

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

December 21, 2023



Iseminger & Associates, Inc.
877-337-7379

**EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING**

**City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana**

December 21, 2023

5:00 p.m.

Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the above-entitled matter on the 21st day of December, 2023, commencing at 5:00 p.m., taken at City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, and via Zoom Video/Telephone conference, before Dawn M. Iseminger, RPR, and Notary Public, within and for the County of Porter, State of Indiana.

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

2 JOHN FEKETE, President - via Zoom

3 JAYLAN ROBINSON, Vice-President

4 HENRY RODRIGUEZ, Secretary

5 JOHN BAKOTA, Board Member

6 RAY LOPEZ - Treasurer

7 KEVIN DOYLE - Board member (not present)

8 FERNANDO TREVINO, FMT Consulting

9 Also Present:

10 VANESSA VARGAS, CliftonLarsonAllen - appearing via
11 Zoom

12 JIM WESCOTT of Tetra Tech - appearing via Zoom

13 MIKE NGUYEN, Army Corps of Engineers - appearing
14 via Zoom

15 TIM DULL, AECOM - appearing via Zoom

16 BOB SANTORE, BMO Harris Bank - appearing via Zoom

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1 MR. FEKETE: I'd like to call to order the
2 East Chicago Waterway Management District's
3 regular public board meeting. Today's date is
4 December 21, 2023. The time is 5:07.

5 The first order of business is -- or
6 before doing that, I would like to turn the
7 meeting over now to Ray Lopez to conduct the
8 meeting.

9 MR. LOPEZ: Okay. Thank you, John.

10 This is Ray Lopez, temporary chairman of
11 this meeting. I would like to take roll call.
12 John Fekete?

13 MR. FEKETE: Here.

14 MR. LOPEZ: John Bakota?

15 MR. BAKOTA: Here.

16 MR. LOPEZ: Jaylan Robinson?

17 MR. ROBINSON: Here.

18 MR. LOPEZ: Ray Lopez, I'm here.

19 Okay. We have a quorum and we can start
20 our meeting. The first order of business will
21 be the executive director's report.

22 Mr. Fernando Trevino.

23 MR. TREVINO: Fernando Trevino, FMT
24 Consulting. I'd like to start off by going over
25 the contents of your board packet.

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1 You have a copy of today's meeting agenda,
2 the public meeting posting for today's meeting.
3 You have the FMT Consulting, Inc.'s, 2023
4 performance evaluation summary report. You
5 have the FMT, Inc., 2023 additional hours
6 approval memo. You have the CliftonLarsonAllen
7 financial report dated November 30th for the
8 month of November, which I emailed earlier
9 today and provided hard copies to the board
10 today. You have today's claim docket dated
11 December 21, 2023, along with copies of the
12 purchase orders and the check register. You
13 have a copy of the 2024 executive and public
14 board meeting calendar for the district. You
15 have various documents that have been signed by
16 board president, Fekete, related to the
17 three-party settlement agreement between the
18 district, the city and Atlantic Richfield. You
19 have AECOM's Canal Street bridge dolphin
20 project progress report, schedule, and
21 invoicing; and a permit certification that I
22 signed on December 7th related to the
23 construction of the dolphins.

24 You have Tetra Tech's monthly progress
25 report for the month of November, dated

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1 December 15, 2023. You have First Merchant
2 bank statements for the month of December --
3 I'm sorry, for the month of November, for
4 accounts ending in 608, 616; along with a copy
5 of three user fee deposits that were recorded
6 in November and copies of checks that cleared
7 last month. Also is a copy of First Merchant's
8 CD report with the run date of December 15,
9 2023.

10 You have a copy of the BMO trust report
11 dated November 30, 2023. You have the Army
12 Corps' report to the board for today's board
13 meeting. However, the report is dated
14 November 16th, which is the same date as last
15 month's report, which I'm assuming is a typo.
16 The date just didn't get updated.

