

In the Matter Of:  
East Chicago Waterway Management

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**DISTRICT BOARD OF DIRECTORS' MEETING**

*January 19, 2023*

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

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

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**January 19, 2023**

**5:00 p.m.**

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**Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the above-entitled matter on the 19th day of January, 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

3   RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer

4   HENRY RODRIGUEZ, Secretary

5   JAYLAN ROBINSON, Board Member - via Zoom

6   FERNANDO TREVINO, FMT Consulting

7   ELLEN GREGORY, Ellen Gregory Law - appearing via

8   Zoom

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

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District Board of Directors' Meeting  
01/19/2023

1 MR. FEKETE: I'd like to call to order the  
2 board meeting of the East Chicago Waterway  
3 Management District. Today's date is January 19,  
4 2023, and the time is 5:00.

5 The first order of business is roll call.  
6 John Bakota?

7 (No response.)

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Here.

10 MR. FEKETE: Jaylan Robinson?

11 MR. ROBINSON: Here.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Here.

14 MR. FEKETE: John Fekete, here.  
15 Kevin Doyle?

16 (No response.)

17 MR. FEKETE: Okay. The next order of  
18 business is the executive director's report,  
19 Mr. Trevino.

20 MR. TREVINO: Yes. Fernando Trevino with FMT  
21 Consulting. I'd like to start off by going over  
22 the contents of your board packet. You have a  
23 copy of today's agenda; a copy of the  
24 CliftonLarsenAllen financial report dated  
25 December 31, 2022, which is for the month of

1 December, that was e-mailed to you earlier today  
2 and hard copies were also distributed to you  
3 earlier today.

4 You have two 2023 trust budget approval  
5 letters. One from EPA and one from IDEM, and  
6 both letters are dated January 12, 2023. You  
7 have a copy of today's claim docket dated  
8 January 19, 2023, along with copies of the  
9 purchase orders, check register and checks.

10 You have a copy of the First Merchant Bank  
11 statements for the month of December 2022 for  
12 accounts ending in 608 and 616, along with a  
13 copy of the checks that cleared last month.  
14 There were no user fee deposits made in  
15 December. And also there's a copy of First  
16 Merchants CD report with a run date of  
17 January 17th, 2023.

18 You also have a copy of the letter  
19 agreement between the district and Atlantic  
20 Richfield regarding the district being  
21 reimbursed for certain costs for efforts  
22 affiliated with the settlement agreement  
23 negotiations. You have a copy of the  
24 district's consent to the temporary access  
25 agreement between Atlantic Richfield and Norco;

1 and you have a copy of a permission form that  
2 basically grants NIPSCO's contractor permission  
3 to perform certain tree and shrub maintenance  
4 activities, which are stated in the attached  
5 manifest.

6 You have a copy of the BMO trust reports  
7 through December 31, 2022. You have a copy of  
8 People's Bank reports for the tipping fee and  
9 dredging fee escrow accounts. The statements  
10 are for fourth quarter of 2022, along with  
11 their annual statement for 2022; so basically  
12 you have four statements.

13 You have the fourth quarter and the annual  
14 for both dredging and tipping fee accounts.

15 You have a copy of the Army Corps report  
16 to the board dated January 19, 2023. You have  
17 Attorney Ellen Gregory's report to the board  
18 dated January 19, 2023. You have Tetra Tech's  
19 monthly Great Lakes Legacy Act Grand Cal' River  
20 remedial design project report dated  
21 January 15, 2023. And you have ACOM's monthly  
22 invoice, their budget report, and the project  
23 schedule regarding the Canal Street bridge  
24 project.

25 That concludes all of the items in your

1 board packet. I'd like to go over a few items  
2 for my report.

