroad Avenue, East
14 Chicago, Indiana, before Dawn M. Iseminger, RPR, and
15 Notary Public within and for the County of Porter,
16 State of Indiana.
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A P P E A R A N C E S

MR. JOHN FEKETE, President

MR. KEVIN DOYLE, Board Member

MR JOHN BAKOTA, Board Member

MR. HENRY RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. TED ZAGAR, Board Member - appearing
telephonically

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT:

TIM ANDERSON, Clifton/Larson/Allen

NATALIE MILLS, U.S. Army Corps of Engineers

BENJAMIN HERVERT, Buckeye Construction

* * * * *

1 MR. PRESIDENT: I'd like to call to order the
2 East Chicago Waterway Management District board of
3 director's meeting. Today's date is June 20,
4 2018, and the time is 5:03.

5 John Bakota?

6 MR. BAKOTA: Here.

7 MR. PRESIDENT: Henry Rodriguez?

8 MR. HENRY RODRIGUEZ: Here.

9 MR. PRESIDENT: Ted Zagar --

10 MR. ZAGAR: Here.

11 MR. PRESIDENT: -- okay, here by phone.

12 Patrick?

13 (No response.)

14 MR. PRESIDENT: Not here. Kevin Doyle?

15 MR. DOYLE: Here.

16 MR. PRESIDENT: Ray Lopez?

17 MR. LOPEZ: Here.

18 MR. PRESIDENT: John Fekete, present.

19 Next order of business is the executive
20 director's report, Mr. Trevino.

21 MR. FERNANDO: Yes, I'd like to start off by
22 going over the contents of your board packet. You
23 have the minutes for the May 16, 2018, board
24 meeting. You have the financial statements from
25 CliftonLarsonAllen dated May 31, 2018. You have

1 the claim docket dated June 20, 2018, and since I
2 e-mailed it, I handed out the second page to the
3 claim docket. The e-mailed one didn't have the
4 itemized checks; so you have the full claim
5 docket.

6 You have First Merchant bank statements
7 for the month of May 2018 for accounts ending
8 in 608 and 616. You have a budget amendment
9 request spread sheet. The table is dated
10 June 20, 2018. And the back up, which is 2018
11 legal budget for all legal work, and that's a
12 revision date of June 19, 2018.

13 You have a contract agreement titled,
14 "Supplemental Agreement Regarding User Fee
15 Collections Assistance," and that is with the
16 district and Attorney Jim Weiser.

17 You have the ECI Facility Trust report
18 from BMO Harris and it's dated May 31, 2018,
19 along with summary notes.

20 You have the Army Corps of Engineers
21 monthly report to the board dated June 20,
22 2018. An Army Corps of Engineers news release
23 regarding the Corps starting their 2018
24 dredging, and that's release date of June 4,
25 2018.

1 You have an e-mail from me to the Corps
2 dated June 11, 2018, regarding the district's
3 comments to the Corps CDF entrance road
4 resurfacing project specs and plans.

5 You have Attorney Ellen Gregory's report
6 to the board with the revision date of June 19,
7 2018.

8 You have Parson's report -- progress
9 report for the month of May 2018, and
10 describing the boom maintenance and re-phase
11 recovery project. And you also have a Parson's
12 monthly bird observation monitoring report
13 No. 33 for the month of May 2018.

14 And that concludes the items in your board
15 packet.

16 Just to go over a few items: There's a
17 recommendation for a 2018 budget amendment in
18 the amount of \$19,000 for Attorney Ellen
19 Gregory. We received a \$13,000 check from BP
20 for reimbursement for the two appraisal
21 reports, and that has been deposited into the
22 trust account. That was the account that was
23 used to pay for the appraisals. There's a
24 July 17th meeting scheduled with United States
25 Coast Guard and other stakeholders regarding

1 the Canal Street bridge.

2 Regarding the user fees, we received
3 payments for all but three user fee
4 assessments. One is an unpaid assessment for
5 an appeal, which we hope to resolve by the July
6 board meeting. A second unpaid assessment,
7 they have informed us that we'll get a check by
8 Friday. So we should receive payment in the
9 next week or so. And the third unpaid
10 assessment, that one has already been referred
11 to the attorney general's office. That's the
12 one that we've had unpaid for more than a year
13 now.

14 Also, on today's agenda regarding user
15 fees is a recommendation to approve a contract
16 agreement that I mentioned with Attorney Jim
17 Weiser to pursue unpaid user fees.

18 The Great Lakes Legacy Act project, we
19 continue to work on negotiations on the project
20 agreement with EPA and BP. Although an
21 agreement is still hopeful, it's starting to
22 look a little more challenging whether we're
23 going to have a project agreement or not. So
24 I'll keep the board posted on any developments.

25 Summary of the action items on the agenda

1 is the meeting notes, the claim docket, the
2 2018 budget amendment, and the contract
3 agreement with Jim Weiser to pursue unpaid user
4 fees.

5 Regarding the Corps dredging project, the
6 dredging has started. Natalie is here to give
7 additional details on the dredging project.
8 The Corps requested feedback on the CDF
9 entrance road resurfacing project drawings and
10 specs, which I have provided. As I mentioned
11 that e-mail is in your packet.

12 We met last week with Colonel Reisinger of
13 the Corps and other stakeholders to review project
14 updates, schedules, and concerns. The meeting
15 went quite well, I thought. I thank Natalie
16 for scheduling that and having us at the
17 meeting. They've also requested feedback on
18 their project management plan, which we
19 anticipate getting feedback to them by Friday.
20 And then in other project, the Indy
21 Boulevard --

22 MS. MILLS: Parkway improvement.

23 MR. FERNANDO: -- Parkway improvement
24 project. And Attorney Ellen Gregory will be
25 giving an update on various legal matters. That

1 concludes my report.

2 MR. PRESIDENT: Any questions for
3 Mr. Trevino?

4 (No response.)

5 MR. PRESIDENT: Thank you very much.

6 Next order is the approval of the board
7 meeting notes for May 16, 2018.

8 MR. BAKOTA: Motion to approve.

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

11 MR. HENRY RODRIGUEZ: Second.

12 MR. PRESIDENT: We have a second. And we'll
13 have a roll call to approve the minutes of May 18.

14 John Bakota?

15 MR. BAKOTA: Yes.

16 MR. PRESIDENT: Henry Rodriguez?

17 MR. HENRY RODRIGUEZ: Yes.

18 MR. PRESIDENT: Ted Zagar?

19 MR. ZAGAR: Yes.

20 MR. PRESIDENT: Pat Rodriguez?

21 (No response.)

