

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

April 21, 2021



Iseminger & Associates, Inc.
877-337-7379

1 A P P E A R A N C E S

2 JOHN FEKETE, President

3 KEVIN DOYLE, Vice President

4 RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer

5 HENRY RODRIGUEZ, Secretary

6 PATRICK RODRIGUEZ, Board Member

7 FERNANDO TREVINO, FMT Consulting

8 ELLEN GREGORY, Ellen Gregory Law

9 Also Present: Tim Anderson, CliftonLarsonAllen

10 David Alonzo, BMO Harris Bank

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

District Board of Directors' Meeting
04/21/2021

1 MR. FEKETE: We will call to order the
2 meeting of the East Chicago Waterway Management
3 District Board of Directors. Today's date is
4 April 21st, and the time is 5:08.

5 The first order of business is the roll
6 call.

7 John Bakota?

8 (No response).

9 MR. FEKETE: Henry Rodriguez?

10 (No response).

11 MR. FEKETE: Patrick Rodriguez?

12 (No response).

13 MR. FEKETE: Ted Zagar?

14 (No response).

15 MR. FEKETE: Kevin Doyle?

16 (No response).

17 MR. FEKETE: Kevin Doyle? I can see him, but
18 I can't hear him.

19 MR. DOYLE: Yes. I'm here.

20 MR. FEKETE: John Fekete, I'm here. We do
21 not have a quorum.

22 Basically, we can't approve anything. So
23 the next order of business is the executive
24 director's report. Mr. Trevino.

25 MR. TREVINO: Yes. So I'll go over the

1 contents of your board packet. You have the
2 public meeting notice for today's date and copy of
3 that in your packet. You have the board minutes
4 for the March 17th, 2021, board meeting. You have
5 the First Merchant Bank statements for accounts
6 ending in 608, along with the copy of the checks.
7 You have First Merchants Bank account ending in
8 616. And you have a copy of the CD held with
9 First Merchants Bank with a report date of
10 April 19th.

11 You have a copy of the 2021 budget
12 amendment with today's date, April 21, 2021.
13 You have a copy of the Burgoyne appraisal
14 proposal dated April 20th, 2021. And then you
15 have a copy of the access valuation appraisal
16 proposal dated March 23, 2021. You have a copy
17 of a letter agreement between BP and the
18 Waterway Management District regarding
19 reimbursement of costs for appraisals. And
20 that's related to the Burgoyne and the access
21 valuation appraisals.

22 You have the Great Lakes Legacy Act
23 project agreement fourth modification, along
24 with the statement of work that's an attachment
25 to that.

1 You have the East Chicago Waterway
2 Management District COVID-19 safety plan in
3 your packet.

4 You have the BMO ECI facility's trust
5 report with a date of March 31, 2021. You have
6 People's Bank report for the ArcelorMittal
7 tipping fee escrow account and the
8 ArcelorMittal dredging escrow account, and it's
9 for the first order of 2021.

10 You have the Army Corps report to the
11 board dated April 21, 2021. You have Attorney
12 Ellen Gregory's report to the board with a
13 revision date of April 18, 2021. And you have
14 an e-mail from myself to Natalie Mills related
15 to the Lake George canal middle cap 90 percent
16 design, and it was our comments to the
17 90 percent design.

18 That concludes the items that were
19 e-mailed in the board packet yesterday evening.
20 I also sent a couple items since, and that was
21 the CliftonLarsenAllen financial statement
22 dated March 31, 2021. And also the claim
23 docket along with the purchase orders, the
24 check register and a copy of the checks. And I
25 also sent an updated appraisal proposal for an

1 access valuation. The item that was in your
2 board packet sent yesterday was a proposal with
3 an e-mail to The Times to some scope changes.
4 So what I e-mailed earlier today was a proposal
5 that basically incorporated the e-mail into the
6 engagement letter.

7 Going over a couple items. Let's see, as
8 I mentioned, a copy of today's meeting notice
9 is in your board packet. Last month we shared
10 copies of appraisal reports for West Shore and
11 NIPSCO lease and easement agreements. We
12 anticipate having these agreements and related
13 documents finalized and ready for presentation
14 for board approval consideration at May's board
15 meeting. Or if we have a special meeting
16 before then, maybe we could have all that done
17 before then.

18 I plan to ask Attorney Wieser to attend on
19 the design document and answer any questions
20 that might come up.

21 Last month we shared a letter from BP
22 pipelines requesting consent of assignment of
23 right away. We've asked for additional
24 information. And once we receive that
25 information, we plan to have a recommendation

1 to the board.

2 As I mentioned, we have a COVID-19 safety
3 plan on today's agenda, but we don't have a
4 quorum to act on it. So that might give the
5 board additional time to review the contents
6 and the provisions in the plan.

7 A couple weeks ago maybe -- yeah, a couple
8 weeks ago I had some technical issues with my
9 office work station, the computer system, and I
10 had to request MapleTronics to assess the
11 problem and help fix it for me. So the invoice
12 for that effort is in your claim docket.

13 I mentioned there are a couple property
14 appraisal proposals in your packet for approval
15 consideration. A budget amendment is necessary
16 to finance these two appraisals, and a reminder
17 that BP has agreed to reimburse the district
18 for that appraisal work. The financial reports
19 and documents were sent to the board earlier
20 today and were separate from yesterday's board
21 packet.

22 The reports included today's claim docket,
23 purchase orders, checks, and the March
24 financial report.

25 Regarding user fees, I'm working on the

1 2021 user fee invoices and packages. I
2 anticipate having that done hopefully this
3 month.

4 The Great Lakes Legacy Act project. The
5 south tanks farm sheet pile wall design is
6 ongoing. BP sent a memo on March 12 of last
7 month, summarizing the cost for redevelopment
8 features for the south tank farm. We plan to
9 submit a response memo from the district by the
10 end of this week.

11 And a reminder that phase one dredging of
12 the Lake George canal east was completed in
13 December of last year.

14 The Lake George middle cap design is
15 ongoing. The project's team submitted their
16 comments to the 90 percent basis of design
17 report. A copy of my comments are in your
18 board packet, as I mentioned earlier.