3       Regarding the action items on today's  
4 agenda, we have the two traditional action  
5 items of the board minutes and the monthly  
6 claim docket, and then there are four  
7 additional action items. The first being the  
8 election of officers for the appointment of --  
9 and the appointment of the finance committee  
10 members and the finance chairperson. You have  
11 approval for the BP term sheet reimbursement  
12 letter agreement that I mentioned is in your  
13 packet. You have approval consideration for  
14 the consent to temporary access agreement  
15 regarding BP and Norco; and as I mentioned,  
16 that's in your board packet. And also an  
17 approval consideration for the NIPSCO tree and  
18 brush maintenance permission form, and that's  
19 also in your packet.

20       Regarding the finances, our 2023 trust  
21 budget was approved by both EPA and IDEM. And  
22 as I mentioned, the approval letters from both  
23 EPA and IDEM are in your packet, both dated  
24 January 12th.

25       Regarding user fees, Ellen and I will be

1 exploring assessing user fees to both users in  
2 the waterways, and we plan to have an update by  
3 the February board meeting. March board  
4 meeting, at the latest.

5 To date we've collected and deposited  
6 \$382,700, which is around 90 percent of the  
7 2022 user fees. There are two remaining unpaid  
8 user fees. One is East Chicago Gateway  
9 Partners. Of the three parcels that we  
10 assessed user fees on, they submitted an appeal  
11 for one of them citing a waiver because that  
12 parcel is used as a conservation easement. We  
13 didn't have a policy that allowed for that, so  
14 it was denied. Gateway agreed to pay for that.  
15 But that bid also gave us the idea of providing  
16 a waiver for companies along the waterway that  
17 have conservation easements, and we passed that  
18 starting in 2023.

19 The second unused user fee is ParsCo  
20 Corporation. With all the attempts we had to  
21 try to contact or to talk to somebody within  
22 the company, we didn't get any returned emails  
23 or calls, so the board might recall that at the  
24 last board meeting they approved Jim Wieser to  
25 begin the collection process. So that's



1 ongoing.

2       Regarding the Great Lakes Legacy Act  
3 project, the south tank farm sheet pile wall  
4 project, AR/BP has completed their request for  
5 proposal process for selecting the sheet pile  
6 wall construction company, which was awarded to  
7 Jenkins. Jenkins will be completing the design  
8 from 90 percent to 100 percent. BP continues  
9 to work with federal, state, and city agencies  
10 for project permitting. They have a scheduled  
11 presentation to the city's planning commission  
12 on February 20th, which is next month. And the  
13 presentation to the board, this board, which  
14 will be open to the public, is currently  
15 planned for the March 16 board meeting. And  
16 then construction is scheduled to start shortly  
17 thereafter.

18       We continue to work with BP to help  
19 resolve several easement conflicts related to  
20 the construction of the sheet pile wall, and  
21 the sheet pile wall is forecast to be completed  
22 by early 2024.

23       Regarding the Lake George canal east  
24 section, phase 2 dredging is scheduled to  
25 recommence after the south tank farm sheet pile

1 wall project is completed, which I mentioned is  
2 scheduled to be done in 2024. The Corps will  
3 be managing the dredging project on EPA's  
4 behalf. And the Army Corps of Engineers is  
5 also coordinating additional canal sediment  
6 sampling that's scheduled to be done some time  
7 in the spring of this year.

8       Regarding the Lake George canal middle cap  
9 project, the Army Corps of Engineers is  
10 managing this part of the project, and the cap  
11 construction activities are ongoing and are  
12 planned to continue in the winter months  
13 weather permitting.

14       Regarding the Lake George canal west  
15 remediation, that project is between EPA and  
16 BP, and that project is ongoing.

17       Regarding the Grand Calumet River junction  
18 reaches remedial design, Tetra Tech remedial  
19 design work is ongoing. The project continues  
20 to have periodic meetings to discuss activities  
21 to the design completion, property access  
22 coordination, permit applications, junction  
23 marsh coordination, community engagement, and  
24 coordination with the former city dock site.  
25 The TSCA work plan that's affiliated with the

1 project will have to be submitted by the  
2 district. Originally, we were hoping EPA would  
3 be the applicant for the SEPR, but EPA  
4 basically said they can't review and approve  
5 their own work plan. So I'm forecasting that  
6 we'll probably have something for the board to  
7 review and approve either at the February or  
8 March board meeting.