22 MR. PRESIDENT: Kevin Doyle?

23 MR. DOYLE: Yes.

24 MR. PRESIDENT: Ray Lopez?

25 MR. LOPEZ: Yes.

1 MR. PRESIDENT: John Fekete, I vote yes.

2 That motion is approved.

3 The next order of business is the
4 accounting consultant report.

5 MR. ANDERSON: Tim Anderson. You want me
6 here?

7 THE REPORTER: Yes, please.

8 MR. ANDERSON: Does everybody have a copy of
9 the report?

10 MR. PRESIDENT: We do.

11 MR. ANDERSON: Good. The report is for the
12 five months ended May 31st. Page 2, the cash
13 receipts through five months ended May 31st of
14 \$564,463. Disbursements, \$144,447. Sorry. Cash
15 has increased \$420,016 for those months. And this
16 is just the two checking accounts that we have.
17 This is not the trust account. So this is our
18 operating account and the user fee account. Those
19 two accounts totaled \$3,070,000 at the beginning
20 of the year, and now it's \$3,490,000. And those
21 accounts are reconciled each month with the
22 software and everything is balanced.

23 Page 3, which is a couple pages back,
24 shows each of the accounts. The operating
25 account is the account that we just keep the

1 money in for our budget, the annual budget, so
2 that that balance roughly equates what we have
3 left to spend on or budget for this year. And
4 then the user fee account is just the
5 accumulation of those dollars since we started
6 assessing those fees.

7 Page 4 is the important page. That shows
8 what we've spent, what we budgeted, and what we
9 have left to spend for the year. You'll see
10 the column -- the second column to the right is
11 the cash disbursements, June. That's what's on
12 your claim docket that you have in front of you
13 today. And then the unused budget column shows
14 what the budget is after you approve the claim
15 docket today, and there's no -- there's no
16 accounts where we're even close; so you can
17 feel comfortable passing the claims docket that
18 you have today.

19 Any questions on any of this?

20 (No response.)

21 MR. ANDERSON: That's it. Would you like a
22 copy?

23 THE REPORTER: Sure.

24 MR. PRESIDENT: The next order of business is
25 the approval of the accounts payable voucher that

1 you have before you dated June 20, 2018.

2 MR. HENRY RODRIGUEZ: Motion to approve.

3 MR. PRESIDENT: We have a motion to approve.

4 MR. DOYLE: Second.

5 MR. PRESIDENT: And we have a second. We'll
6 have a roll call vote.

7 John Bakota?

8 MR. BAKOTA: Yes.

9 MR. PRESIDENT: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. PRESIDENT: Ted Zagar?

12 MR. ZAGAR: Yes.

13 MR. PRESIDENT: Patrick Rodriguez?

14 (No response.)

15 MR. PRESIDENT: Kevin Doyle?

16 MR. DOYLE: Yes.

17 MR. PRESIDENT: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. PRESIDENT: John Fekete, I vote yes.

20 The next order of business is the approval
21 consideration for the 2018 budget amendment
22 that Mr. Trevino just explained. Was that the
23 \$19,000?

24 MR. FERNANDO: Yes. The budget amendment is
25 for \$19,000 for the budget line item for Attorney

1 Ellen Gregory, and it's for the line item under
2 the non-trust dollars. And the bulk of the 19- is
3 for unanticipated additional work on the Great
4 Lakes Legacy Act project. We had anticipated
5 having those documents and contracts finalized by
6 the end of last year, and so we're still working
7 on those.

8 MR. PRESIDENT: Still working on them, okay.
9 I'll entertain a motion to approve the 19,000 --
10 or the budget amendment as presented by
11 Mr. Trevino.

12 MR. HENRY RODRIGUEZ: Motion to approve.

13 MR. PRESIDENT: Do I have a second?

14 MR. DOYLE: Second.

15 MR. PRESIDENT: Roll call vote.

16 John Bakota?

17 MR. BAKOTA: Yes.

18 MR. PRESIDENT: Henry Rodriguez?

19 MR. HENRY RODRIGUEZ: Yes.

20 MR. PRESIDENT: Ted Zagar?

21 MR. ZAGAR: Yes.

22 MR. PRESIDENT: Pat Rodriguez?

23 (No response.)

24 MR. PRESIDENT: Kevin Doyle?

25 MR. DOYLE: Yes.

1 MR. PRESIDENT: Ray Lopez?

2 MR. LOPEZ: Yes.

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

4 And the next order of business for
5 approval consideration is the agreement to
6 pursue unpaid user fees. I think that's the
7 agreement that we have with Mr. Weiser?

8 MR. FERNANDO: That's correct. We have an
9 existing agreement with Attorney Weiser. This is
10 a supplemental agreement to that which includes
11 pursuing unpaid user fee and collections
12 assistance.

13 MR. PRESIDENT: I'll entertain a motion to
14 approve the amendment to the agreement with
15 Mr. Weiser to pursue unpaid user fees.

16 MR. BAKOTA: Motion to approve.

17 MR. PRESIDENT: We have a motion. Do I have
18 a second?

19 MR. HENRY RODRIGUEZ: Second.

20 MR. PRESIDENT: We have a second.

21 Roll call vote, John Bakota?

22 MR. BAKOTA: Yes.

23 MR. PRESIDENT: Henry Rodriguez?

24 MR. HENRY RODRIGUEZ: Yes.

25 MR. PRESIDENT: Ted Zagar?

1 MR. ZAGAR: Yes.

2 MR. PRESIDENT: Patrick Rodriguez?

3 (No response.)

4 MR. PRESIDENT: Kevin Doyle?

5 MR. DOYLE: Yes.

6 MR. PRESIDENT: Ray Lopez?

7 MR. LOPEZ: Yes.

8 MR. PRESIDENT: John Fekete, I vote yes.

9 The next order of business on the agenda
10 is the Great Lakes Legacy Act project update.

11 MR. FERNANDO: Yeah. I've given the crux of
12 the update. We had that on the agenda in the
13 event that our conference call that we had this
14 morning was going to be successful enough that we
15 were going to have final agreements and present
16 them for board approval, but the project team is
17 still working on trying to resolve final language
18 on the project agreement and possibly the side
19 agreement.

20 MR. PRESIDENT: Okay. Any questions for
21 Mr. Trevino?

22 (No response.)