17 Attorney Ellen Gregory's report to the
18 board with the revision date of December 5,
19 2023. You have Jacob's sheet pile wall
20 construction project monthly progress report
21 for the month of November, dated November 28,
22 2023. You have copies of documents affiliated
23 with my eight-hour HAZWOPER safety refresher
24 training, which I attended on December 7th,
25 earlier this month.

1 That concludes the items in your board
2 packet. I also emailed you updated sales
3 disclosure forms that I'll reference later on
4 in my report.

5 Giving you an update on a few things. We
6 have several action items on today's agenda.
7 We have the November -- oh. No, we didn't
8 receive the November 16 board minutes; so we'll
9 delay that approval until our January board
10 meeting.

11 You have the FMT 2023 additional hours
12 approval memo. You have the monthly claim
13 docket for approval consideration. You have
14 the 2024 executive and public meeting schedule
15 announcement. You have ratification of various
16 documents signed by board president, Fekete,
17 related to the settlement agreement and the
18 transfer of parcels; and the 2024 user fee rate
19 of \$7 per linear foot. And that's a summary of
20 the action item on today's agenda.

21 Regarding finances, at the November board
22 meeting the board approved the 2024 operating
23 budget. Since then the trust portion of the
24 2024 operating budget has been sent to IDEM and
25 EPA for review and their approval. I spoke

1 with both IDEM and EPA on the status. IDEM had
2 no questions or concerns; however, they were
3 waiting for EPA's concurrence. EPA's person
4 who used to review our annual trust budget has
5 retired, so they have new folks reviewing the
6 trust budget; so it's taken a little longer.
7 EPA thinks they can have the process completed
8 before our next monthly board meeting, which is
9 on January 18th of next year.

10 Regarding user fees, we received and
11 deposited the last unpaid 2023 user fee last
12 week. So our collection for 2023 is at a
13 hundred percent now.

14 And on today's agenda approval is the 2024
15 user fee rate of \$7 per linear foot, which is
16 consistent with last year's rate. And actually
17 we haven't had a rate change for several years.

18 Regarding the PCA amendment with the Army
19 Corps, we continue to communicate with the
20 Corps regarding their final accounting, project
21 close out, and the transfer of funds.

22 Regarding the Great Lakes Legacy Act
23 project, the south tank farm sheet pile wall
24 construction is ongoing. As I mentioned, a
25 copy of Jacob's monthly report for the month of

1 November is in your board packet. Construction
2 efforts have made significant progress. The
3 wall is forecasted to be completed by early
4 2024.

5 Regarding the Lake George canal east
6 section, phase two dredging of the Lake George
7 canal east federal navigation area is scheduled
8 to be started and done in the second half of
9 2024, which is after the sheet pile wall
10 project is completed. And then after that is
11 concluded, the Corps plans to do the orphan
12 areas, which is scheduled to be done in 2025.

13 The Corps is managing the dredging project
14 on EPA's behalf. The Corps has completed the
15 collection of additional sediment samples, and
16 the Corps' team is reviewing that data.

17 Regarding the Lake George canal middle cap
18 project, the Army Corps of Engineers is also
19 managing this project. The main part of the
20 cap project is now completed. Brennan, who is
21 the general contractor, is having their sub do
22 the ecological construction activities; and
23 their sub has completed those activities for
24 the fall of this year and is scheduled to
25 resume in the spring of 2024.

1 Regarding the Lake George canal west
2 remediation project, that work is ongoing and
3 that project is between EPA and BP.

4 Regarding the Grand Cal' River junction
5 reaches remediation project, Tetra Tech continues
6 to work on the remedial design. The project team
7 continues to have weekly project team meetings.
8 Some of the things that we cover include
9 finalizing the additional site investigation plan,
10 which is forecasted to be done in 2024. The
11 fieldwork is scheduled to be done in 2024. We
12 also reviewed design completion, property access
13 coordination, permit applications, the junction
14 marsh coordination, coordination with the former
15 city dump site, community engagement, and also
16 coordination and planning of trying to remediate
17 the entire Grand Cal' River in one phase versus
18 two phases.

