In the Matter Of:

East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

June 29, 2022



Iseminger & Associates, Inc. 877-337-7379

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2	EAST CHICAGO WATERWAY MANAGEMENT
3	DISTRICT BOARD OF DIRECTORS' MEETING
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5	City of East Chicago, Engineering/Annex Building
6	4444 Railroad Avenue
7	East Chicago, Indiana
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9	June 29, 2022
10	5:00 p.m.
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14	Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the
15	above-entitled matter on the 29th day of June, 2022, commencing at 5:00 p.m., taken at City of
16	East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, and via
17	Zoom Video/Telephone conference, before Dawn M. Iseminger, RPR, and Notary Public, within and for
18	the County of Porter, State of Indiana.
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1	APPEARANCES
2	JOHN FEKETE, President
3	RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer
4	HENRY RODRIGUEZ, Secretary
5	JOHN BAKOTA, Board Member
6	FERNANDO TREVINO, FMT Consulting
7	ELLEN GREGORY, Ellen Gregory Law
8	Also Present:
9	Vanessa Vargas, CliftonLarsonAllen - appearing via Zoom
10	Jim Wescott of Tetra Tech - appearing via Zoom
11	Eric Larson, Jami O'Keefe, Tamera Lienhart, David Tully
12	Mike Elam
13	Mike Nguyen, Army Corps of Engineers - appearing via Zoom
L4	Gene Martin - via Zoom
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1	MR. FEKETE: I'd like to call to order the
2	East Chicago Waterway Management District Special
3	Board Directors' meeting, since this is not a
4	regular time or stated time that we published
5	earlier. The time is 5:05, and we'll start the
6	proceedings with a roll call.
7	John Bakota?
8	MR. BAKOTA: Here.
9	MR. FEKETE: Henry Rodriguez?
10	MR. HENRY RODRIGUEZ: Here.
11	MR. FEKETE: Jaylan Robinson?
12	(No response).
13	MR. FEKETE: Kevin Doyle?
14	(No response).
15	MR. FEKETE: Ray Lopez?
16	MR. LOPEZ: Here.
17	MR. FEKETE: John Fekete, I am here.
18	MS. GREGORY: Sorry to interrupt. Gene
19	Martin joined the Zoom.
20	MR. FEKETE: Okay. The next order of
21	business is the executive director's report,
22	Mr. Trevino.
23	MR. TREVINO: Yes. Fernando Trevino with FMT
24	Consulting. First I'd like to start off by going
25	over the contents of your board packet: You have

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today's agenda. We have a copy of the public meeting posting for today's meeting. You have the board minutes for the May 19th board meeting. The minutes for the presentation part I received after I submitted the email, so those will be included in our July board meeting. The claim docket with today's date, June 29th, along with the purchase order copies are in your board packet. CliftonLarsenAllen financial report dated May 31st for the month of May wasn't finalized when I emailed the board packet yesterday, so that was emailed earlier today, and I provided hard copies of the report. A copy of the First Merchants Bank statements for the month of May 2022 for accounts ending 608 and 616, along with the copy of the checks that cleared in the month of May.

Also the BMO trust report through May 31st, along with the summary note from Mr. David Alonzo, are in our packet. I included the sheet pile wall fact sheet dated May 19. That was something I had provided at the last month board meeting, but since we had a follow-up presentation from BP, I thought it would be a good idea to include that in your board packet. The Army Corps of Engineers report to the board dated June 29th is in your

packet. Attorney Ellen Gregory report to the board with revision date of June 28th is in your packet.

You have a copy of Tetra Tech's monthly report on the Great Lakes Legacy Grand Cal' River remedial design project dated June 24th. You have the letter dated May 16, 2022, from myself to EPA project manager Megan O'Brien responding to their questions and comments of our March 9th project proposal and April 1st presentation to the technical review committee.

You also have a copy of the project scheduled for the Canal Street bridge project with a schedule date of March 11th, 2022.

That concludes the items in your board packet. Regarding the action items on today's agenda, we have the two traditional action items, which is the board minutes and the monthly claim docket.

Regarding the financial report, last month the board approved an amended Tetra Tech engagement letter for additional services and increase budget for the Grand Cal' River remedial design and phase one project. I'll review that 2022 budget line item and have a recommendation at

the July or August board meeting.

I received our Verizon invoice for the iPads that we recently acquired from Verizon and there was a discrepancy in the statement and I'm working with the Verizon rep to resolve that.

So as everyone might know, the fed rate was increased recently, and I'll review any recommendations that our BMO and First Merchant reps might have on our accounts as a result of that increase.