23 MR. PRESIDENT: The BMO Harris Bank trust
24 report is our next item.

25 MR. FERNANDO: Yes. So to give a summary of

1 the ECI trust budget, you have three pages that
2 are in your board packet. Page 1 highlights the
3 historical value of the trust since 1997 and the
4 distributions each year since 1997.

5 On page 2 you'll see the total value of
6 the trust, which is approximately 4.68 million,
7 and that's as of May 31st, which is an increase
8 of \$69 from the last meeting. And the increase
9 is due to interest on the money market only.

10 Two CDs will pay interest at the end of
11 this month and be reflected on the July report.
12 The BP deposit that I mentioned earlier was
13 made on June 6; so it's not reflected in this
14 month of May report that you have in front of
15 you.

16 Page 3 shows the values of the money
17 market essential business checking account and
18 the CDs. One CD will mature at the end of this
19 month for approximately 1.55 million. Those
20 proceeds will be deposited into the money
21 market and will stay there until the next CD
22 matures of July 22, 2018.

23 At our May 15th investment committee
24 meeting we had determined that when -- after
25 the July meeting is when we would decide what

1 the investment direction was going to be for
2 those two expiring CDs, and then our plan was
3 to put it in the money market and then decide
4 at the July board meeting.

5 Regarding the prime money market update
6 rate change: Unfortunately, Dave wasn't
7 able -- or wasn't aware that an entity
8 designation that ECI facility trust falls under
9 wouldn't qualify for the higher rate money
10 market. So he will continue to keep an eye out
11 for options that will provide better rates as
12 they come up. That concludes the BMO Trust
13 report.

14 MR. PRESIDENT: Okay. Any questions?

15 (No response.)

16 MR. PRESIDENT: I think that's a pretty good
17 report that Mr. Alonzo presents every month.

18 MR. FERNANDO: Yeah.

19 MR. PRESIDENT: The next order of business is
20 the Army Corps of Engineers report. Natalie
21 Mills.

22 MS. MILLS: Thank you. Natalie Mills with
23 the US Army Corps of Engineers. As Fernando has
24 indicated -- Fernando, you could have just gave my
25 report -- the dredging has started on the 4th of

1 June. They are scheduled to dredge approximately
2 150,000 cubic yards of material between the June
3 and September time frame, which includes
4 30,000 cubic yards for ArcelorMittal.

5 The operation of the gradient control
6 system, that work is continuing to go on as
7 scheduled.

8 As far as the new products, as Fernando
9 indicated, the Parkway improvement project, you
10 all have the plans and specs and are
11 providing -- or will be providing comments. So
12 that project is going to be set aside for small
13 business. So whomever the responsive bidder,
14 will be a small business.

15 The insurance road resurfacing, thank you
16 for providing comments on the contract plans
17 and specs. We will be incorporating the
18 comments that you guys sent over, and I will
19 send a formal response as far as employing the
20 local labor. We cannot include provisions to
21 explicitly state that they have to have someone
22 from East Chicago, but I believe this one is
23 going to be set aside for a small business as
24 well; and certainly that there will be, I
25 think, minority goals for, you know,

1 encouragement for minority participation. But
2 we can't tell contractors specifically to
3 employ anyone from any particular community.
4 But I'll send it back in writing.

5 MR. FERNANDO: Okay.

6 MR. PRESIDENT: Didn't we at some time in the
7 past have periodic review sessions open to anybody
8 who wanted to contract with the Army Corps as to
9 what the requirements were to apply for or to get
10 an approved contract?

11 MS. MILLS: Yes. We have what's called --
12 it's called a "Business Opportunity Open House."

13 MR. PRESIDENT: Right.

14 MS. MILLS: Yes, we did have one recently.
15 I'll make sure that the next time we have one,
16 we'll include you all -- or so you can disseminate
17 the information to contractors.

18 MR. PRESIDENT: I think that's important,
19 because the questions are not as frequent as they
20 were in the past. But we ourselves should be at
21 least reminded that this opportunity does exist
22 from time to time and when it does come to pass
23 that we are informed that it is a current activity
24 so that should we have any questions, that we say,
25 "Oh, yeah, there's some place to go to."

1 MS. MILLS: Yeah. It's also an opportunity,
2 you get to see all the opportunities that the
3 Corps is doing. Our district, not just Indiana
4 Harbor. So many other projects that are going on.

5 MR. FERNANDO: Yeah, if you could send us
6 that, that would be great. Part of our role is to
7 be an advocate for the local community.

8 MS. MILLS: Sure. I can send the list of the
9 opportunities for this fiscal year, even though it
10 is wrapping up. We have a lot of things that are
11 going to be coming up soon. Like these two here,
12 there are quite of few that we're going to be
13 trying to disseminate for award by September 30th.
14 So I'll send the list in case you want to
15 disseminate.

16 MR. PRESIDENT: That will be good. We'll
17 work with the city to figure out how we can get
18 the message out.

19 Okay, excellent. Any other questions for
20 Miss Mills?

21 MR. BAKOTA: Yes. On that improvement of the
22 Parkway, you mentioned -- at the last meeting you
23 mentioned putting concrete down --

24 MS. MILLS: Right.

25 MR. BAKOTA: -- right over that where we have

1 river rock now?

2 MS. MILLS: Right.

3 MR. BAKOTA: And I mentioned storm water.

4 MS. MILLS: Yes.

5 MR. BAKOTA: Most communities, including East
6 Chicago, they frown on putting concrete down on
7 bare ground because we have a combined sewer
8 system in East Chicago. The storm water overloads
9 our sanitary district. So I talked to the utility
10 director and he says no way that would happen. So
11 you're going to have to go through the permitting
12 process, and I have already contacted him that --

13 MS. MILLS: Which permitting process?

14 MR. BAKOTA: You're going to have to get a
15 permit to put concrete down.

16 MS. MILLS: A permit from whom?

17 MR. BAKOTA: The city. And I'm sure the city
18 is going to refer you to the utility director to
19 storm water.

20 MR. FERNANDO: There's concern with the
21 Parkway being fully paved and increasing the
22 amount of storm water flow to the sewer system.

23 MS. MILLS: Right. So I took it back -- you
24 asked me this last month and I did take it back to
25 the design team, and I asked the hydraulic

1 engineer to look at what would be the increase.