19 This morning we received updated plans and
20 specs, including responses to our comments to
21 that 90 percent design, and we will be
22 reviewing those documents.

23 The project team continues to work on an
24 access agreement for this section of the Lake
25 George canal project. The west tank farm and

1 south tank farm pipeline removal work is
2 expected to recommence in June of this year and
3 expected to take eight to twelve weeks. Per
4 our cost share agreement with BP, we're to send
5 draft work in kind reports for their review.
6 So consistent with the agreement, I sent BP a
7 draft of the 2020 yearend work in kind report
8 and they informed that they had no comments, so
9 I finalized the report and sent it to EPA on
10 April 14th. And the board was copied on the
11 transmission e-mail. The project team has been
12 working on the fourth modification to the
13 project agreement for the Great Lakes Legacy
14 Act. The new draft includes some budgetary and
15 scope modifications, along with incorporating
16 the remedial design scope for the Grand Cal'
17 River three junction reaches located in East
18 Chicago, which is the modification portion that
19 the district is responsible for.

20 That latest draft, or the fourth
21 modification, was sent to the board this past
22 weekend per review, and is on today's meeting
23 agenda for approval consideration.

24 We had a meeting last week with EPA, IDEM,
25 and the Corps, and Tetra Tech to discuss the

1 scope of the remedial design for the junction
2 reaches. I'll be working with Tetra Tech to
3 get a proposal that includes the remedial
4 design, scope, costs, including permitting for
5 the three Grand Cal' River reaches.

6 You might recall that Tetra Tech was the
7 engineering firm that formed the remedial
8 investigation, feasibility study, and remedial
9 design for the district a few years ago. So we
10 anticipate cost and schedule efficiencies for
11 continuing to use Tetra Tech to finish the
12 remedial design work. Once we better define
13 the remedial design scope of work and cost, we
14 will assess our 2021 budget, which will likely
15 require a budget amendment. The current place
16 holder amount in our 2021 budget is \$50,000.

17 Remediation of the Indiana Harbor ship
18 canal, Grand Cal' River, which is now what
19 we're calling the "three junction reaches," we
20 anticipate continuing conversations with EPA on
21 the process and schedule for preparing a new
22 project agreement for the remediation of these
23 reaches which will occur after the remedial
24 design is completed.

25 The BP term sheet agreement for parcels BP

1 is interested in acquiring, we have sent an
2 outline of the agreement for BP's review.
3 We're waiting to hear back from them. They're
4 under "comments."

5 Attorney Wieser is working on a checklist
6 necessary to transfer those parcels that
7 they're interested in.

8 One of the checklist items that we need to
9 complete is to have at least two appraisals for
10 the referenced parcels. So on today's agenda
11 is two proposals and the engagement letters
12 with those companies to perform the appraisal
13 work. A reminder again that BP has agreed to
14 reimburse the district for this appraisal work.
15 So also on today's agenda is the reimbursement
16 agreement letter with BP.

17 As I mentioned earlier, a budget amendment
18 will be necessary to finance the appraisals, so
19 the budget amendment is on today's agenda as
20 well.

21 The canal street bridge project, the
22 remedy design for the dolphins is ongoing. Two
23 soil borings were advanced in January to
24 investigate the geotechnical conditions near
25 the canal. Soil samples were collected and

1 analyzed for the various technical parameters.
2 A preliminary plan drawing has been prepared.
3 It shows the two proposed positions of the two
4 dolphins. ACOM is currently working on
5 finalizing the design drawings.

6 Once the plans and profiles are complete,
7 we will reach out to agencies such as the Corps
8 and the coast guard to get their buy-in on the
9 plans. And then the next step will be to
10 engage industrial stakeholders to get their
11 buy-in as well.

12 We had a Great Lakes Legacy Act team
13 meeting a couple weeks ago to assess whether
14 the Canal Street bridge project scope might
15 qualify for cost sharing opportunities under
16 the Great Lakes Legacy Act project. And after
17 further review, the current opinion is that it
18 does not qualify. But it was worth the effort,
19 as the cost savings could have been
20 substantial.

21 The Army Corps board report and the
22 dredging project. The Corps report is in your
23 packet. There was a Corps dredging and CDF
24 article in The Times a couple weeks ago, which
25 I forwarded to the board for your information.

1 The project cooperation agreement amendment is
2 ongoing. We recently received feedback from
3 The Corps on the draft agreement. We're
4 working on coordinating a meeting with the
5 Corps to discuss. We should have an update for
6 the board at our May board meeting. Attorney
7 Ellen Gregory may provide additional
8 information during her report.

9 That concludes my report.

10 MR. FEKETE: Okay. Any questions for
11 Mr. Trevino?

12 (No response.)

13 MR. FEKETE: Thank you very much. Next order
14 of business is the accounting consultant report of
15 financials.

16 MR. TREVINO: Yeah. Tim isn't available
17 today. Do you want me to -- since we don't have
18 an action item that approves the claim docket, do
19 you still need me to give a quick summary?

20 MR. FEKETE: Yeah.

21 MR. TREVINO: Okay.

22 MR. LOPEZ: Can you put the claim docket up
23 on the screen?

24 MS. GREGORY: Fernando?

25 MR. TREVINO: We typically don't put that on,

1 Ray, just because it has -- you know, it might
2 have account information.

3 MR. LOPEZ: Point of information, Ellen, we
4 can't approve nothing, right? No expenditures
5 right now because we don't have a quorum?

6 MR. FEKETE: Right.

7 MR. LOPEZ: Is there some way that we can say
8 bills that are necessary, like monthly bills we
9 can pay, an expense we have every month, like a
10 recorder, the rent, your fee, Trevino, the only
11 things that we have every month that we can
12 approve?

13 MS. GREGORY: I think what we've usually done
14 is, correct me if I'm wrong, Fernando, is try to
15 hold a special board meeting as soon after this
16 meeting as we can get it coordinated. So is that
17 how we've done it in the past, Fernando?

18 MR. TREVINO: Yes. Yes. If we didn't have a
19 quorum, we would shortly after try to coordinate a
20 special board meeting to approve the items that
21 were on the agenda for board action.