9 The Grand Cal' River phase one remediation  
10 project proposal process is ongoing. We  
11 basically have a completed project agreement  
12 with EPA. That work is for approximately  
13 \$29 million in federal funds. The two  
14 remaining main action items are completing the  
15 statement of work, which is an attachment to  
16 the project agreement, and resolving all  
17 sources of concerns.

18 It's been a while since we talked about  
19 what that phase one includes, so just a quick  
20 summary. It includes complete remediation of  
21 the Grand Cal' River west branch. It includes  
22 dredging of the Indiana Harbor Canal branch,  
23 and restoration of the junction marsh, which is  
24 currently planned to be bid as an option.

25 The Great Lakes Legacy Act work in kind

1 reporting, we have not heard any feedback from  
2 EPA regarding our first six months of 2022  
3 report, and I plan to start working on the 2022  
4 annual report.

5       Regarding the Canal Street bridge project,  
6 ACOM continues their efforts on the dolphin  
7 design and permit application. A project  
8 schedule is included in your packet. A project  
9 design presentation was given to the City of  
10 East Chicago Planning Commission on Monday,  
11 December 19, of last year. I thought the  
12 presentation went very well. And the planning  
13 commission approved the project to move  
14 forward. Finalizing of the design and permits  
15 along with the contractor and material  
16 procurement is scheduled to be done during the  
17 winter months with construction forecasted to  
18 be done in the June/July time frame.

19       Regarding the BP term sheet agreement for  
20 parcels BP is interested in acquiring from the  
21 district, settlement agreement negotiations  
22 with Atlantic Richfield that includes the  
23 transferring of the properties owned by the  
24 district is ongoing. A reminder that the City  
25 of Chicago is signatory to this agreement; so

1 we're currently planning on meeting with  
2 Mayor Copeland and his attorney and staff some  
3 time the next week or so to complete the latest  
4 draft of the settlement agreement. We hope to  
5 have a settlement agreement completed in time  
6 to present at the February 16th board meeting.

7 Regarding the Army Corps of Engineers  
8 report, that's in your board packet, and  
9 project manager, Mike Nguyen, will be providing  
10 an update report to the board.

11 Regarding Section 10 permit and INDOT  
12 permits, Attorney Ellen Gregory will give an  
13 update on the status of the INDOT permit.

14 And Attorney Ellen Gregory will also give  
15 an update on other various legal matters.

16 That includes my report.

17 MR. FEKETE: Any questions for Mr. Trevino?

18 (No response.)

19 MR. FEKETE: Hearing none, I would like to  
20 make the statement that implicit in the roll call  
21 earlier is the call to order for today's meeting,  
22 which is January 19, 2023.

23 The next order of business is the election  
24 of officers.

25 MR. HENRY RODRIGUEZ: Mr. President, I make a

1 motion to elect the following slate of officers:  
2 For president, John Fekete. For vice president,  
3 Jaylan Robinson. For secretary, Henry Rodriguez.

4 This would include the treasurer and  
5 everybody else in this same motion?

6 MR. FEKETE: Yes.

7 MR. HENRY RODRIGUEZ: Okay. For treasurer  
8 and fiscal officer, Ray Lopez. And for investing  
9 officer, John Fekete.

10 MR. FEKETE: Okay. Are there any other  
11 nominations?

12 (No response.)

13 MR. FEKETE: Okay. We have a slate before  
14 us. We'll take a roll call vote.

15 John Bakota?

16 (No response.)

17 MR. FEKETE: Henry Rodriguez?

18 MR. HENRY RODRIGUEZ: Yes.

19 MR. FEKETE: Jaylan Robinson?

20 MR. ROBINSON: Yes.

21 MR. FEKETE: Kevin Doyle?

22 (No response.)

23 MR. FEKETE: Ray Lopez?

24 MR. LOPEZ: Yes.

25 MR. FEKETE: John Fekete, I vote yes. That

1 slate has been approved.