2 MR. PRESIDENT: Make them aware of the fact
3 that municipalities across the country are
4 obligated to do things about storm water run off,
5 as are anybody who has parking lots and a lot of
6 land that has the opportunity or the possibility
7 to be paved but this is a major concern. And you
8 see in residential complexes when developers come
9 up, there's always -- as you drive through there's
10 always a big retention pond that's available for
11 storm water run off. This is a big issue; so
12 don't treat it lightly, please.

13 MS. MILLS: Uh-huh.

14 MR. BAKOTA: Newer communities have separate
15 sewer system: Storm water and sanitary. Old
16 communities have a combined sewer system; so they
17 become overloaded during a rainstorm. And they
18 have to treat all the water as contaminated water,
19 which overloads the community's ability to treat
20 it. If they can't treat it, they dump it into the
21 river without treatment. So you're just adding to
22 the pollution.

23 MS. MILLS: No, we don't want to do that.

24 MR. BAKOTA: All right.

25 MR. PRESIDENT: Okay. At the next meeting,

1 can you report?

2 MS. MILLS: Yeah. We were thinking of adding
3 some drainage.

4 MR. FERNANDO: To open areas?

5 MS. MILLS: Yeah.

6 MR. FERNANDO: So it could flow into the
7 ground?

8 MS. MILLS: Uh-huh.

9 MR. PRESIDENT: Yeah. Because this is not
10 only the visibility to the community but it is a
11 very serious concern because you're going right
12 into the roadway which goes into the city sewer
13 system.

14 Any other questions for Miss Mills?

15 (No response.)

16 MR. PRESIDENT: Thank you, very much.

17 MS. MILLS: Thank you.

18 MR. PRESIDENT: Attorney Ellen Gregory.

19 ATTORNEY GREGORY: Ellen Gregory with Ellen
20 Gregory Law. I have very little to report this
21 month. I have been working mostly on trying to
22 pull together the Great Lakes Legacy Project
23 documents, including negotiating and working with
24 Fernando negotiating with the EPA. It's basically
25 all I've been working on. So that's it.

1 MR. PRESIDENT: Okay. Any questions for
2 Miss Gregory?

3 (No response.)

4 MR. PRESIDENT: Buckeye project presentation,
5 Mr. Heibeit.

6 THE REPORTER: Spell that form me.

7 MR. HEIBEIT: H-e-i-b-e-i-t, with Buckeye
8 Partners. Save one for Ted.

9 MR. ZAGAR: Thank you.

10 MR. HEIBEIT: I made a couple sheets here.
11 It's just a small handout on the -- we call it an
12 HDD project because it's the direction, flow of
13 directional drilling underneath the Indianapolis
14 Indiana canal and then the Lake George canal. So
15 if you -- the first page is just a little bit
16 about Buckeye and the history of, you know, being
17 in the business for a long time doing pipeline
18 work back in the day.

19 This first page here kind of gives a
20 little overview of the project. So I guess the
21 print is a little bit little. But Buckeye, the
22 facility we're going to be doing the work in,
23 is right here (indicating), the facility that
24 kind of corners around McShane. So we're
25 drilling underground pipes from north/south

1 between BP's property and Buckeye's property.
2 So we have two directional drill pipes, 12-inch
3 product pipes, and one ATP pipe for electrical.
4 And then we're doing another directional drill
5 going east/west between our two facilities,
6 Buckeye's two facilities, just north of the
7 Congress bridge. And that will be one drill
8 with two or three pipes inside of that drill.
9 So it's like a combination pipe, and that will
10 be all product pipes. So that's kind of like
11 an overview.

12 I kind of included a few slides here. The
13 next one is the permitting process that we go
14 through for the drilling piece. There are
15 several state and local and federal permits we
16 have to go through to get this cleared. We
17 still haven't cleared all the permits. Right
18 now we're with the Army Corps going through the
19 last part of the permit. But so far it looks
20 pretty good. That's that page, page 4.

21 Page 5 is just a little bit about HDDs. I
22 mean, pipeline companies use them. Probably
23 more regularly seen, you see telecommunications
24 companies use them when they go underneath
25 roads. And pipes are a little smaller -- well,

1 sometimes in Chicago they're bigger. But may
2 also be 12-inch drills or it will be about a
3 24-inch drill on the east to west side.

4 MR. BAKOTA: So this isn't a product --
5 that's not a product going through there?

6 MR. HEIBEIT: Yes.

7 MR. BAKOTA: It is a product?

8 MR. HEIBEIT: It is a product.

9 MR. BAKOTA: What is the product?

10 MR. HEIBEIT: Gasoline, diesel, jet fuel,
11 things like that.

12 MR. BAKOTA: On separate lines?

13 MR. HEIBEIT: You can combine all of them.
14 So you can put gasoline, diesel, and jet fuel in
15 the same line. So we've got one -- between BP and
16 us, we've got one line. We're putting in service
17 one line. We're drilling for spare. And then the
18 electrical is just for electrical. The east/west
19 line we're drilling two product lines. One is
20 going to be gasoline and diesel, the other one is
21 a butane, liquified butane east to west it.

22 MR. BAKOTA: From my understanding, you're
23 combining the product in the pipeline?

24 MR. HEIBEIT: No. So you push batches, and
25 then you follow it by other batches. So you'll

1 push like gasoline, and then you'll follow it with
2 diesel.

3 MR. BAKOTA: But there will be some blending
4 in between?

5 MR. HEIBEIT: Yeah. We call it trans mix,
6 and the trans mix gets cut out and put to another
7 tank.

8 MR. FERNANDO: So it flushes it out with the
9 new product?

10 MR. HEIBEIT: Yeah, it flushes out, and new
11 product, and then you cut the middle part out and
12 you put it in a tank, and then that keeps your
13 diesel and gasoline separate.

14 MR. PRESIDENT: I'm just smiling because
15 years ago I got to visit one of your facilities
16 over here in East Chicago, and they were
17 transferring the one product and another product,
18 and then at some point in time they announced that
19 the pig was coming through. And I guess you send
20 pigs through periodically too.

21 MR. HEIBEIT: Yeah.

22 MR. PRESIDENT: It's just a device. And I'm
23 sitting there listening to this. "A pig is coming
24 through?" Yeah, we have to set the trap, you
25 know; and all of a sudden you hear clank, clank,

1 clank, clank -- bang. Am I characterizing it --

2 MR. HEIBEIT: That's exactly right. It
3 doesn't even look like a pig.

4 MR. BAKOTA: Do they send an inspection pig
5 through the line to check --

6 MR. HEIBEIT: Yes.

7 MR. BAKOTA: -- thickness of the walls?

8 MR. HEIBEIT: Absolutely. So every five --
9 so we have an integrity program for all of our
10 pipelines that we do, and I'm not the expert on
11 integrity. I know we run a tool that checks for
12 defects, checks for dents, corrosion, every five
13 years. Picks up your cracking and things like
14 that.