22 MR. FEKETE: Does it have to be publicly
23 noticed?

24 MR. TREVINO: That's what we've done in the
25 past.

1 MR. FEKETE: Okay. Okay. I'm just simply
2 saying we can't do it this week, so it has to be
3 some time next week.

4 MR. TREVINO: Right.

5 MR. LOPEZ: I just thought, you know, we have
6 obligations and that we should take care of them.

7 MR. FEKETE: Oh. Yeah. We have to pay our
8 bills.

9 MR. TREVINO: Yeah. Well, we certainly
10 appreciate it, but I think we have to -- unless
11 Ellen says something differently, I think we have
12 to go through our special meeting process and give
13 48 hour's advanced notice.

14 MS. GREGORY: That would be my
15 recommendation.

16 MR. FEKETE: How does everybody's calendar
17 for next week look?

18 MR. TREVINO: How does the 27th look for
19 everybody?

20 MR. FEKETE: My wife and I have eye
21 appointments at 10:15. So from noon on, we shall
22 be okay.

23 MR. TREVINO: How does your afternoon look,
24 Ray and Kevin?

25 MR. DOYLE: That's Tuesday?

District Board of Directors' Meeting
04/21/2021

1 MR. TREVINO: Yeah.

2 MR. DOYLE: I'm good up until about 3:00.

3 MR. FEKETE: How does 1:00 look?

4 MR. DOYLE: I can do 1:00. Yeah.

5 MR. FEKETE: Ray?

6 MR. LOPEZ: What date?

7 MR. FEKETE: The 27th.

8 MR. LOPEZ: 27th?

9 MR. TREVINO: Yeah.

10 MR. FEKETE: Yeah.

11 MR. LOPEZ: What time?

12 MR. TREVINO: 1:00. So 1:00. I was going to
13 say, if we could say between 12:00 and 2:00, that
14 gives us a little flexibility when I check with
15 the others.

16 MR. FEKETE: That's fine.

17 MR. TREVINO: Tuesday the 27th between noon
18 and 2:00.

19 MR. LOPEZ: 2:00. I won't be here. I have
20 to pick up my grandkids.

21 MR. TREVINO: So you can meet at 12:00 or
22 1:00?

23 MR. LOPEZ: 12:00 or 1:00, yeah.

24 MR. TREVINO: All right. So let's say
25 12:00 or 1:00. I'll follow up. Let me check with

1 the others.

2 MR. LOPEZ: Send me an e-mail.

3 MR. TREVINO: So just to give a quick
4 snapshot of the financial report. Page 2 gives a
5 summary of the receipts, the interest income, and
6 the trust transfer affiliated with the budget. It
7 summarizes the disbursements, the increase in
8 cash, and then there's a cash balance as of
9 January 1st, and then a subsequent balance as of
10 March 31st, 2021. And then at the bottom, it
11 summarizes the operating account which is
12 \$1.597 million; user fee account \$945,000; and the
13 CD of \$1.502 million.

14 Page 3 summarizes the operating account,
15 and it breaks it down into the debit and
16 credits, and a balance as of March 1st of
17 \$1.597 million. The user fee account is
18 summarized below that, with the cash balance as
19 of January 1st as \$1.6; and the user fee
20 account balance as of March 31st is \$945,000.
21 And then the certificate of deposit as of
22 March 31st is \$1.5.

23 And then the last sheet, which kind of
24 summarizes our budget summary, and it has the
25 list of all the budget line items on the left.

1 And the second-to-the-last column that's titled
2 "Claims Docket, April 21st," those are the
3 items that are on the claim docket for approval
4 consideration. And the last column is one of
5 our very important columns, and that's the
6 unused budget. So you could see after the
7 claim docket dated April 21st is deducted from
8 our budget line items, we're still positive on
9 all our budget line items.

10 And that concludes the summary of the
11 report.

12 MR. FEKETE: Any questions?

13 (No response.)

14 MR. FEKETE: Thank you very much.

15 Is Natalie still waiting?

16 MS. GREGORY: Let me look.

17 MS. MILLS: I'm here.

18 MR. FEKETE: Because we can't take any action
19 on any of the rest of the items?

20 MS. GREGORY: Right.

21 MR. FEKETE: So I was just thinking we can
22 get Natalie out of here.

23 MS. MILLS: That's fine.

24 MR. FEKETE: Just to get you moving because
25 we've burdened you with waiting for a while. So

1 let's see if we can move you up on the agenda, and
2 then we'll go back to the BMO Harris and the
3 attorney's report.

4 Fair enough?

5 MS. MILLS: Sure.

6 MR. FEKETE: Okay.

7 MR. TREVINO: So Natalie was present today in
8 case there was any questions or additional
9 information needed related to the Great Lakes
10 Legacy Act agreement fourth modification. So I
11 don't know, did you want to say anything regarding
12 that line item, Natalie?

13 MS. MILLS: I'm not sure what kind of detail
14 Rick went into with you guys earlier. I don't
15 want to be redundant, but we are modifying the
16 existing PA to account for additional costs. The
17 last PA from 2019, there's been substantial cost
18 increases on several items. Specifically, the
19 tapping project has increased from approximately
20 \$3 million. It was the estimate in the 2019 PA.
21 Right now we've got it in there at approximately
22 \$17 million, which includes design, construction,
23 and oversight.

24 Additionally, the steel sheet pile wall
25 that BP is installing directly across from the

1 ship canal, that cost is quite -- estimated to
2 be quite more than what was originally
3 estimated. It was previously \$10 million.
4 We're at a \$21 million range now. So there's a
5 couple big changes that have taken the PA from
6 an estimated cost of \$39 million to
7 approximately \$70 million.

8 So we wanted to go ahead and move forward
9 with this modification. Specifically, since
10 we're planning -- we, the Corps -- are going to
11 be awarding the Lake George middle project on
12 behalf of the partners and U.S. EPA in June, so
13 we wanted to ensure that we had sufficient
14 cover in the PA. There's also the inclusion
15 of -- the junction reaches remedial design was
16 also added. We included some value for land
17 that the Lake George middle project will be
18 using for ECWMD's land, as well as BP. So
19 there's some costs in there for that work as
20 well.