Regarding the 2022 user fee, the user fee packet was sent out on June 3rd and included the district's annual communicator that summarizes our progress on an annual basis, and that was also shared with other East Chicago Waterway stakeholders. That included Governor Holcomb, both Senators Braun and Young, Congressman Mrvan and his key staff, Mayor Copeland and his key staff, EPA, the Corps, and IDEM among others.

Regarding the Great Lakes Legacy Act project, the Lake George canal east and middle project, the sheet pile wall 90 percent basis of design report is ongoing. BP is very close to finalizing that 90 percent design. The sheet pile wall is forecasted to be completed by the end of 2023 or

1 early 2024. And as a reminder, we went through a 2 30-day public comment period of the draft 3 90 percent design that began on April 29th, and it was concluded on May 31st. BP posted the 4 beginning of the 30-day public comment period in 5 the Northwest Indiana Times, and it ran for three 6 7 consecutive days. Hard copies of the design were 8 available at both East Chicago libraries, and one 9 at my office. The 90 percent design fact sheet, 10 the BP slides of their May board meeting 11 presentation, were available electronically on the district website. 12 There were no comments 13 submitted at either library or to myself. And BP, 14 during their presentation, will give us an update 15 if they received any public comments. 16 And as reported at the May board meeting, 17

And as reported at the May board meeting, during BP's presentation they have a followup on the public comment period, and BP's project team members are present today at today's board meeting to give an update on the public comments, the design and the project schedule.

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Regarding the Lake George canal east section, phase one dredging was completed in 2020. Phase two dredging is scheduled to recommence after the sheet pile wall is installed. The Corps will be

managing the dredging project on EPA's behalf, and the Corps' coordinating additional sediment sampling that's scheduled to be done some time this summer.

Regarding the Lake George canal middle project, the Army Corps is managing that remediation project, and that construction is on going.

Regarding the Grand Cal' River junction reach remedial design work, Tetra Tech remedial design work is ongoing, the project team continues to have periodic meetings to discuss design completion. Property access coordination, permit applications, coordination of the junction marsh, and cost shared documentation.

The Grand Cal' River phase one remediation project proposal was originally submitted

March 9th, and had a follow-up presentation to their technical review committee on April 1st.

We've received comments from the technical review committee and we've submitted our response to their questions and comments, and the EPA had no further questions on our project proposal or presentation. It's my understanding that EPA went through their scoring process of the project

proposal and informed us that the project scored well and is approved to start negotiating the project agreement, which we are in the process of doing.

We've also started talking about the community engagement plan for that Grand Cal' River phase one remediation project. And the project team continues to work on cost share calculations affiliated with the tipping fee agreement, which will be used to leverage Great Lakes Legacy Act funding for that phase one remediation.

Regarding work in kind reporting, next month I'll start working on the work in kind report for the first months of 2022. Through 2019 EPA has approved approximately \$1.1 million in work in kind. And that does not include the work in kind generated from the Cleveland cliffs Sep project.

The Lake George canal west remediation work is on going. A reminder that this project is between EPA and BP.

The Canal Street bridge project, ACOM continues their effort on the dolphin design and permit application. A project schedule is in your packet. The design is scheduled to be completed

1 in July, and drafting of the bid specs in August 2 and September. And the bidding process will be 3 done during the winter months with construction 4 forecasted for the May/June 2023 time frame. BP term sheet agreement for the parcels BP is 5 interested in acquiring, district and BP continue 6 7 to work on drafting that settlement agreement. 8 Regarding the Corps report, that is in your 9 The project manager for the Corps, Mike 10 Nguyen, is in attendance today to give an update 11 on regard that project. I attended a press 12 conference this past Monday held at the CDF. 13 included Congressman Mrvan, Mayor Copeland, the 14 Army Corps of Engineers Colonel Culberson, and a 15 couple other dignitaries, to announce the funding 16 for various federal projects, including 17 construction of this CDF dike raising project. 18 That concludes my report. Attorney Ellen 19 Gregory will give us an update on various legal 20 I'm going to turn that alarm off. 21 Any questions? MR. FEKETE: 22 MR. LOPEZ: At that press conference, did you 23 ask Frank if we're going to get more money? 24 No, I didn't ask him. MR. TREVINO: I would have. 25 MR. LOPEZ: 10