15 MR. BAKOTA: What's the estimated life time
16 of that pipeline? Any idea?

17 MR. HEIBEIT: I do not know. It's more than
18 five years. I think 50 is probably a reasonable
19 number, and probably more than that. A lot of our
20 pipelines are 70, 80 years old.

21 MR. PRESIDENT: Didn't you just have a big
22 project here in the last five years? Down, you
23 know, out toward Griffith and places like that?
24 Or was that someone else?

25 MR. HEIBEIT: We've had several what we would

1 consider large. It depends on your point of view.
2 So we -- here we built the two propylene spheres
3 at this facility, and then we built two tanks two
4 years ago here. Three years ago, we built three
5 bigger tanks in Griffith. Ambridge was also
6 building, I think, a big tank as well. So
7 Ambridge was building a tank. We were building
8 tanks at Griffith. And then we built a couple of
9 tanks at our Hammond facility. It used to be
10 Shell's facility.

11 MR. PRESIDENT: Okay. Any way.

12 MR. HEIBEIT: Yep. So I just included a
13 couple of slides for the drilling. That is
14 picture of a drilling rig (indicating). So, you
15 know, it's a semi basic process. You drill it,
16 and you take the product out, and you pull the
17 pipe through, and a little bit more. And the next
18 couple of slides kind of go through step by step.
19 So you drill from one side and you pull the mudder
20 out.

21 MR. FERNANDO: You pull the pipe in from the
22 other side, right?

23 MR. HEIBEIT: Yeah, pull the pipe in from the
24 other side; so it's -- we use it when -- I mean,
25 obviously, preferably we'd rather dig a hole and

1 put the pipe in there because it's easier. But
2 this is good for, you know, under waterways,
3 under, you know, sensitive areas.

4 MR. PRESIDENT: I think it's important as
5 you're doing this. I appreciate your making the
6 presentation to us so we're aware of what's going
7 on. It's also important to coordinate with the
8 Army Corps of Engineers so they know where you're
9 going to be working, and don't anticipate any
10 difficulties, but it's nice to communicate and let
11 them know.

12 MR. HEIBEIT: Yep.

13 MR. FERNANDO: And that's the purpose of
14 these public presentations. So we appreciate you
15 making the presentation, because that's -- like
16 John said, that's the purpose, is to give the
17 public an opportunity to hear about projects that
18 are either along the waterway or in the waterway,
19 and let folks like the Army Corps of Engineer to
20 know that the project is ongoing to make sure that
21 there's, you know, there's no obstacles to either
22 your project or anything they might have ongoing
23 or other projects they might know; so appreciate
24 you presenting the project.

25 MR. BAKOTA: Is this in the navigational part

1 of the canal?

2 MR. HEIBEIT: Uh-huh.

3 MR. BAKOTA: Do you mark a visual location on
4 the shore line?

5 MR. HEIBEIT: Yep.

6 MR. BAKOTA: On each side?

7 MR. HEIBEIT: Uh-huh. I was just looking at
8 the numbers. If you look at the last -- so
9 there's a couple of pages here that if you look at
10 the last couple of sheets, I just included the set
11 of drawings. There's a little schedule here too.

12 MR. PRESIDENT: Yeah.

13 MR. HEIBEIT: Look at the schedule. The last
14 set of sheets are the permits we sent to the Army
15 Corps. And if you look at -- I know it's a little
16 bit small -- I didn't think that all the way
17 through. But so the navigable waterway, the water
18 depth on top is 570. I think it's about 25 feet
19 deep. We're going to be about sub, what was that,
20 25 -- at sub 50 feet; underneath 43 feet
21 underneath the bottom of the waterway.

22 MR. PRESIDENT: Amazing.

23 MR. HEIBEIT: So, I mean, our main obstacle
24 isn't really the waterway part. It's the
25 retaining walls on both sides that go down

1 43 feet. So we've got to clear -- when we're
2 going under, we have to clear the two retaining
3 walls; our retaining wall and BP's retaining wall;
4 and then on both sides we have to clear the
5 retaining walls to --

6 MR. PRESIDENT: There's no sheet piling you
7 have to be concerned with?

8 MR. HEIBEIT: Yeah. BP has some sheet
9 piling. So the north/south drill, the reason
10 we're doing three drills is because I have to go
11 in between each one of their sheet piles that they
12 drove.

13 MR. PRESIDENT: Any questions?

14 MR. DOYLE: I just want to know what part of
15 Australia you're from?

16 MR. HEIBEIT: Outside of Sydney.

17 MR. PRESIDENT: Very good.

18 MR. DOYLE: Thank you very much.

19 MR. HEIBEIT: No problem.

20 MR. PRESIDENT: Next order of business -- any
21 new business to come before the board?

22 (No response.)

23 MR. PRESIDENT: Any other business?

24 (No response.)

25 MR. PRESIDENT: Any public comments?

1 (No response.)

2 MR. PRESIDENT: The next board meeting is
3 July 18, 2018. I declare this meeting adjourned.

4 WHEREUPON THE MEETING WAS 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 on the aforementioned date, time, and location.

I further certify that I then and there reported in machine shorthand the proceedings so given at said time and place, and that the proceedings were then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a true and accurate record of said proceedings.

Dated this 17th day of July, 2018.