21 So those are kind of the big items; so
22 that's one of the basis for the change.

23 Were there any questions related to any of
24 the costs or anything that might have come up
25 that I might have missed?

1 (No response.)

2 MR. FEKETE: No. Basically, that's what Rick
3 was telling us, and he said that -- he didn't
4 mention the details of the dollar numbers but that
5 was in the red line that was presented to us. And
6 so it's best to get everything up to date as
7 quickly as possible and included so we can
8 continue moving forward on this without any last
9 minute what ifs that may pop up.

10 MS. MILLS: Correct. Yeah. And we might
11 not, you know, reach the \$70 million. These are
12 estimates. So we just put in our best guess, our
13 best estimates, you know, what we thought the
14 final costs were going to be, with a little bit of
15 contingency because, you know, better to be a
16 little higher and then come in under than to be
17 short and have to do this all over again.

18 MR. FEKETE: Right.

19 MS. MILLS: So these aren't necessarily the
20 costs of what the projects are going to be. These
21 are the estimates of what we think that they might
22 come out at the end. And this also includes work
23 in kind. Quite a few tasks are included in these
24 items. So we're hoping to have this routing for
25 approval pretty soon. So this is kind of

1 disappointing that you don't have a quorum. But
2 hopefully this can be added to your special
3 meeting next week for consideration.

4 MR. FEKETE: Well, I'm sure we'll definitely
5 take it up.

6 Okay, thank you, Natalie.

7 MS. MILLS: Thank you.

8 MR. FEKETE: Any questions for Natalie?

9 (No response.)

10 MR. FEKETE: Again, thank you for your
11 patience.

12 MS. MILLS: No problem. Thank you all.

13 MR. FEKETE: Okay. Fernando?

14 MR. TREVINO: Okay. All of the action items,
15 you know, obviously we can't act on. So the next
16 item on the agenda is the BMO Harris Bank trust
17 report. Is Mr. Alonzo on?

18 MR. ALONZO: Yeah, I'm on, Fernando. I'll go
19 through the report with you.

20 MR. TREVINO: Thank for your patience, Dave.

21 MR. ALONZO: No problem. Bear with me for
22 the noise. I'm dropping my son off at practice.
23 Let me run through this report with you guys.

24 Page 1 goes through the historical values
25 from 1997 up until now.

1 Page 2, the total value of the trust as of
2 March 31st is \$4,391,535. There is a positive
3 difference from our last meeting of about \$738.
4 So I'll get into where that came from. But the
5 third page goes through the holdings, you know,
6 things have really simplified here with some
7 consolidation in the CDs. But the prime money
8 market right now has a total balance of
9 \$690,826. We don't have any CDs coming due
10 until July of this year, which will be a half
11 percent of interest. And you don't want to
12 know what the current rates are right now,
13 because it's about .45 percent less than that;
14 so it's getting really bad.

15 We did have some CD interest posts,
16 though. So the 13-month CD, we had \$709 worth
17 of interest that was credited from reporting
18 over the last quarter. So there's a positive
19 difference of \$738 from our last meeting.
20 Total value of the trust again is \$4,391,535.

21 Any questions on that?

22 (No response.)

23 MR. LOPEZ: Thank you.

24 MR. ALONZO: No problem.

25 MR. FEKETE: Okay. The next order of

1 business is the Attorney Ellen Gregory report.

2 MS. GREGORY: Ellen Gregory with Ellen
3 Gregory Law.

4 Fernando covered a lot of the legal
5 matters, but I'll just run through the top five
6 or six.

7 The PCA. The Corps headquarters has
8 provided us with a final version. Todd Relue
9 of Plews Shadley has gone through it. Fernando
10 and Todd and I had a couple of calls to discuss
11 it. When the Corps' attorney provided it to
12 us, Kevin Jerby (phonetic), he indicated that
13 the Corps' preference would be to have the PCA
14 amendment approved at the same time as the
15 ArcelorMittal tipping fee amendment. So Rick
16 Nagle and Fernando and I will be trying to set
17 up a call with the attorney for
18 Cleveland-Cliffs, who is the successor to
19 ArcelorMittal, to discuss the tipping fee
20 agreement amendment and possible extension to
21 the ArcelorMittal consent decree.

22 The PA and the scope of work for the Great
23 Lakes Legacy Project was discussed. It's in
24 the packet. We're also discussing access
25 agreements since some of the Waterway

1 Management District property is going to be
2 used for the Great Lakes Legacy work. Fernando
3 and I sent a draft with comments to Rick Nagle.
4 We'll be moving forward with trying to finalize
5 those access agreements. There will be a
6 separate -- either a separate access agreement
7 for BP since they have property that will also
8 be used for the work, or it might be one
9 combined access agreement. We're still working
10 out the specifics on whether or not to have a
11 separate agreement or a combined agreement.

12 There will be a separate project agreement
13 that we will begin working on to address the
14 remediation work for the Grand Calumet River
15 junction reaches. The remedial design work, as
16 Fernando mentioned, is a part of the fourth
17 modification that's in your packet. There will
18 be a separate project agreement for the
19 remediation work.

20 The property transfers, we continue to
21 have periodic calls with BP and Jim Wieser.
22 We're waiting on BP comments to an outline that
23 we sent to BP for an agreement between BP and
24 the district for the greater property transfer
25 work. The letter agreement for reimbursement

1 for the appraisals is in your packet that
2 Fernando mentioned.

3 And again, Fernando also mentioned Jim
4 Wieser is working on a summary time line of
5 steps that need to be done to accomplish the
6 property transfers. We continue to have
7 periodic calls with EPA on the RICRA closeout
8 process to try and make sure all the non-CDF
9 parcels are addressed. EPA and IDEM are
10 involved in that suggestion as well, as the
11 Corps and the BP.

12 And then finally we've put together a
13 COVID response plan with a questionnaire based
14 on a template that was provided by the State of
15 Indiana. That's in your board packet.
16 Basically, the steps that we need to take in
17 order to move to having in-person board
18 meetings going forward as the state begins to
19 open up after the pandemic. And that's all I
20 have.