1	MR. FEKETE: The next order of business is
2	the approval consideration of the board meeting
3	notes. Since all of the board members
4	participating are here, I will entertain an
5	approval motion.
6	MR. BAKOTA: Motion approved.
7	MR. FEKETE: And a second?
8	MR. LOPEZ: Second.
9	MR. FEKETE: We'll have a voice vote. All in
10	favor, signify by saying aye.
11	(All signify aye.)
12	MR. FEKETE: Any objections? Abstentions?
13	(No response.)
14	MR. FEKETE: Hearing none, the motion is
15	approved.
16	The accounting consultant report. Vanessa is
17	on.
18	MS. VARGAS: In front of you, you have the
19	financial statements on a cash basis as of
20	May 31st, 2022. If you turn to Page 2 you will
21	see the statement of cash receipts and cash
22	disbursements for the five months ended May 31,
23	2022. Your total receipts as of May 31st was
24	\$474,267.45, which is made up of interest income
25	of \$3,322.21, user fee income of \$72,607.05, and a

trust transfer of \$398,338.19. Total 1 disbursements as of May 31st was \$262,489.71, 2 3 which you will see broken out by the different 4 expense line items. This brings your total cash 5 increase up to \$211,777.74, which brings your cash balance from \$3.9 million as of January 1st to 6 7 \$4.2 million as May 31st. On the bottom left-hand, you will see a 8 9 breakdown of the three accounts which make up that 10 cash balance. 11 If you turn to Page 3, the schedule of cash account activity for the five months ended 12 May 31st will detail all the cash activity for 13 those three various accounts. As of May 31st, 14 15 your operating account started off at \$1.4 million 16 as of January 1st. You earned interest income of 17 \$182.04. You had cash disbursements of 18 \$262,489.71, which you can see broken out by month 19 and net against the voided check. You had a trust 20 transfer of \$398,338.19, as well as a budget 21 transfer of \$162,225.79, which brings your 22 operating cash balancing as of May 31st to 23 \$1,707,834.70. Your user fee account began with 24 \$1,076,244.74 as of January 1st. You earned 25 interest of \$443.14, had user fee income of

1 \$72,607.05, and had a budget transfer disbursement 2 of \$162,225.79, which brings your user fee account 3 balance as of May 31st to \$987,069.14. The CD began at roughly \$1.5 million at the beginning of 4 5 January. You earned interest of \$2,697.03, bringing your ending CD balance as of May 31st to 6 7 \$1,509,281.84. 8 Turning to Page 4, you have a schedule of 9 2022 available budget as of June 29, 2022. 10 cash disbursements through May 2022 was 11 \$262,489.71. You have a claims docket in front of 12 you dated January 29th for \$50,957.07, bringing 13 your unused budget as of May 31st and including 14 your docket of June 29th to \$1,656,695.59. 15 will see that all the unused budget line items 16 still have amounts remaining to cover all of your 17 claim dockets for this meeting. Are there any 18 questions? 19 MR. FEKETE: Any questions for Vanessa? 20 (No response.) 21 MR. FEKETE: Thank you very much. 22 MS. VARGAS: You're welcome. 23 MR. FEKETE: The next order of Okay. 24 business is the approval consideration for 25 accounts payable voucher register dated today,

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1	June 29, 2022.
2	MR. LOPEZ: Motion to approve.
3	MR. FEKETE: We have a motion to approve. Do
4	I have a second?
5	MR. HENRY RODRIGUEZ: Second.
6	MR. FEKETE: We have a second. We'll have a
7	roll call vote.
8	John Bakota?
9	MR. BAKOTA: Yes.
10	MR. FEKETE: Henry Rodriguez?
11	MR. HENRY RODRIGUEZ: Yes.
12	MR. FEKETE: Jaylan Robinson?
13	(No response).
14	MR. FEKETE: Kevin Doyle?
15	(No response).
16	MR. FEKETE: Ray Lopez?
17	MR. LOPEZ: Yes.
18	MR. FEKETE: John Fekete, I vote yes. That
19	motion is approved.
20	The next order of business is the BMO trust
21	report. Is Mr. Alonzo going to report?
22	MR. TREVINO: Mr. Alonzo wasn't able to make
23	today's meeting, so I'll summarize his report.
24	Page 1 shows the balance of the money market
25	with the current value of approximately

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1 \$4.136 million. That's an increase of \$175.66 2 from interest earned from our last meeting. 3 Page 2 shows historical values of the trust account from 1997. And based on our last meeting 4 Mr. Alonzo recommended that we look into current 5 CDs, and as of June 15th, that has risen rates 6 7 .75 percent. There will be some lag time prior to 8 seeing anything, if anything, in the bank CD 9 rates. So he is suggesting that we meet with the 10 finance committee the second week of July to 11 consider allocating money into CDs. That conclude Mr. Alonzo's report. 12 13 MR. FEKETE: Okay. Any questions? 14 Discussion? 15 (No response.) 16 Okay. Hearing none, thank you. MR. FEKETE: Sheet piling wall barrier wall project update, and 17 18 we have quests with us. 19 MR. LARSON: Sure. 20 MR. TREVINO: Eric, do you mind introducing 21 your team? 22 MR. LARSON: Thank you for the invitation. 23 I'm Eric Larson, I work for Atlantic 24 Richfield. There are a few folks with us today. 25 We have Jami O'Keefe and Tamera Lienhart. I think 15

Tamera has joined you before from the refinery.