Dawn M. Iseminger
Dawn M. Iseminger, RPR
My Commission expires: 9/22/2025



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19
20
21
22
23
24
25

<hr/> \$ <hr/>	<hr/> 3 <hr/>	account 5:22 9:17,18, 25 10:4 15:17	13:14,16
\$13,000 5:19	3 9:23 15:16	accounting 9:4	approved 9:2 18:10
\$144,447 9:14	30,000 17:4	accounts 4:7 9:16,19, 21,24 10:16,25	approximately 15:6, 19 17:1
\$19,000 5:18 11:23,25	30th 19:13	accumulation 10:5	Arcellormittal 17:4
\$3,070,000 9:19	31 3:25 4:18	Act 6:18 12:4 14:10	areas 22:4 29:3
\$3,490,000 9:20	31st 9:12,13 15:7	action 6:25	Army 4:20,22 16:20,23 18:8 24:18 29:8,19 30:14
\$420,016 9:15	33 5:13	activity 18:23	assessing 10:6
\$564,463 9:14	<hr/> 4 <hr/>	adding 21:21 22:2	assessment 6:4,6,10
\$69 15:8	4 4:24 10:7 24:20	additional 7:7 12:3	assessments 6:4
<hr/> 1 <hr/>	4.68 15:6	adjourned 32:3,4	assistance 4:15 13:12
1 15:2	43 30:20 31:1	advocate 19:7	ATP 24:3
1.55 15:19	4th 16:25	agenda 6:14,25 14:9, 12	attorney 4:16 5:5,18 6:11,16 7:24 11:25 13:9 22:18,19
11 5:2	<hr/> 5 <hr/>	agreement 4:13,14 6:16,20,21,23 7:3 13:5, 7,9,10,14 14:18,19	Australia 31:15
12-inch 24:2 25:2	5 24:21	agreements 14:15	award 19:13
150,000 17:2	50 27:18 30:20	Alonzo 16:17	aware 16:7 21:2 29:6
15th 15:23	570 30:18	Amazing 30:22	<hr/> B <hr/>
16 3:23 8:7	5:03 3:4	Ambridge 28:5,7	back 4:10 9:23 18:4 20:23,24 23:18
17th 5:24	<hr/> 6 <hr/>	amendment 4:8 5:17 7:2 11:21,24 12:10 13:14	Bakota 3:5,6 8:8,14,15 11:7,8 12:16,17 13:16, 21,22 19:21,25 20:3,5, 14,17 21:14,24 25:4,7, 9,12,22 26:3 27:4,7,15 29:25 30:3,6
18 8:13 32:3	6 15:13	amount 5:18 20:22	balance 10:2
19 4:12 5:6	608 4:8	Anderson 9:5,8,11 10:21	balanced 9:22
19,000 12:9	616 4:8	announced 26:18	bang 27:1
19- 12:2	<hr/> 7 <hr/>	annual 10:1	bank 4:6 14:23
1997 15:3,4	70 27:20	anticipate 7:19 29:9	bare 20:7
<hr/> 2 <hr/>	<hr/> 8 <hr/>	anticipated 12:4	basic 28:15
2 9:12 15:5	80 27:20	appeal 6:5	basically 22:24
20 3:3 4:1,10,21 11:1	<hr/> A <hr/>	apply 18:9	batches 25:24,25
2018 3:4,23,25 4:1,7,10, 12,18,22,23,25 5:2,7,9, 13,17 7:2 8:7 11:1,21 15:22 32:3	ability 21:19	appraisal 5:20	beginning 9:19
22 15:22	Absolutely 27:8	appraisals 5:23	bidder 17:13
24-inch 25:3		approval 8:6 10:25 11:20 13:5 14:16	
25 30:18,20		approve 6:15 8:8,13 10:14 11:2,3 12:9,12	

big 21:10,11 27:21 28:6	CD 15:18,21	community's 21:19	cubic 17:2,4
bigger 25:1 28:5	CDF 5:3 7:8	companies 24:22,24	current 18:23
bird 5:12	CDS 15:10,18 16:2	complexes 21:8	cut 26:6,11
bit 23:15,21 24:21 28:17 30:16	challenging 6:22	concern 20:20 21:7 22:11	<hr/>
blending 26:3	change 16:6	concerned 31:7	D
BMO 4:18 14:23 16:12	characterizing 27:1	concerns 7:14	<hr/>
board 3:2,22,23 4:21 5:6,14 6:6,24 8:6 14:16 15:2 16:4 31:21 32:2	check 5:19 6:7 27:5	concludes 5:14 8:1 16:12	date 3:3 4:12,24 5:6
boom 5:10	checking 9:16 15:17	concrete 19:23 20:6,15	dated 3:25 4:1,9,18,21 5:2 11:1
bottom 30:21	checks 4:4 27:11,12	conference 14:13	Dave 16:6
Boulevard 7:21	Chicago 3:2 17:22 20:6,8 25:1 26:16	Congress 24:7	day 23:18
BP 5:19 6:20 15:12 25:15 31:8	city 19:17 20:17 22:12	consideration 11:21 13:5	decide 15:25 16:3
BP's 24:1 31:3	claim 4:1,3,4 7:1 10:12, 14	consultant 9:4	declare 32:3
bridge 6:1 24:7	claims 10:17	contacted 20:12	deep 30:19
Buckeye 23:4,7,16,21	clank 26:25 27:1	contaminated 21:18	defects 27:12
Buckeye's 24:1,6	clear 31:1,2,4	contents 3:22	dents 27:12
budget 4:8,11 5:17 7:2 10:1,3,13,14 11:21,24, 25 12:10 15:1	cleared 24:16,17	continue 6:19 16:10	depends 28:1
budgeted 10:8	Cliftonlarsonallen 3:25	continuing 17:6	deposit 15:12
building 28:6,7	close 10:16	contract 4:13 6:15 7:2 17:16 18:8,10	deposited 5:21 15:20
built 28:2,3,4,8	Coast 5:25	contractors 18:2,17	depth 30:18
bulk 12:2	collections 4:15 13:11	contracts 12:5	describing 5:10
business 3:19 9:3 10:24 11:20 13:4 14:9 15:17 16:19 17:13,14, 23 18:12 23:17 31:20, 21,23	Colonel 7:12	control 17:5	design 20:25
butane 25:21	column 10:10,13	coordinate 29:7	designation 16:8
<hr/>	combination 24:9	copy 9:8 10:22	details 7:7
C	combine 25:13	corners 23:24	determined 15:24
<hr/>	combined 20:7 21:16	Corps 4:20,22,23 5:1,3 7:5,8,13 16:20,23 18:8 19:3 24:18 29:8,19 30:15	developers 21:8
call 3:1 8:13 11:6 12:15 13:21 14:13 23:11 26:5	combining 25:23	correct 13:8	developments 6:24
called 18:11,12	comfortable 10:17	corrosion 27:12	device 26:22
canal 6:1 23:14 30:1	comments 5:3 17:11, 16,18 31:25	country 21:3	diesel 25:10,14,20 26:2,13
case 19:14	committee 15:23	couple 9:23 23:10 28:8, 13,18 30:9,10	difficulties 29:10
cash 9:12,14 10:11	communicate 29:10	cracking 27:13	dig 28:25
	communities 20:5 21:14,16	crux 14:11	direction 16:1 23:12
	community 18:3 19:7 22:10		directional 23:13 24:2, 4
			director 20:10,18
			director's 3:3,20
			disbursements 9:14 10:11