21 MR. FEKETE: Okay. Thank you. Was there any
22 other new business to come before the board?

23 (No response).

24 MR. FEKETE: Any other business, Fernando?

25 MR. TREVINO: We're going to mention the

1 letter, the response letter, John.

2 MR. FEKETE: Yeah.

3 MR. TREVINO: So just as a reminder, I
4 mentioned earlier that BP had sent a letter to the
5 district dated March 12th that basically
6 summarized some redevelopment costs affiliated
7 with redeveloping the south tank farm, and we
8 prepared a response letter. So we plan to send
9 something out in the next day or two. I don't
10 know if you wanted to add anything to that, John.

11 MR. FEKETE: No. I just know we're obligated
12 to respond to the letter and basically the feeling
13 is that we're just going to go with the basic
14 remediation requirement and include the sheet pile
15 wall, and anything beyond that is uncertain at
16 this time, so there's no sense in trying to
17 second-guess and try to spend a lot of money for
18 something that may or may not happen. So we're
19 just going to do what we -- what is required and
20 what the obligations are to satisfy the
21 environmental requirements. And we basically
22 discussed this at our last meeting.

23 Any other business to come before the
24 board?

25 (No response.)

1 MR. TREVINO: Nope.

2 MR. FEKETE: Okay. Our next meeting will be
3 April 27th, some time between 12:00 and 1:00. And
4 you will get the public notice taken care of,
5 Fernando?

6 MR. TREVINO: Yes.

7 MR. FEKETE: So hang onto the board agenda,
8 because this is basically what we'll be discussing
9 and approving.

10 MR. LOPEZ: John, on the next meeting we
11 have, all we do is approve expenses or will it be
12 a regular meeting?

13 MR. FEKETE: Absolutely, yeah. The claim
14 docket.

15 MR. TREVINO: No. But Ray asked is that the
16 only thing that's going to be on the agenda, and I
17 don't think that's the case. Right? We're going
18 to basically -- all of these action items will
19 transfer over to the next special board meeting,
20 right?

21 MR. LOPEZ: Good. Okay. Got it.

22 MR. TREVINO: John?

23 MR. FEKETE: I thought we could go through
24 some of these things, like the PCA and what we
25 just discussed with Natalie.

1 MR. LOPEZ: Well, you set the agenda and we
2 go by that, then.

3 MR. FEKETE: Yeah. Because basically we had
4 all the discussion on it and we've had an
5 opportunity to take a look at the red line
6 agreement and red line copy and look at the final
7 copy.

8 MR. TREVINO: Right. But what I was saying
9 is that all of the action items that are on
10 today's agenda will be on our next agenda, the
11 special board meeting, right?

12 MR. FEKETE: Right. On the 27th. Right.

13 MR. TREVINO: Okay.

14 MR. FEKETE: I misunderstood your comment.

15 MR. TREVINO: Yeah.

16 MR. FEKETE: Okay. That being said, we will
17 see everybody on the 27th in one form or another.

18 This meeting is closed.
19
20
21
22
23
24
25

District Board of Directors' Meeting
04/21/2021

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, for the East Chicago Waterway Management District Board of Directors Meeting.

I further certify that I then and there reported in machine shorthand the proceedings of said Special Meeting, 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 the proceedings.

I further certify that I am not related by blood or marriage to any of the parties, nor am I an employee of any of the parties or of their attorneys or agents, nor am I interested in any way, financially or otherwise, in the outcome of said litigation.

Dated this 18th day of May, 2021.



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



attorney's 19:3	bridge 11:21 12:14	Claims 18:2	coordinated 14:16
attorneys 30:11	budget 4:11 7:15 10:14,15,16 11:17,19 17:6,24,25 18:6,8,9	Cleveland-cliffs 24:18	coordinating 13:4
awarding 20:11		Cliftonlarsenallen 5:21	copied 9:10
<hr/> B <hr/>	budgetary 9:14	closed 29:18	copies 6:10
back 11:3 19:2	burdened 18:25	closeout 26:7	copy 4:2,6,8,11,13,15, 16 5:24 6:8 8:17 29:6,7
bad 23:14	Burgoyne 4:13,20	coast 12:8	Corps 5:10 9:25 12:7, 21,22,23 13:3,5 20:10 24:7 26:11
Bakota 3:7	business 3:5,23 13:14 24:1 26:22,24 27:23	collected 11:25	Corps' 24:11,13
balance 17:8,9,16,18, 20 23:8	buy-in 12:8,11	column 18:1,4	correct 14:14 21:10
Bank 4:5,7,9 5:6 22:16	<hr/> C <hr/>	columns 18:5	cost 8:7 9:4 10:10,13 12:15,19 19:17 20:1,6
based 26:13	Cal' 9:16 10:5,18	combined 25:9,11	costs 4:19 10:4 19:16 20:19,24 21:14,20 27:6
basic 27:13	calendar 15:16	comment 29:14	County 30:3
basically 3:22 6:5 21:2 26:16 27:5,12,21 28:8, 18 29:3	call 3:1,6 24:17	comments 5:16 8:16, 17,20 9:8 11:4 25:3,22	couple 5:20 6:7 7:7,13 12:13,24 20:5 24:10
basis 8:16 20:22	calling 10:19	Commission 30:15	cover 20:14
Bear 22:21	calls 24:10 25:21 26:7	companies 11:12	covered 24:4
begin 25:13	Calumet 25:14	complete 11:9 12:6	COVID 26:13
begins 26:18	canal 5:15 8:12,25 10:18 11:21,25 12:14 20:1	completed 8:12 10:24	COVID-19 5:2 7:2
behalf 20:12	cap 5:15 8:14	computer 7:9	credited 23:17
big 20:5,21	care 15:6 28:4	concludes 5:18 13:9 18:10	credits 17:16
bills 14:8 15:8	case 19:8 28:17	conditions 11:24	current 10:15 12:17 23:12
bit 21:14	cash 17:8,18	consent 6:22 24:21	<hr/> D <hr/>
blood 30:10	CD 4:8 17:13 23:15,16	consideration 6:14 7:15 9:23 18:4 22:3	date 3:3 4:2,9,12 5:5,13 16:6 21:6 30:4
BMO 5:4 19:2 22:16	CDF 12:23	consistent 9:6	dated 4:14,16 5:11,22 18:7 27:5 30:13
board 3:3 4:1,3,4 5:11, 12,19 6:2,9,14 7:1,5,19, 20 8:18 9:10,21 12:21, 25 13:6 14:15,20,21 26:15,17,22 27:24 28:7, 19 29:11 30:4	CDS 23:7,9	consolidation 23:7	Dave 22:20
borings 11:23	certificate 17:21	construction 19:22	Dawn 30:2,15
bottom 17:10	certify 30:3,6,9	consultant 13:14	day 27:9 30:13
BP 4:17 6:21 7:17 8:6 9:4,6 10:25 11:13,16 19:25 20:18 25:7,21,22, 23 26:11 27:4	change 20:22	contents 4:1 7:5	debit 17:15
BP's 11:2	check 5:24 16:14,25	contingency 21:15	December 8:13
breaks 17:15	checklist 11:5,8	continue 21:8 25:20 26:6	decree 24:21
	checks 4:6 5:24 7:23	continues 8:23	deducted 18:7
	Chicago 3:2 5:1 9:18 30:4	continuing 10:11,20	
	claim 5:22 7:12,22 13:18,22 18:3,7 28:13	conversations 10:20	
		cooperation 13:1	
		coordinate 14:19	