2 The next order of business is the  
3 appointment of the finance committee members.

4 It was my responsibility to make that  
5 appointment, and as chairperson I appoint  
6 myself, John Fekete. As board members, Ray  
7 Lopez and Henry Rodriguez.

8 MR. TREVINO: Thank you. You'll do the  
9 chairperson, right?

10 MR. FEKETE: I did.

11 The next order of business is the approval  
12 consideration of board meeting notes for  
13 December 15, 2022. Since we have one board  
14 member on video, we will have a roll call vote  
15 to approve the minutes of that previous  
16 meeting.

17 John Bakota?

18 (No response.)

19 MR. FEKETE: Henry Rodriguez?

20 MR. HENRY RODRIGUEZ: Yes.

21 MR. FEKETE: Jaylan Robinson?

22 MR. ROBINSON: Yes.

23 MR. FEKETE: Kevin Doyle?

24 (No response.)

25 MR. FEKETE: Ray Lopez?

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1 MR. LOPEZ: Yes.

2 MR. FEKETE: John Fekete, I vote yes. That  
3 motion is approved.

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

6 MS. VARGAS: Good afternoon. Vanessa Vargas  
7 with CLA.

8 Before I begin with the presentation, I  
9 would like to make an announcement that you do  
10 have an official engagement leader that will be  
11 replacing Tim Anderson's previous role. Her  
12 name is Monica Johnson. Unfortunately, she was  
13 not able to join this week's meeting due to an  
14 unexpected circumstance, but she will be  
15 present at the next meeting.

16 MR. LOPEZ: Okay. Thank you, Vanessa.

17 MS. VARGAS: In front of you, you have a copy  
18 of the December 31, 2022, financial statements on  
19 a cash basis. We'll begin with Page 2, which is  
20 the statement of cash receipts and cash  
21 disbursements for the year ended December 31st,  
22 2022. You have received interest income of  
23 \$8,338.58. You have collected user fees of  
24 \$481,936.22. You also had a trust transfer of  
25 \$398,338.19. Bringing your total receipts to



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1 \$888,612.99.

2 You have had total disbursements seen in  
3 the various line items of \$580,685.49.  
4 Bringing you to a total cash increase for the  
5 year of December 31, 2022, in the amount of  
6 \$307,927.50. You began the year with a cash  
7 balance of \$3,992,407.94. As of December 31,  
8 2022, you had a cash balance of \$4,300,335.44.

9 If you turn to Page 3, we will continue  
10 with the schedule of cash activity account for  
11 the year ended December 31, 2022. You began  
12 the year with a cash balance in your operating  
13 account of \$1,409,578.39. You've earned  
14 interest of \$394.26. You've had cash  
15 disbursements of \$581,735.49, which includes a  
16 voided check of \$1,050. You had a trust  
17 transfer of \$398,338.19. As well as a budget  
18 transfer of \$212,225.79. Bringing your  
19 operating cash balance as of December 31, 2022,  
20 to \$1,439,851.14. Your user fee account began  
21 the year with a cash balance of \$1,076,244.74.  
22 You've earned interest of \$5,247.29. You've  
23 received user fees of \$481,936.22. You had a  
24 budget transfer of \$212,225.79. You redeemed a  
25 CD of \$1,509,281.84, as well as purchased a new

1 CD in the amount of \$2,300,000. This brings  
2 your user fee account balance as of  
3 December 31, 2022, to \$560,484.30.

4 You began the year with a CD balance of  
5 \$1,506,584.81. You earned interest of  
6 \$2,697.03. You redeemed that CD for  
7 \$1,509,281.84, and purchased a new CD in the  
8 amount of \$2,300,000, which brings your ending  
9 CD balance as of December 31, 2022, to  
10 \$2,300,000.

11 If you turn to Page 4 we will continue  
12 with the schedule of 2022 available budget as  
13 of January 19, 2023. You began the year with a  
14 2022 budget appropriation of \$1,919,735.  
15 Adding back your accounts payable as of  
16 12/31/2021 of \$50,407.37. You had a budget  
17 amendment of \$50,000, which brings your 2022  
18 total appropriation to \$2,020,142.37. For the  
19 year of 2022 you had cash disbursements of  
20 \$580,685.49.