Michael Elam, outside counsel, who we work closely

with, and David Tully from Wood.

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As you know, David gave a nice presentation in the May meeting and kind of highlighted the basis of design report that we're about to present. And then on the phone we have Jean Martin. She is inside counsel for Atlantic Richfield.

So first I wanted to say thank you very much for the invitation today and thank you for the invitation in May to present the basis of design report. I wanted to take a few minutes today to share with you kind of the highlights of some of the things that somebody going to see and some of the things that you'll see here in the not too distant future with respect to the project update. I thought the executive director's report that Mr. Trevino shared highlighted some of the key points from the basis of design report public comment period that we went through from April 29 through May 31. Other than the comments that we received from the board meeting on May 19th we didn't receive any public comment. So we're proceeding with finalizing that design right now.

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That design will go into the stakeholders so the US EPA and Army Corps of Engineers and, of course, the Waterway Management District here will go in tomorrow for review. Today I submitted the schedule for the project. We've refined the schedule -- last year we had updated the schedule and we'll do so as necessary. So we were at the point in the project we wanted to update the schedule, so I sent that out to the stakeholders as well today, kind of laying out what the next 12 months is going to look like. One of the things I think is noteworthy is we went through a request for the proposal process for the steel that we're going to use to construct the barrier wall system. So we should be making that award on Friday of this week. We went through the request for -- or we went through the request for proposal process, got bids back, evaluated, and made a selection. So we're using domestic steel, as we shared with you back in May. So we're very proud of that. that's something that will be forthcoming this week, as far as that basis of design report, that 90 percent -- as is the final 90 percent for the barrier wall system that is slated to go in tomorrow. If you fast forward the clock to July,

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what you'll see is we're going to go through a general contractor request for proposal effort. So what we're going to do is go out to bid for contractors to come in and provide proposals to actually install that barrier wall system for us The schedule that you'll see, we plan next year. on mobilizing next March, and then taking 12 to 13 months to install that barrier wall system. So what we committed to doing was submitting or constructing the sheet pile wall that will be out in the canal that Dave had outlined in May by the end of February, and then completing the rest of the barrier wall system, all the hardware and deadman by the end of March next year. So it will be a busy construction season next. But we're going to go through that RFP process, get bids back, we anticipate by mid September, go through the evaluation selection and then the award comes the end of October, and then the plan is to submit the 100 percent design, what we call the issue for construction by mid December. Dave and I met with the city planners today to talk through the This is kind of a continuation of the discussion we had last December. So as you can imagine, there's a lot of permits both from The

1 Corps, state, and the city. So we're initiating 2 that process. So it's a busy year from a front 3 end loading, from a planning standpoint, and we're looking forward to going through this effort 4 5 selecting a contractor so that we can begin our mobilization effort next March to begin the 6 7 installation of that barrier wall next year, and 8 complete it by the end of March of 2024. I know 9 in May there were a couple questions. I hope we 10 addressed those to your satisfaction. But in the 11 interim, were there any questions, anything that 12 you thought about that needs to be addressed? 13 MR. BAKOTA: I asked a question, you were on 14 the phone that day, about the riprap that is 15 parallel to the shoreline. Where will that be in the disposal? Because it's heavily contaminated 16 17 with petroleum product. The plan is, we're going to put 18 MR. LARSON: 19 that sheet pile wall -- it extends, you know, ball 20 park imagine 10 feet into the canal, give or take. All of that material between where we put that 21 22 sheet pile wall and install the deadman wall is

going to be excavated down to the tie back level

riprap, we'll pull out. We're going to stage it

that we talked about for stability purposes.