define 10:12	dropping 22:22	expense 14:9	firm 10:7
deposit 17:21	due 23:9	expenses 28:11	fix 7:11
design 5:16,17 6:19 8:5,14,16,21 9:16 10:1, 4,9,12,13,24 11:22 12:5 19:22 20:15 25:15	<hr/> E <hr/>	expires 30:15	flexibility 16:14
detail 19:13	e-mail 5:14 6:3,5 9:11 17:2	extension 24:20	follow 16:25
details 21:4	e-mailed 5:19 6:4	eye 15:20	foregoing 30:8
difference 23:3,19	earlier 6:4 7:19 8:18 11:17 19:14 27:4	<hr/> F <hr/>	form 29:17
differently 15:11	easement 6:11	facility's 5:4	formed 10:7
directly 19:25	east 3:2 5:1 8:12 9:17 30:4	Fair 19:4	forward 20:8 21:8 25:4 26:18
director's 3:24	ECI 5:4	farm 8:5,8,25 9:1 27:7	forwarded 12:25
Directors 3:3 30:4	ECWMD's 20:18	feasibility 10:8	fourth 4:23 9:12,20 19:10 25:16
disappointing 22:1	efficiencies 10:10	features 8:8	<hr/> G <hr/>
disbursements 17:7	effort 7:12 12:18	fee 5:7 8:1 14:10 17:12, 17,19 24:15,19	George 5:15 8:12,14, 25 20:11,17
discuss 9:25 13:5 24:10,19	Ellen 5:12 13:7 14:3 15:11 24:1,2	feedback 13:2	geotechnical 11:24
discussed 24:23 27:22 28:25	employee 30:10	feeling 27:12	give 7:4 13:19 15:12 17:3
discussing 24:24 28:8	end 8:10 21:22	fees 7:25	good 16:2 28:21
discussion 29:4	ending 4:6,7	Fekete 3:1,9,11,13,15, 17,20 13:10,13,20 14:6, 22 15:1,7,16,20 16:3,5, 7,10,16 18:12,14,18,21, 24 19:6 21:2,18 22:4,8, 10,13 23:25 26:21,24 27:2,11 28:2,7,13,23 29:3,12,14,16	Grand 9:16 10:5,18 25:14
district 3:3 4:18 5:2 7:17 8:9 9:19 10:9 11:14 25:1,24 27:5 30:4	engage 12:10	Fernando 13:24 14:14, 17 22:13,18 24:4,9,16 25:2,16 26:2,3,24 28:5	grandkids 16:20
docket 7:12,22 13:18, 22 18:2,3,7 28:14	engagement 6:6 11:11	final 21:14 24:8 29:6	Great 4:22 8:4 9:13 12:12,16 19:9 24:22 25:2
docket along 5:23	engineering 10:7	finalize 25:4	greater 25:24
document 6:19	ensure 20:13	finalized 6:13 9:9	Gregory 13:7,24 14:13 15:14 18:16,20 24:1,2,3
documents 6:13 7:19 8:22	environmental 27:21	finalizing 12:5	Gregory's 5:12
dollar 21:4	EPA 9:9,24 10:20 20:12 26:7,9	finally 26:12	guard 12:8
dolphins 11:22 12:4	escrow 5:7,8	finance 7:16 11:18	guess 21:12
Doyle 3:15,17,19 15:25 16:2,4	estimate 19:20	financial 5:21 7:18,24 17:4	guys 19:14 22:23
draft 9:5,7,14,20 13:3 25:3	estimated 20:1,3,6	financially 30:11	<hr/> H <hr/>
drawing 12:2	estimates 21:12,13,21	financials 13:15	half 23:10
drawings 12:5	evening 5:19	fine 16:16 18:23	hang 28:7
dredging 5:8 8:11 12:22,23	everybody's 15:16	finish 10:11	happen 27:18
	executive 3:23		Harbor 10:17
	existing 19:16		
	expected 9:2,3		
	expenditures 14:4		