21 In front of you, you have a claims docket  
22 which includes the 2022 accounts payable  
23 balances of \$29,121.75. This brings your  
24 unused budget for 2022 as of January 19, 2023,  
25 to \$1,410,335.13.

1 If you turn to Page 5, you will see a  
2 schedule of 2023 available budget as of  
3 January 19th, 2023. Your 2023 budget totals  
4 \$1,709,850. Adding back in your 12/31/2022  
5 payables of \$32,521.75, which does include two  
6 outstanding CLA invoices in the amount of  
7 \$3,400 and the 2022 claims docket addition from  
8 the previous page of \$29,121.75, bringing your  
9 2023 appropriation total to \$1,742,371.75.

10 In front of you, in the claim docket as  
11 well, you do have one invoice which is  
12 allocated to the 2023 budget in the amount of  
13 \$1,050. This brings your unused budget for  
14 2023 to \$1,741,321.75.

15 Are there any questions?

16 MR. LOPEZ: Fine. Thank you.

17 MR. TREVINO: Yeah, just a clarification,  
18 Vanessa. So if you add up the two columns of the  
19 claim dockets under the 2022 budget and 2023  
20 budget, it will give you the total for the claim  
21 docket on today's approval, right?

22 MS. VARGAS: Correct. The 2022 AP on Page 4  
23 for \$29,121.75, plus the claim docket dated  
24 1/1/9/2023 on Page 5 of \$1,050 will add up to the  
25 total claim docket in front of you.

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1 MR. TREVINO: Okay. Thank you.

2 MR. FEKETE: Anymore questions?

3 (No response.)

4 MR. FEKETE: Thank you very much.

5 MS. VARGAS: Thank you.

6 MR. FEKETE: The next item is the approval  
7 consideration for the accounts payable voucher  
8 register dated January 19, 2023. I'll entertain a  
9 motion.

10 MR. LOPEZ: Motion to approve.

11 MR. FEKETE: I'll have a second.

12 MR. HENRY RODRIGUEZ: I second.

13 MR. FEKETE: I have a motion and a second.

14 We'll have a roll call vote.

15 John Bakota?

16 (No response.)

17 MR. FEKETE: Henry Rodriguez?

18 MR. HENRY RODRIGUEZ: Yes.

19 MR. FEKETE: Jaylan Robinson?

20 MR. ROBINSON: Yes.

21 MR. FEKETE: Kevin Doyle?

22 (No response.)

23 MR. FEKETE: Ray Lopez?

24 MR. LOPEZ: Yes.

25 MR. FEKETE: John Fekete, and I vote yes.

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1 That motion is approved.

2 The next order for consideration approval  
3 is the BP term sheet, the reimbursement letter  
4 agreement presented by Mr. Trevino. Are there  
5 any questions?

6 (No response.)

7 MR. FEKETE: Hearing none, I'll entertain a  
8 motion.

9 MR. HENRY RODRIGUEZ: Motion.

10 MR. ROBINSON: Second.

11 MR. FEKETE: Okay. We have a motion and a  
12 second. Roll call vote.

13 John Bakota?

14 (No response.)

15 MR. FEKETE: Henry Rodriguez?

16 MR. HENRY RODRIGUEZ: Yes.

17 MR. FEKETE: Jaylan Robinson?

18 MR. ROBINSON: Yes.

19 MR. FEKETE: Kevin Doyle?

20 (No response.)

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

23 MR. FEKETE: John Fekete, I vote yes. That  
24 motion is approved.

25 Our next order of business for

1 consideration is the consent for temporary  
2 access agreement between BP and Norco. Any  
3 questions for Mr. Trevino?

4 (No response.)