19 Phases regarding source control concerns,
20 now that the city and Buckeye has made good
21 progress related to Buckeye's wooden culvers
22 and the city's progress on their city dump, EPA
23 has been working on finalizing their source
24 control memo; basically stating all potential
25 known contamination sources are no concern.

1 And as I mentioned in the past, the project
2 team has been exploring remediation of the
3 Grand Cal' River in one phase rather than two
4 phases. We had a meeting to review the
5 work-in-kind cost share that we've accumulated
6 with the Cleveland Cliffs SEP project, and
7 compared it to the updated remediation costs of
8 doing the entire Grand Cal' River junction
9 reaches in one phase; and it appears that we
10 have enough cost share to finance the Grand
11 Cal' River remediation in one phase. The final
12 decision to remediate it in one phase is
13 expected in early 2024. And the concept of
14 doing it in one phase is starting to get good
15 project stakeholder support. Our current
16 scheduled forecast is to complete the project
17 agreement in 2024, as well as contractor
18 selection; and then begin remediation
19 construction in 2025.

20 The project manager from Tetra Tech is on
21 the call today and can provide additional
22 updates or can answer any questions.

23 Regarding the Canal Street bridge project,
24 the dolphins were successfully installed in the
25 month of November. I want to thank both

1 Thatcher and AECOM for a very well done job.
2 I've been working with AECOM to draft a project
3 closeout report, which we should have done in
4 January. And I anticipate processing final
5 billings for the construction work in the early
6 part of next year.

7 Regarding the three party settlement
8 agreement between the district, the city, and
9 Atlantic Richfield, since our last board
10 meeting we've been working diligently to
11 familiarize the transfer of the parcels and the
12 remaining action items. In that effort,
13 there's been several documents that board
14 president, Fekete, has signed on behalf of
15 district, which is consistent with the board
16 resolution that authorizes him to sign on
17 behalf of district. Those documents are on
18 today's agenda for board ratification. Some of
19 the documents include the updated sales
20 disclosure forms that were emailed to the board
21 earlier today, the seller's certification of
22 non-foreign status, additional information
23 requested from the title company, owner's
24 affidavit and gap indemnity agreement, the
25 final settlement statement, and the limited

1 warranty deed.

2 Regarding the Army Corps of Engineers
3 dredging project and CDF, the Corps' report is
4 in your board packet. Project manager, Mike
5 Nguyen, will be providing an update to the
6 board.

7 Regarding legal matters, Attorney Ellen
8 Gregory was not able to make today's board
9 meeting, so there's no update from her on
10 today's agenda.

11 As I mentioned, the summary report for FMT
12 Consulting, Inc., annual performance review for
13 2023 is in your board packet, which is the next
14 item on today's agenda. The report highlights
15 the progress and accomplishments for 2023,
16 which include finalizing the accounting and
17 payments from the Corps related to the PCA
18 amendment, finalizing the accounting and
19 payments from Cleveland Cliffs related to the
20 tipping fee agreement amendment, efforts to
21 increase our Great Lakes Legacy Act Grand Cal'
22 River remediation cost share related to both
23 the PCA and tipping fee amendments, efforts
24 related to the multi-year \$4.5 million
25 settlement agreement between the district, the

1 city, and Atlantic Richfield -- that includes
2 the transfer of parcels, release
3 indemnification and defense and hold harmless
4 clauses that protect both the district and the
5 city -- the transfer of the environmental
6 obligations to Atlantic Richfield, and the
7 amendment or termination of other agreements.

8 The summary also highlights the successful
9 bidding and construction of the two dolphins in
10 the Indiana Harbor ship canal that will improve
11 safety of ship navigation past the canal street
12 bridge abandoned concrete abutments and the
13 construction of a complex sheet pile wall
14 project that's being installed along the south
15 tank farm, and partnership with Atlantic
16 Richfield and BP. The construction of the
17 sheet pile wall has made significant progress
18 this year and is scheduled for completion in
19 early 2024.

20 The total average score on my performance
21 evaluation was 4.8 out of a possible 5. I want to
22 thank the board for their candid feedback, and the
23 support of all the challenging work that we
24 engaged in throughout 2023. And I think 2024 will
25 be just as challenging. I'm looking forward to

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1 the task. And that concludes my report.