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1 To the extent that we can re-use any on the site. 2 of that material that we're going to pull out, we So the thought is we're going to treat it 3 4 to the requirements necessary to re-use. Anything 5 that we can't treat, it's probably going to need to go off site for disposal. But to the extent we 6 can, we want to treat it to be able to re-use as 7 much as that material as possible. I think it 8 9 makes good sense. We need to use that material in 10 the upland portion just to get the elevations, right, and we certainly want to minimize how much 11 12 material gets sent out for disposal. 13 MR. BAKOTA: Thank you. 14 MR. LARSON: You've welcome. 15 MR. FEKETE: Anymore questions for Eric? 16 (No response.) MR. FEKETE: 17 Thank you all very much. We 18 appreciate it. 19 MR. TREVINO: One last -- I'm sorry if I 20 missed this, were there any comments received from 21 your team on the 90 percent design from our 30-day 22 comment period? 23 We didn't receive any comments. MR. LARSON: 24 We didn't receive any comments electronically. 25 didn't receive any comments via email or, I should

1	say, regular U.S. Postal Service Mail.
2	MR. FEKETE: And we didn't receive any?
3	MR. TREVINO: We didn't receive any.
4	MR. LOPEZ: Thank you. Nice presentation.
5	He did a good job.
6	MR. LARSON: I know Dave did. I wish I could
7	have joined you in May. But thank you for your
8	patience and flexibility. It's a pleasure to be
9	here tonight.
10	MR. FEKETE: Thank you for coming out and
11	visiting the old homestead.
12	MR. LARSON: It's always nice to come home.
13	MR. FEKETE: Very good. Next order of
14	business is the U.S. Army Corps board report.
15	Mr. Nguyen.
16	MR. NGUYEN: Mike Nguyen with the Army Corps
17	of Engineers. The update on the CDF construction
18	and dredging. We're still preparing to close out
19	the dredging contact and we're still working with
20	clean harbors to mobilize their water treatment
21	plant for this year. For the dike raise
22	construction contract, the construction is on
23	going; no issue. Nothing to report on the oil
24	boom coordination and the PCA revision. And for
25	Feddeler parcel, we're still working with our real

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1 estate staff to finalize the Lerr credit. I was 2 hoping it was going to be by the end of June, but it might be early July before we get a final 3 decision. And that's all I have. 4 5 MR. FEKETE: Any questions for Mr. Nguyen? 6 (No response.) 7 MR. FEKETE: Thank you. 8 MR. LOPEZ: Thank you. 9 MR. FEKETE: Next up is the Attorney Ellen 10 Gregory report. Miss Gregory. 11 MS. GREGORY: Ellen Gregory, with Ellen 12 Gregory Law. A couple of matters that Fernando 13 mentioned, reiterating the property transfer work 14 is ongoing with BP. We have a draft agreement 15 that's been circulated, and we have periodic calls with BP and their representatives. Both parties 16 17 continue to have punch list items that we're working through, and we are having calls every 18 19 three to four weeks, roughly. 20 The tipping fee agreement amendment is still in the works. Todd Relue of Plews Shadley put 21 22 together a draft and reviewed by Cleveland cliffs, 23 and we received comment from them, and we're 24 moving forward on that document as well. 25 The Grand Calumet River project, we have a

1	draft PA that has been reviewed. And EPA has
2	responded to some of our comments with comments to
3	our draft that we had circulated.
4	And, finally, on the Canal Street bridge
5	project, I'll be working with Mr. Trevino to
6	follow up with contractor issues. And that's all
7	I have.
8	MR. FEKETE: Any questions for Miss Gregory?
9	(No response.)
10	MR. FEKETE: Thank you very much. Any other
11	new business to come before the board?
12	(No response.)
13	MR. FEKETE: Hearing none. Any public
14	comments? Was there any public commenters on
15	zoom.
16	MS. GREGORY: No. Just the people that I
17	announced.
18	MR. FEKETE: Well, the next board meeting
19	will be July 21, 2022 at 5:00 p.m.
20	And having said that, this meeting is
21	concluded.
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1	CERTIFICATE
2	I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for
3	the County of Porter, State of Indiana, do hereby certify that I appeared on the aforementioned
4	date, time, and location, for the East Chicago Waterway Management District Board of Directors'
5	Meeting.
6	I further certify that I then and there reported in machine shorthand the proceedings of
7 8	said Special Meeting, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a
9	true and accurate record of the proceedings.
10	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
11	attorneys or agents, nor am I interested in any
12	way, financially or otherwise, in the outcome of said litigation.
	ARY PORMIN
13	Dated this 20th day of July, 2022.
14	Daves M. Joining SEAL *
15	Dawn M. Iseminger, RPR
16	My Commission expires: 9/22/2025
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District Board of Directors' Meeting 06/29/2022 Index: \$1,0..bids

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