5 MR. FEKETE: Hearing none, I'll entertain a  
6 motion to approve.

7 MR. LOPEZ: Motion to approve.

8 MR. FEKETE: Ray Lopez.

9 Do I have a second?

10 MR. HENRY RODRIGUEZ: Second.

11 MR. FEKETE: Okay, Henry Rodriguez second.

12 Roll call vote.

13 John Bakota?

14 (No response.)

15 MR. FEKETE: Henry Rodriguez?

16 MR. HENRY RODRIGUEZ: Yes.

17 MR. FEKETE: Jaylan Robinson?

18 MR. ROBINSON: Yes.

19 MR. FEKETE: Kevin Doyle?

20 (No response.)

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

23 MR. FEKETE: John Fekete, I vote yes.

24 And the last order of business is the  
25 approval consideration of the NIPSCO tree and

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1 brush maintenance permission form.

2 MR. LOPEZ: Motion to approve.

3 MR. FEKETE: Ray Lopez has made a motion. I  
4 need a second.

5 MR. HENRY RODRIGUEZ: Second.

6 MR. ROBINSON: Second.

7 MR. FEKETE: We had Rodriguez first. Okay,  
8 thank you, gentlemen.

9 Roll call vote. John Bakota?

10 (No response.)

11 MR. FEKETE: Henry Rodriguez?

12 MR. HENRY RODRIGUEZ: Yes.

13 MR. FEKETE: Jaylan Robinson?

14 MR. ROBINSON: Yes.

15 MR. FEKETE: Kevin Doyle?

16 (No response.)

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

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

20 And that concludes all of our approval  
21 consideration motions.

22 The next order of business is the Great  
23 Lakes Legacy Act Grand Cal' junction reaches  
24 remedial design project update.

25 MR. WESCOTT: Can you hear me?

1 MR. FEKETE: Yes.

2 MR. WESCOTT: Great. Fernando covered a lot  
3 of it. Not a lot of activity since we last spoke.  
4 We did get one of the permits issued. That's the  
5 water certification from Indiana Department of  
6 Environmental Management. And a storm water  
7 permit, the construction plan was approved by IDEM  
8 also. There's a follow-on task to that permit,  
9 but it really is contingent on when EPA starts.  
10 So that one is kind of on hold.

11 So as we kind of talked last month, we're  
12 kind of -- from the district standpoint, we're  
13 just sort of waiting on EPA. I know there was  
14 a site walk at the city dump that Fernando  
15 attended last week, and we're waiting on EPA to  
16 determine if they can proceed with the project  
17 the way the plan fill is or wait. And I know  
18 we'll probably know for sure by the next  
19 meeting based on our -- we had a meeting  
20 Tuesday, Fernando and I, with EPA; and it  
21 sounds like they're going to have some internal  
22 discussions and hopefully make a decision by  
23 the end of this month.

24 MR. FEKETE: Okay. If they do not accept the  
25 management, then would that mean the permits would



1 have to be reissued?

2 MR. WESCOTT: Yeah, we're -- so some of the  
3 permits are long enough that if, let's say,  
4 there's a delay and instead of doing it this year,  
5 they do the construction next year --

6 MR. FEKETE: Okay.

7 MR. WESCOTT: -- most of the permits can be  
8 amended and just extended. The only one that's  
9 kind of tricky, and Fernando knows about this as  
10 well, is the MPDS discharge permit. Because we're  
11 looking for kind of a special exemption -- or I  
12 don't know if "exemption" is the right word. But  
13 because it's a remediation project, the MPDS  
14 permit we're looking for is only good for 12  
15 months. And so in Indiana, the permit reviewer  
16 knows what's going on, and so what we're hoping is  
17 that EPA can make a decision in the next 30 days;  
18 and then either we proceed and Indiana will issue  
19 the MPDS issue permit or we'll withdraw the permit  
20 and wait six months and then reapply. Because  
21 what we don't want to do is have the thing issued  
22 and then it's good for 12 months and then we don't  
23 do any work. Because it will be hard to get it  
24 reissued after that happens.

25 MR. FEKETE: Okay. I understand. Any

1 questions for Mr. Wescott?