2 MR. LOPEZ: Any questions?

3 (No response.)

4 MR. LOPEZ: Comments?

5 (No response.)

6 MR. LOPEZ: Okay. We'll approve as read --
7 there's no minutes; we don't have the minutes?

8 MR. TREVINO: No. We'll have to have that on
9 the agenda for the January board meeting.

10 MR. LOPEZ: Okay. Approval and consideration
11 for the Cosme additional hours. You have a copy
12 of it in your minutes (indicating).

13 Is there any questions?

14 (No response.)

15 MR. BAKOTA: Motion to approve.

16 MR. ROBINSON: Second.

17 MR. LOPEZ: Jaylan seconds. Any questions?

18 (No response.)

19 MR. LOPEZ: Nothing? Any "nos"?

20 (No response.)

21 MR. LOPEZ: Okay. John usually takes a roll
22 call but it's approved already unanimously.

23 MR. BAKOTA: How ever you want.

24 MR. LOPEZ: So it's approved already.

25 MR. BAKOTA: You asked for approval.

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1 MR. TREVINO: I think you have to say "all
2 those in favor."

3 MR. LOPEZ: All in favor?

4 (All signify "aye".)

5 MR. LOPEZ: Opposed?

6 (No response.)

7 MR. LOPEZ: Approved. The accounting report.
8 Vanessa.

9 MS. VARGAS: Good evening. Vanessa Vargas,
10 with CLA.

11 In front of you, you have a copy of the
12 financial statement on a cash basis dated
13 November 30, 2023. If you turn to Page 2, we
14 will begin with the statement of cash receipts
15 and cash disbursements for the 11 months ended
16 November 30, 2023.

17 You have received interest income totaling
18 \$71,121.71. You have received user fees in the
19 amount of \$554,259.15. And you had a trust
20 transfer in the amount of \$170,191.38.
21 Bringing your total receipts through
22 November 30th to \$795,572.24.

23 Through November 30th you've had total
24 disbursements in the amount of \$851,291.27.
25 This brings you to a decrease in cash in the

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1 amount of \$55,719.03. You began the year with
2 a cash balance on January 1st in the amount of
3 \$4,300,335.44. As of November 30th your cash
4 balance is \$4,244,616.41.

5 If you turn to Page 3, we will continue
6 with the schedule of cash account activity for
7 the 11 months ended November 30, 2023. Your
8 operating account began the year with a cash
9 balance of \$1,43951.14. You've had an increase
10 in cash of \$573,834.60. You've had
11 disbursements in the amount of \$851,291.27.
12 This brings you to an operating cash balance as
13 of November 30th in the amount of
14 \$1,162,394.47. Your user fee account began the
15 year with a cash balance of \$560,484.30.
16 You've earned interest in the amount of
17 \$7,606.73. As well as user fees totaling
18 \$554,259.15. You had a budget transfer in the
19 amount of \$403,329.23. This brings your user
20 fee account balance as of November 30th to
21 \$719,020.95.

22 You began the year with a CD with the
23 amount of \$2,300,000. You've earned interest
24 in the amount of \$63,200.99. This brings your
25 CD balance as of November 30th to

1 \$2,363,200.99.

2 If you turn to Page 4 we will continue
3 with the schedule of 2023 available budget as
4 of December 21, 2023. Your 2023 budget
5 appropriation totaled \$1,709,850. Adding back
6 in your accounts payable as of 12-31-22 in the
7 amount of \$32,521.75. As well as a 2023 budget
8 amendment totaling \$271,000. That brings your
9 2023 total appropriation to \$2,013,371.75.

10 Through the 11 months ended November 2023,
11 you've had cash disbursements totaling
12 \$800,051,291.27. In front of you, you have a
13 claim docket dated December 21, 2023, in the
14 amount of \$40,778.22, which brings your total
15 unused budget for 2023 to \$1,121,302.26.

16 Are there any questions?

17 (No response.)