Harris 19:2 22:16	installing 19:25	12:12,16 19:9 24:23	14:15,16,20 15:12 22:3
headquarters 24:7	interest 17:5 23:11,15, 17	25:2	23:3,19 27:22 28:2,10, 12,19 29:11,18 30:5,7
hear 3:18 11:3	interested 11:1,7 30:11	land 20:16,18	meetings 26:18
held 4:8	investigate 11:24	latest 9:20	memo 8:6,9
Henry 3:9	investigation 10:8	Law 24:3	mention 21:4 26:25
higher 21:16	invoice 7:11	lease 6:11	mentioned 6:8 7:2,13 8:18 11:17 25:16 26:2,3 27:4
historical 22:24	invoices 8:1	left 17:25	Merchant 4:5
hold 14:15	involved 26:10	Legacy 4:22 8:4 9:13 12:12,16 19:10 24:23 25:2	Merchants 4:7,9
holder 10:16	Iseminger 30:2,15	legal 24:4	middle 5:15 8:14 20:11, 17
holdings 23:5	issues 7:8	letter 4:17 6:6,21 11:16 25:25 27:1,4,8,12	million 17:12,13,17 19:20,22 20:3,4,6,7 21:11
hoping 21:24	item 6:1 13:18 19:12 22:16	letters 11:11	Mills 5:14 18:17,23 19:5,13 21:10,19 22:7, 12
hour's 15:13	items 5:18,20 6:7 11:8 14:20 17:25 18:3,8,9,19 19:18 20:21 21:24 22:14 28:18 29:9	list 17:25	minute 21:9
<hr/> I <hr/>	<hr/> J <hr/>	litigation 30:12	minutes 4:3
IDEM 9:24 26:9	January 11:23 17:9,19	located 9:17	missed 20:25
ifs 21:9	Jerby 24:12	location 30:4	misunderstood 29:14
important 18:5	Jim 25:21 26:3	LOPEZ 13:22 14:3,7 15:5 16:6,8,11,19,23 17:2 23:23 28:10,21 29:1	modification 4:23 9:12,18,21 19:10 20:9 25:17
in-person 26:17	John 3:7,20 27:1,10 28:10,22	lot 24:4 27:17	modifications 9:15
include 27:14	July 23:10	<hr/> M <hr/>	modifying 19:15
included 7:22 20:16 21:7,23	junction 9:17 10:1,19 20:15 25:15	machine 30:6	money 23:7 27:17
includes 9:14 10:3 19:22 21:22	June 9:2 20:12	make 26:8	month 6:9,21 8:3,7 14:9,11
including 8:20 10:4	<hr/> K <hr/>	Management 3:2 4:18 5:2 25:1 30:4	monthly 14:8
inclusion 20:14	Kevin 3:15,17 15:24 24:12	Mapletronics 7:10	morning 8:19
income 17:5	kind 9:5,7 17:23 19:13 20:21 21:23,25	March 4:4,16 5:5,22 7:23 8:6 17:10,16,20,22 23:2 27:5	move 19:1 20:8 26:17
incorporated 6:5	<hr/> L <hr/>	market 23:8	moving 18:24 21:8 25:4
incorporating 9:15	Lake 5:15 8:12,14,24 20:11,17	marriage 30:10	<hr/> N <hr/>
increase 17:7	Lakes 4:22 8:4 9:13	matters 24:5	Nagle 24:16 25:3
increased 19:19		May's 6:14	Natalie 5:14 18:15,22 19:7,12 22:6,8 28:25
increases 19:18		meet 16:21	
Indiana 10:17 26:15 30:3		meeting 3:2 4:2,4 6:8, 15 9:22,24 12:13 13:4,6	
industrial 12:10			
information 6:24,25 12:25 13:8 14:2,3 19:9			
informed 9:8			

necessarily 21:19	packages 8:1	positions 12:3	purchase 5:23 7:23
needed 19:9	packet 4:1,3 5:3,19 6:2, 9 7:14,21 8:18 12:23 24:24 25:17 26:1,15	positive 18:8 23:2,18	put 13:22,25 21:12 26:12
NIPSCO 6:11		posts 23:15	
noise 22:22	pandemic 26:19	practice 22:22	<hr/> Q <hr/>
non-cdf 26:8	parameters 12:1	preference 24:13	qualify 12:15,18
noon 15:21 16:17	parcels 10:25 11:6,10 26:9	preliminary 12:2	quarter 23:18
Notary 30:2	part 25:16	prepared 12:2 27:8	questionnaire 26:13
notes 30:8	parties 30:10	preparing 10:21	questions 6:19 13:10 18:12 19:8 20:23 22:8 23:21
notice 4:2 6:8 15:13 28:4	partners 20:12	present 19:7	quick 13:19 17:3
noticed 14:23	past 9:21 14:17,25	presentation 6:13	quickly 21:7
numbers 21:4	patience 22:11,20	presented 21:5	quorum 3:21 7:4 14:5, 19 22:1
<hr/> O <hr/>	Patrick 3:11	pretty 21:25	<hr/> R <hr/>
obligated 27:11	pay 14:9 15:7	previously 20:3	
obligations 15:6 27:20	PCA 24:7,13 28:24	prime 23:7	
occur 10:23	People's 5:6	problem 7:11 22:12,21 23:24	
office 7:9	percent 5:15,17 8:16, 21 23:11,13	proceedings 30:6,8	range 20:4
ongoing 8:6,15 11:22 13:2	perform 11:12	process 10:21 15:12 26:8	rates 23:12
open 26:19	periodic 25:21 26:7	Professional 30:2	Ray 14:1 15:24 16:5 28:15
operating 17:11,14	permitting 10:4	profiles 12:6	reach 12:7 21:11
opinion 12:17	phase 8:11	project 4:23 8:4,23,25 9:11,13 10:22 11:21 12:14,16,22 13:1 19:19 20:11,17 24:23 25:12, 18	reaches 9:17 10:2,5, 19,23 20:15 25:15
opportunities 12:15	phonetic 24:12	project's 8:15	ready 6:13
opportunity 29:5	pick 16:20	projects 21:20	recall 10:6
order 3:1,5,23 5:9 13:13 23:25 26:17	pile 8:5 19:24 27:14	property 7:13 25:1,7, 20,24 26:6	receipts 17:5
orders 5:23 7:23	pipeline 9:1	proposal 4:14,16 5:25 6:2,4 10:3	receive 6:24
original 30:7	pipelines 6:22	proposals 7:14 11:11	received 8:19 13:2
originally 20:2	place 10:15	proposed 12:3	recently 13:2
outcome 30:11	plan 5:2 6:18,25 7:3,6 8:8 12:2 26:13 27:8	provide 13:7	recommence 9:2
outline 11:2 25:22	planning 20:10	provided 24:8,11 26:14	recommendation 6:25 15:15
oversight 19:23	plans 8:19 12:6,9	provisions 7:6	record 30:8
<hr/> P <hr/>	Plews 24:9	public 4:2 28:4 30:2	recorder 14:10
PA 19:16,17,20 20:5,14 24:22	Point 14:3	publicly 14:22	red 21:5 29:5,6
	pop 21:9		redeveloping 27:7
	Porter 30:3		redevelopment 8:7 27:6
	portion 9:18		