2 (No response.)

3 MR. WESCOTT: Okay.

4 MR. FEKETE: Fernando, we don't have a BMO  
5 Harris item on here?

6 MR. TREVINO: No. He wasn't going to be able  
7 to make it. But he sent an email and said he had  
8 a conflict and that he wasn't going to be able to  
9 make it today but he will make the next one.

10 MR. FEKETE: Do you want to present it?

11 MR. TREVINO: Sure.

12 MR. FEKETE: Summarize it?

13 MR. TREVINO: There's not a lot going on in  
14 Indiana. So as of December 31, 2022, there is a  
15 \$3.5 million in the CD ending in account 150, and  
16 \$639,000 and some change in the money market. And  
17 the balance for the end of the year 2022 is  
18 approximately \$4.139 million, with interest earned  
19 of \$539.92.

20 MR. FEKETE: Okay. Very good. Thank you.  
21 The next order of business is the U.S. Army Corps  
22 of Engineers board report. Mr. Trevino, somebody  
23 is on?

24 MR. NGUYEN: This is Mike Nguyen with Army  
25 Corps of Engineers.

1           So I'm back from the New Year, and happy  
2 New Year everyone. Here is the Corps report  
3 for the CDF operation: Clean harbors has  
4 treated and discharged approximately  
5 2 million gallons of water into the canal in  
6 2022. Treatment has suspended for the season.

7           For the dike raise, construction is  
8 ongoing and will continue throughout the  
9 winter.

10          For the PCA, we completed the PCA  
11 amendments and credited the final LERRD credit,  
12 and we're still working to try to close out the  
13 cost share.

14          For the parkway, we still continue to  
15 maintain the parkway. The Corps staff inspects  
16 the parkway once a month and cleans debris as  
17 needed.

18          And that's all I have for my report.

19          MR. FEKETE: Okay. Any questions for  
20 Mr. Nguyen?

21                           (No response.)

22          MR. FEKETE: Thank you.

23          MR. NGUYEN: Thank you.

24          MR. FEKETE: Attorney Ellen Gregory's report.

25          MS. GREGORY: Ellen Gregory with Ellen

1 Gregory Law. Mr. Trevino mentioned the permit.  
2 To give a little bit more of a background: As you  
3 recall, there are absorbent booms placed in the  
4 canal and some of them are attached to the  
5 Indianapolis Boulevard bridge which requires a  
6 permit from INDOT, the State Department of  
7 Transportation.

8 In the past, we've always gotten a  
9 one-year extension in January. And this year  
10 the person that we've been dealing with over at  
11 INDOT has retired, so we had to get a new  
12 contact person, and that person has just today  
13 granted the extension. So the new extended  
14 INDOT permit will be in the board packet at  
15 next month's meeting.

16 We also continue to have frequent  
17 conference calls with AR BP regarding the term  
18 sheet settlement agreement. We're close to  
19 finishing that and expect to have a final  
20 agreement for board review and approval at next  
21 month's meeting. In conjunction with that  
22 agreement is also an amendment to 1991  
23 agreements which are between IDEM and the city  
24 and AR. The amendment to the 1991 agreement is  
25 a document which will be signed in conjunction

1 with the term sheet agreement. And that  
2 agreement as well as the term sheet agreement  
3 and all of the attachments are expected to be  
4 ready for board review and approval at next  
5 month's meeting. And that's all I have.

6 MR. FEKETE: Thank you. Any questions for  
7 Miss Gregory?

8 (No response.)

9 MR. FEKETE: Okay. Any other new business to  
10 come before the board?

11 (No response.)

12 MR. FEKETE: Hearing none, any public  
13 comments?

14 (No response.)

15 MR. FEKETE: Our next board meeting will be  
16 February 16, 2023, at 5:00 p.m.

17 Hearing no other business to come before  
18 the board, I declare this meeting adjourned.

19 - ADJOURNED -

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C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared on the aforementioned date, time, and location, 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 10th day of January, 2023.

*Dawn M. Iseminger*

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



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