18 MR. LOPEZ: Not hearing any questions, we
19 thank you, Vanessa.

20 The next item on our agenda is the
21 accounts payable voucher registry. You guys
22 have it in your packet. Okay, I need a motion
23 to approve.

24 MR. BAKOTA: Motion to approve.

25 MR. RODRIGUEZ: Second.

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1 MR. LOPEZ: Okay. Roll call. John Fekete?

2 (No response.)

3 MR. LOPEZ: John, can you hear me?

4 (No response.)

5 MR. LOPEZ: Okay. John Bakota?

6 MR. BAKOTA: Yes.

7 MR. LOPEZ: Henry Rodriguez?

8 MR. RODRIGUEZ: Yes.

9 MR. LOPEZ: Jaylan Robinson?

10 MR. ROBINSON: Yes.

11 MR. LOPEZ: I say yes; so it's approved.

12 The monthly expense and public meeting
13 announcement. Okay, we have before you a
14 calendar for next year. The only difference
15 would be on January 18 we're going to meet at
16 3:00 instead of 4:00 for the executive meeting.

17 MR. TREVINO: Right. So all of the board
18 meetings for 2024 will still be on the third
19 Thursday and they will all be at 4:00 for
20 executive session, 5:00 public meeting. Except
21 the January 18th meeting, which as you mentioned,
22 will be 2:00 executive session and 3:00 public
23 meeting; and that was because a couple board
24 members had a conflict with another board meeting
25 that changed to that date and time.

1 So this is part of our annual approval of
2 the monthly calendar, and it's also shared with
3 the City of East Chicago.

4 MR. LOPEZ: Any questions on it?

5 (No response.)

6 MR. LOPEZ: All right. Approval
7 consideration -- John, are you with us now? John,
8 are you still there?

9 MR. FEKETE: I'm here. I don't know what
10 happened.

11 MR. TREVINO: We can hear you now.

12 MR. FEKETE: Yeah. Yeah, I'm good. I've
13 been hearing you all along.

14 MR. TREVINO: We need to make a motion and a
15 second for the calendar.

16 MR. LOPEZ: Okay. All in favor of changing
17 the calendar.

18 MR. TREVINO: No. You've got to make a
19 motion and a second.

20 MR. BAKOTA: Motion to accept.

21 MR. RODRIGUEZ: Second.

22 MR. LOPEZ: Okay. All in favor?

23 (All signify "aye".)

24 MR. LOPEZ: Okay. So approved.

25 MR. FEKETE: Dawn, you could hear me, right?

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1 COURT REPORTER: Yes.

2 MR. LOPEZ: As Fernando mentioned, you had
3 some settlement documents.

4 MR. TREVINO: So the board had approved
5 resolution that gave board president, Fekete,
6 authorization to sign settlement agreement
7 documents in advance of the board meeting so it
8 wouldn't impact the schedule and the progress as
9 we were going through the process, but Attorney
10 Gregory thinks it's a good idea, even though he
11 was authorized, to come back and have the board
12 ratify those documents that he signs.

13 MR. LOPEZ: I need a motion to approve.

14 MR. BAKOTA: I make a motion to approve.

15 MR. LOPEZ: Second?

16 MR. BAKOTA: Second.

17 MR. LOPEZ: All in favor say "aye."

18 (All signify "aye".)

19 MR. LOPEZ: John?

20 MR. FEKETE: I abstain.

21 MR. LOPEZ: You what?

22 MR. FEKETE: I abstain.

23 MR. LOPEZ: Okay. It's approved.

24 Now, the approval consideration of the
25 user fees.

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1 MR. TREVINO: The recommendation is to keep
2 the 2024 user fee consistent as last year and
3 prior years at \$7 per linear foot.

4 MR. LOPEZ: I need a motion to keep the same
5 fee we had last year. I need a motion.

6 MR. RODRIGUEZ: Motion to approve.

7 MR. BAKOTA: Second.

8 MR. LOPEZ: All in favor say aye.

9 (All signify "aye".)