disseminate 18:16 19:13,15	employ 18:3	feel 10:17	giving 7:25
distributions 15:4	employing 17:19	fees 6:2,15,17 7:4 10:6 13:6,15	goals 17:25
district 3:2 4:16 19:3 20:9	encouragement 18:1	feet 30:18,20 31:1	good 9:11 16:16 19:16 24:20 29:2 31:17
district's 5:2	end 12:6 15:10,18	Fekete 3:18 9:1 11:19 13:3 14:8	gradient 17:5
docket 4:1,3,5 7:1 10:12,15,17	ended 9:12,13	Fernando 3:21 7:23 11:24 13:8 14:11,25 16:18,23,24 17:8 18:5 19:5 20:20 22:4,6,24 26:8 28:21 29:13	great 6:18 12:3 14:10 19:6 22:22
documents 12:5 22:23	ending 4:7		Gregory 5:19 7:24 12:1 22:18,19,20 23:2
dollars 10:5 12:2	engineer 21:1 29:19		Gregory's 5:5
Doyle 3:14,15 8:22,23 11:4,15,16 12:14,24,25 14:4,5 31:14,18	Engineers 4:20,22 16:20,23 29:8	figure 19:17	Griffith 27:23 28:5,8
drainage 22:3	entertain 12:9 13:13	final 14:15,17	ground 20:7 22:7
drawings 7:9 30:11	entity 16:7	finalized 12:5	Guard 5:25
dredge 17:1	entrance 5:3 7:9	financial 3:24	guess 23:20 26:19
dredging 4:24 7:5,6,7 16:25	EPA 6:20 22:24	fiscal 19:9	guys 17:18
drill 24:2,4,7,8 25:3 28:15,19 31:9	equates 10:2	flow 20:22 22:6 23:12	<hr/> H <hr/>
drilling 23:13,25 24:14 25:17,19 28:13,14	essential 15:17	flushes 26:8,10	H-E-I-B-E-I-T 23:7
drills 25:2 31:10	estimated 27:15	folks 29:19	Hammond 28:9
drive 21:9	event 14:13	follow 25:25 26:1	handed 4:2
drove 31:12	excellent 19:19	form 23:6	handout 23:11
due 15:9	executive 3:19	formal 17:19	happen 20:10
dump 21:20	exist 18:21	frame 17:3	Harbor 19:4
<hr/> E <hr/>	existing 13:9	frequent 18:19	Harris 4:18 14:23
e-mail 5:1 7:11	expert 27:10	Friday 6:8 7:19	HDD 23:12
e-mailed 4:2,3	expiring 16:2	front 10:12 15:14	HDDS 24:21
earlier 15:12	explained 11:22	frown 20:6	hear 26:25 29:17
easier 29:1	explicitly 17:21	fuel 25:10,14	Heibeit 23:5,7,10 25:6, 8,10,13,24 26:5,10,21 27:2,6,8,17,25 28:12,23 29:12 30:2,5,7,13,23 31:8,16,19
east 3:2 17:22 20:5,8 25:3,21 26:16	eye 16:10	full 4:4	Henry 3:7,8 8:11,16,17 11:2,9,10 12:12,18,19 13:19,23,24
east/west 24:5 25:18	<hr/> F <hr/>	fully 20:21	higher 16:9
ECI 4:17 15:1 16:8	facilities 24:5,6 26:15	<hr/> G <hr/>	highlights 15:2
electrical 24:3 25:18	facility 4:17 16:8 23:22, 23 28:3,9,10	gasoline 25:10,14,20 26:1,13	historical 15:3
Ellen 5:5,18 7:24 12:1 22:18,19	fact 21:2	gave 16:24	history 23:16
	falls 16:8	general's 6:11	
	federal 24:15	George 23:14	
	fee 4:14 6:3 9:18 10:4 13:11	give 7:6 14:25 29:16	
	feedback 7:8,17,19		

office 6:11	periodic 18:7	presents 16:17	pursue 6:17 7:3 13:6, 15
ongoing 29:20,22	periodically 26:20	PRESIDENT 3:1,7,9, 11,14,16,18 8:2,5,9,12, 16,18,20,22,24 9:1,10 10:24 11:3,5,9,11,13, 15,17,19 12:8,13,15,18, 20,22,24 13:1,3,13,17, 20,23,25 14:2,4,6,8,20, 23 16:14,16,19 18:6,13, 18 19:16 21:2,25 22:9, 16,18 23:1,4 26:14,22 27:21 28:11 29:4 30:12, 22 31:6,13,17,20,23,25 32:2	pursuing 13:11
open 18:7,12 22:4	permit 20:15,16 24:19	pretty 16:16 24:20	push 25:24 26:1
operating 9:18,24	permits 24:15,17 30:14	prime 16:5	put 16:3 20:15 25:14 26:6,12 29:1
operation 17:5	permitting 20:11,13 24:13	print 23:21	putting 19:23 20:6 25:16
opportunities 19:2,9	phone 3:11	problem 31:19	<hr/>
opportunity 18:12,21 19:1 21:6 29:17	Picks 27:13	proceeds 15:20	Q
options 16:11	picture 28:14	process 20:12,13 24:13 28:15	<hr/>
order 3:1,19 8:6 9:3 10:24 11:20 13:4 14:9 16:19 31:20	piece 24:14	product 24:3,10 25:4,5, 7,8,9,19,23 26:9,11,17 28:16	qualify 16:9
overloaded 21:17	pig 26:19,23 27:3,4	products 17:8	questions 8:2 10:19 14:20 16:14 18:19,24 19:19 22:14 23:1 31:13
overloads 20:8 21:19	pigs 26:20	program 27:9	<hr/>
overview 23:20 24:11	piles 31:11	progress 5:8	R
<hr/>	piling 31:6,9	project 5:4,11 6:18,19, 23 7:5,7,9,13,18,20,24 12:4 14:10,16,18 17:9, 12 22:22 23:4,12,20 27:22 29:20,22,24	<hr/>
P	pipe 24:3,9 28:17,21,23 29:1	projects 19:4 29:17,23	rainstorm 21:17
<hr/>	pipeline 23:17 24:22 25:23 27:16	property 24:1	rate 16:6,9
packet 3:22 5:15 7:11 15:2	pipelines 27:10,20	propylene 28:2	rates 16:11
pages 9:23 15:1 30:9	pipes 23:25 24:2,3,8, 10,25	provide 16:11	Ray 3:16 8:24 11:17 13:1 14:6
parking 21:5	place 18:25	provided 7:10	re-phase 5:10
Parkway 7:22,23 17:9 19:22 20:21	places 27:23	providing 17:11,16	reason 31:9
Parson's 5:8,11	plan 7:18 16:2	provisions 17:20	reasonable 27:18
part 19:6 24:19 26:11 29:25 30:24 31:14	plans 5:4 17:10,16	public 29:14,17 31:25	receipts 9:13
participation 18:1	point 26:18 28:1	pull 22:22 28:16,19,21, 23	receive 6:8
Partners 23:8	pollution 21:22	purpose 29:13,16	received 5:19 6:2
pass 18:22	pond 21:10		recently 18:14
passing 10:17	possibility 21:6		recommendation 5:17 6:15
past 18:7,20	possibly 14:18		reconciled 9:21
Pat 8:20 12:22	posted 6:24		recovery 5:11
Patrick 3:12 11:13 14:2	preferably 28:25		refer 20:18
paved 20:21 21:7	present 3:18 14:15		referred 6:10
pay 5:23 15:10	presentation 23:4 29:6,15		reflected 15:11,13
payable 10:25	presentations 29:14		regularly 24:23
payment 6:8	presented 12:10		reimbursement 5:20
payments 6:3	presenting 29:24		Reisinger 7:12