reduced 30:7	27:1,8,25	share 9:4	substantial 12:20 19:17
redundant 19:15	responses 8:20	shared 6:9,21	successor 24:18
referenced 11:10	responsible 9:19	sharing 12:15	sufficient 20:13
register 5:24	rest 18:19	sheet 8:5 10:25 17:23 19:24 27:14	suggestion 26:10
Registered 30:2	review 7:5 9:5,22 11:2 12:17	ship 10:17 20:1	summarized 17:18 27:6
regular 28:12	reviewing 8:22	Shore 6:10	summarizes 17:7,11, 14,24
reimburse 7:17 11:14	revision 5:13	short 21:17	summarizing 8:7
reimbursement 4:19 11:15 25:25	Rick 19:14 21:2 24:15 25:3	shorthand 30:6,8	summary 13:19 17:5, 24 18:10 26:4
related 4:20 5:14 6:12 19:9 20:23 30:9	RICRA 26:7	shortly 14:19	system 7:9
Relue 24:8	River 9:17 10:5,18 25:14	shows 12:3	
remedial 9:16 10:1,3,7, 8,12,13,23 20:15 25:15	Rodriguez 3:9,11	simplified 23:6	<hr/> T <hr/>
remediation 10:17,22 25:14,19 27:14	roll 3:5	snapshot 17:4	tank 8:8,25 9:1 27:7
remedy 11:22	routing 21:24	soil 11:23,25	tanks 8:5
reminder 7:16 8:11 11:13 27:3	RPR 30:2,15	son 22:22	tapping 19:19
removal 9:1	run 22:23 24:5	south 8:5,8 9:1 27:7	tasks 21:23
rent 14:10	<hr/> S <hr/>	special 6:15 14:15,20 15:12 22:2 28:19 29:11 30:7	team 8:15,23 9:11 12:12
report 3:24 4:9 5:5,6, 10,12 7:24 8:17 9:7,9 12:21,22 13:8,9,14 17:4 18:11 19:3 22:17,19,23 24:1	safety 5:2 7:2	Specifically 19:18 20:9	Tech 9:25 10:2,6,11
reported 30:6	samples 11:25	specifics 25:10	technical 7:8 12:1
Reporter 30:2	satisfy 27:20	specs 8:20	Ted 3:13
reporting 23:17	savings 12:19	spend 27:17	telling 21:3
reports 6:10 7:18,22 9:5	schedule 10:10,21	stakeholders 12:10	template 26:14
request 7:10	scope 6:3 9:15,16 10:1, 4,13 12:14 24:22	state 26:14,18 30:3	term 10:25
requesting 6:22	screen 13:23	statement 4:24 5:21	testimony 30:7
require 10:15	second-guess 27:17	statements 4:5	Tetra 9:25 10:2,6,11
required 27:19	second-to-the-last 18:1	station 7:9	thing 28:16
requirement 27:14	section 8:24	steel 19:24	things 14:11 23:6 28:24
requirements 27:21	send 9:4 17:2 27:8	step 12:9	thinking 18:21
respond 27:12	sense 27:16	steps 26:5,16	thought 15:5 21:13 28:23
response 3:8,10,12,14, 16 8:9 13:12 18:13 21:1 22:9 23:22 26:13,23	separate 7:20 25:6,11, 12,18	street 11:21 12:14	Tim 13:16
	set 24:16 29:1	study 10:8	time 3:4 7:5 15:3 16:11 24:14 26:4 27:16 28:3 30:4
	Shadley 24:9	submit 8:9	
		submitted 8:15	
		subsequent 17:9	

Times 6:3 12:24		
tipping 5:7 24:15,19	<hr/> V <hr/>	<hr/> Z <hr/>
titled 18:1	valuation 4:15,21 6:1	Zagar 3:13
today 6:4 7:20 13:17 19:7	values 22:24	
today's 3:3 4:2,12 6:8 7:3,22 9:22 11:10,15,19 29:10	version 24:8	
	<hr/> W <hr/>	
Todd 24:8,10	waiting 11:3 18:15,25 25:22	
top 24:5		
total 23:1,8,20	wall 8:5 19:24 27:15	
transcript 30:8	wanted 20:8,13 27:10	
transfer 11:6 17:6 25:24 28:19	Waterway 3:2 4:18 5:1 24:25 30:4	
transfers 25:20 26:6	week 8:10 9:24 15:2,3, 17 22:3	
transmission 9:11	weekend 9:22	
Trevino 3:24,25 13:11, 16,21,25 14:10,18,24 15:4,9,18,23 16:1,9,12, 17,21,24 17:3 19:7 22:14,20 26:25 27:3 28:1,6,15,22 29:8,13,15	weeks 7:7,8 9:3 12:13, 24	
true 30:8	west 6:10 8:25	
trust 5:4 17:6 22:16 23:1,20	Wieser 6:18 11:5 25:21 26:4	
Tuesday 15:25 16:17	wife 15:20	
twelve 9:3	work 4:24 7:9,18 8:23 9:1,5,7 10:12,13 11:13, 14 20:19 21:22 24:22 25:2,8,14,15,19,25	
typewriting 30:7	working 7:25 9:12 10:2 11:5 12:4 13:4 25:9,13 26:4	
typically 13:25	worth 12:18 23:16	
<hr/> U <hr/>	wrong 14:14	
U.S. 20:12		
uncertain 27:15	<hr/> Y <hr/>	
unused 18:6	year 8:13 9:2 23:10	
update 13:5	yearend 9:7	
updated 5:25 8:19	years 10:9	
user 7:25 8:1 17:12,17, 19	yesterday 5:19 6:2	
	yesterday's 7:20	