10 MR. LOPEZ: The motion passes.

11 Canal Street bridge update.

12 MR. TREVINO: I gave a brief update and we
13 have in attendance Tim Dull and Jim Adams. Tim or
14 Jim, do you want to provide any additional
15 updates?

16 MR. DULL: I think you summarized it pretty
17 well. For the dolphins in late November we
18 submitted the certification of the permit to the
19 Army Corps of Engineers, with Fernando's signature
20 on that. That went in on December 7th. We owed
21 the U.S. Cost Guard some information on the
22 lanterns that are on top of the dolphins. That
23 was submitted on December 13th. And as Fernando
24 said, we are working on a closeout report that we
25 plan to wrap up in January.

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1 MR. LOPEZ: Okay. The next item is the
2 remedial design project update.

3 MR. TREVINO: I gave a brief summary earlier,
4 and Mr. Jim Wescott, project manager for Tetra
5 Tech, is in attendance.

6 Jim, do you want to add anything?

7 MR. WESCOTT: Were there any questions? I
8 wasn't on the last meeting. You know, there is a
9 significant amount of work scheduled for next year
10 to basically merge what was phase one with phase
11 two and try to have a combined project. I don't
12 know if anybody had any questions for me now or I
13 can answer them in January if that's easier.

14 MR. RODRIGUEZ: Yeah, no questions.

15 MR. BAKOTA: No questions.

16 MR. LOPEZ: No questions.

17 MR. BAKOTA: No questions.

18 MR. WESCOTT: Thank you. Have a good
19 Christmas.

20 MR. LOPEZ: Okay. BMO trust report.

21 MR. TREVINO: Bob, are you there?

22 MR. SANTORE: Yes. Bob Santore. The first
23 attachment provided is a breakdown of the money
24 market and CD holdings. So this page shows
25 combined balance in the money market accounts. I

1 apologize, this page shows a combined balance of
2 the money market amount and certificate of
3 deposit, and that total current value is
4 \$4,093,827.97. So there was a total increase from
5 last month of \$30,882.86. And this was a combined
6 interest earnings from both the CD and money
7 market. The CD interest earned for the previous
8 quarter was \$30,336.66. And then the money
9 market, last month's interest earnings was
10 \$546.20. The second page is the historical data
11 of the distributions. So far in 2023, total
12 distributions equal \$170,191.38.

13 If there's any questions, I am happy to
14 answer those, but I believe that covers both
15 accounts here at BMO.

16 MR. LOPEZ: Yes. This is Ray Lopez. I have
17 a question. That \$30,832.86, is that for the
18 whole year now?

19 MR. SANTORE: No. That was for the month of
20 November. So you guys have the CD with us and
21 that pays quarterly interest; so the bulk of that
22 was the quarterly interest from the CD.

23 MR. LOPEZ: Okay.

24 MR. SANTORE: Year to date, I don't have that
25 number exactly, but I could put that together and

1 give that to you guys.

2 Those figures are just for the multiple
3 member -- and as I mentioned, the bulk of that
4 is a quarterly interest disbursement for the
5 CD.

6 MR. LOPEZ: Thank you. Any questions?

7 MR. BAKOTA: No questions.

8 MR. RODRIGUEZ: No.

9 MR. LOPEZ: Okay.

10 MR. TREVINO: U.S. Army Corps, Mike Nguyen.

11 MR. LOPEZ: Mike, are you there?

12 MR. TREVINO: Mike, are you still there? I
13 see he's still on. He didn't summarize his Army
14 Corps of Engineer's report.

15 Are you on mute?

16 MR. NGUYEN: Fernando, can you hear me?

17 MR. TREVINO: Yes, we can hear you.

18 MR. NGUYEN: For the Corps' update for the
19 facility operation, we're still working on trying
20 advertising and awarding a new water treatment
21 contract. So once we award it, we'll start
22 treating the water. Probably in the summertime.

23 For the dike raise, the contractor is
24 going to shutdown for the winter by, basically,
25 tomorrow. Work has slowed down. And

1 construction will resume in the spring of '24.