release 4:22,24		specifically 18:2	12:20 13:25 23:8
reminded 18:21	<hr/> S <hr/>	specs 5:4 7:10 17:10, 17	telecommunications 24:23
report 3:20 4:17,21 5:5, 8,9,12 8:1 9:4,9,11 14:24 15:11,14 16:13, 17,20,25 22:1,20	sanitary 20:9 21:15	Spell 23:6	thickness 27:7
REPORTER 9:7 10:23 23:6	Save 23:8	spend 10:3,9	things 19:10 21:4 25:11 27:13
reports 5:21	schedule 30:11,13	spent 10:8	thinking 22:2
request 4:9	scheduled 5:24 17:1,7	spheres 28:2	thought 7:15
requested 7:8,17	schedules 7:14	spread 4:9	Tim 9:5
requirements 18:9	scheduling 7:16	stakeholders 5:25	time 3:4 17:3 18:6,15, 22 23:17 26:18 27:15
residential 21:8	semi 28:15	stakes 7:13	titled 4:13
resolve 6:5 14:17	send 17:19 18:4 19:5,8, 14 26:19 27:4	start 3:21	today 10:13,15,18
response 3:13 8:4,21 10:20 11:14 12:23 14:3, 22 16:15 17:19 22:15 23:3 31:22,24 32:1	sensitive 29:3	started 7:6 10:5 16:25	today's 3:3 6:14
responsive 17:13	separate 21:14 25:12 26:13	starting 4:23 6:21	tool 27:11
resurfacing 5:4 7:9 17:15	September 17:3 19:13	state 17:21 24:15	top 30:18
retaining 30:25 31:2,3, 5	service 25:16	statements 3:24 4:6	total 15:5
retention 21:10	sessions 18:7	States 5:24	totaled 9:19
review 7:13 18:7	set 17:12,23 26:24 30:10,14	stay 15:21	trans 26:5,6
revision 4:12 5:6	sewer 20:7,22 21:15,16 22:12	step 28:18	transferring 26:17
rig 28:14	sheet 4:9 31:6,8,11	storm 20:3,8,19,22 21:4,11,15	trap 26:24
river 20:1 21:21	sheets 23:10 30:10,14	Street 6:1	treat 21:12,18,19,20
road 5:3 7:9 17:15	Shell's 28:10	successful 14:14	treatment 21:21
roads 24:25	shore 30:4	sudden 26:25	Trevino 3:20 8:3 11:22 12:11 14:21
roadway 22:12	shows 9:24 10:7,13 15:16	summary 4:19 6:25 14:25	trust 4:17 5:22 9:17 14:23 15:1,3,6 16:8,12
rock 20:1	side 14:18 25:3 28:19, 22,24 30:6	supplemental 4:14 13:10	
Rodriguez 3:7,8 8:11, 16,17,20 11:2,9,10,13 12:12,18,19,22 13:19, 23,24 14:2	sides 30:25 31:4	Sydney 31:16	<hr/> U <hr/>
role 19:6	sitting 26:23	system 17:6 20:8,22 21:15,16 22:13	Uh-huh 21:13 22:8 30:2,7
roll 8:13 11:6 12:15 13:21	slides 24:12 28:13,18	<hr/> T <hr/>	unanticipated 12:3
roughly 10:2	small 17:12,14,23 23:11 30:16	table 4:9	underground 23:25
run 21:4,11 27:11	smaller 24:25	talked 20:9	underneath 23:13 24:24 30:20,21
	smiling 26:14	tank 26:7,12 28:6,7	understanding 25:22
	software 9:22	tanks 28:3,5,8,9	United 5:24
	spare 25:17	team 14:16 20:25	unpaid 6:4,6,9,12,17 7:3 13:6,11,15
		Ted 3:9 8:18 11:11	

unused 10:13

update 7:25 14:10,12
16:5

updates 7:14

user 4:14 6:2,3,14,17
7:3 9:18 10:4 13:6,11,
15

utility 20:9,18

V

values 15:16

view 28:1

visibility 22:10

visit 26:15

visual 30:3

vote 9:1 11:6,19 12:15
13:3,21 14:8

voucher 10:25

W

wall 31:3

walls 27:7 30:25 31:3,5

wanted 18:8

water 20:3,8,19,22
21:4,11,15,18 30:17

waterway 3:2 29:18
30:17,21,24

waterways 29:2

week 6:9 7:12

Weiser 4:16 6:17 7:3
13:7,9,15

west 25:3,21

whomever 17:13

work 4:11 6:19 12:3
17:6 19:17 23:18,22

working 12:6,8 14:17
22:21,23,25 29:9

wrapping 19:10

writing 18:4

Y

yards 17:2,4

year 6:12 9:20 10:3,9
12:6 15:4 19:9

years 26:15 27:13,18,
20,22 28:4

Z

Zagar 3:9,10 8:18,19
11:11,12 12:20,21
13:25 14:1 23:9