2 For the dredging contract, we awarded a
3 new dredging contract to Rolling Salvage.
4 They'll start dredging as soon as IDS completes
5 the dike raise. And that's anticipated for
6 June of '24.

7 And nothing to report on the oil boom
8 coordination.

9 And for the PCA cost share closeout, we
10 received the funds from People's Bank back in
11 July, and we were able to balance the cost
12 share in our financial system. So right now
13 I've drafted a letter that's being routed
14 through my supervisor and then through our
15 resource management and counsel.
16 Unfortunately, this is sort of a bad time.
17 Everyone has sort of taken leave for the rest
18 of the year. And so more likely, the letter
19 will be signed probably middle of January of
20 next year. Then we're going to be requesting
21 the remaining balance from People's Bank for
22 the escrow accounts to be transferred to ECWMD
23 for the tipping fee agreement. We'll make that
24 request through the Exhibit B for, I guess, the
25 transfer of funds to ECMD's bank account. I

1 think once those funds are released, we ask
2 that People's Bank give us the final balance in
3 the account showing that there's zero money in
4 the escrow account so that we could actually
5 finally close out the cost share escrow account
6 in our cost share record.

7 And once you receive the letter, you
8 should be receiving the \$2.6 million in
9 approximately 10 or 14 days. It might be in 7
10 to 14 days, but it should be fairly quick.

11 MR. LOPEZ: Anything else?

12 MR. NGUYEN: Yeah. Someone had a chat on
13 there.

14 MR. TREVINO: Okay. What's that?

15 MR. SANTORE: Over at BMO, I put in the
16 chat -- someone had asked about the year-to-date
17 interest earnings, so I tallied them up and put
18 them in the chat for everyone.

19 MR. NGUYEN: Those show the remaining balance
20 in the escrow account?

21 MR. TREVINO: No. That's at BMO. Two
22 separate bank accounts, Mike.

23 MR. NGUYEN: Okay. All right.

24 MR. TREVINO: Mike, is the dredging for the
25 orphan areas and the Great Lakes Legacy Act

1 dredging still forecasted for 2025?

2 MR. NGUYEN: Yes. So we are going to get
3 borings along the canal for the hardpan material.
4 Basically, the hard sediments. And we'll specify
5 plans and specs to remove those. And both
6 Cleveland Cliffs and EPA is going to use that same
7 method to remove their material within the canal.

8 So we basically dredge as much as we can
9 with the traditional environmental clam shell
10 bucket. I think after '24, we'll utilize a
11 different dredging method to remove the harder
12 material in the canal. And that will take a
13 little bit of time to development a design.

14 MR. TREVINO: Okay. Thank you.

15 MR. NGUYEN: Then for the parkway, we're
16 still inspecting and cleaning as needed.

17 MR. BAKOTA: Thank you.

18 MR. LOPEZ: Any questions for Mike?

19 (No response.)

20 MR. LOPEZ: Thank you. And have a nice
21 Christmas.

22 MR. NGUYEN: Thanks. Have a great Christmas
23 everyone.

24 (All say "thank you".)

25 MR. LOPEZ: Merry Christmas to all of you on

1 the Zoom.

2 Is there any other business?

3 MR. BAKOTA: I have a question. Is the wall
4 complete now?

5 MR. TREVINO: No. They're still analyzing
6 the groundwater management, and they're still
7 working on some construction activities, but it's
8 scheduled to be -- it's significantly done; but
9 it's scheduled to be completed in early 2024.

10 MR. LOPEZ: Okay. Any other business?

11 (No response.)

12 MR. LOPEZ: New business?

13 (No response.)

14 MR. LOPEZ: Merry Christmas to everybody.
15 Happy New Year. Any new business or any public
16 comment?

17 (No response.)

18 MR. LOPEZ: Motion to adjourn?

19 MR. ROBINSON: Motion to adjourn.

20 MR. RODRIGUEZ: Second.

21 MR. LOPEZ: Meeting adjourned.

22 - MEETING ADJOURNED -

23

24

25

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 17th day of January, 2024.

Dawn M. Iseminger

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



District Board of Directors' Meeting

12/21/2023

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