

In the Matter Of:

East Chicago Waterway Management Meeting of August 16, 2017

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*August 16, 2017*

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Iseminger & Associates, Inc.  
877-337-7379

08/16/2017

1 EAST CHICAGO WATERWAY MANAGEMENT  
2 DISTRICT BOARD OF DIRECTORS' MEETING  
3 City of East Chicago, Engineering/Annex Building  
4 4444 Railroad Avenue  
5 East Chicago, Indiana  
6 August 16, 2017  
7 Wednesday, 5:00 p.m.  
8

9 Transcript of the proceedings had in the  
10 above-entitled matter, on the 16th day of  
11 August, 2017, at 5:00 p.m., at the City of East  
12 Chicago, Engineering/Annex Building, 4444 Railroad  
13 Avenue, East Chicago, Indiana, before Peggy S.  
14 LaLonde, Certified Shorthand Report and Notary  
15 Public for the County of LaPorte, State of  
16 Indiana.  
17  
18  
19  
20

21 ISEMINGER & ASSOCIATES, INC.  
22 14 Indiana Avenue  
23 Valparaiso, Indiana 46383  
24 (219) 464-2178  
25

A P P E A R A N C E S:

MR. JOHN FEKETE, Board Member

MR. KEVIN DOYLE, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. JOHN BAKOTA, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT:

NATALIE MILLS, U.S. Army Corps

\* \* \* \*

1 MR. FEKETE: I'd like to call to order the  
2 East Chicago Waterway Management District Board of  
3 Directors meeting. It's August 16th. The time is  
4 5:00 o'clock. We'll have roll call. John Bakota?

5 MR. BAKOTA: Here.

6 MR. FEKETE: Henry Rodriguez?

7 (No Response).

8 MR. FEKETE: Patrick Rodriguez?

9 MR. PATRICK RODRIGUEZ: Here.

10 MR. FEKETE: Ted Zagar?

11 (No Response).

12 MR. FEKETE: Kevin Doyle?

13 MR. DOYLE: Here.

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Here.

16 MR. FEKETE: We have a quorum.

17 First order of business i the  
18 Executive Director's report, Mr. Trevino.

19 MR. TREVINO: Fernando Trevino, FMT  
20 Consulting. I'll start off by going over the  
21 contents of your Board packet. You have the Board  
22 agenda. The Board meeting minutes for the July 19,  
23 2017 meeting.

24 You have the financial  
25 statements dated July 31st, 2017. And the claim

1 docket for today's Board meeting, dated August 16,  
2 2017.

3                   You have the First Merchant Bank  
4 statements for accounts ending in 608 and 616. And  
5 also attached are the deposits and transfers made in  
6 that time period.

7                   You have the BMO Harris ECI  
8 Facility Trust report dated August 14, 2017. You  
9 have BMO Harris bank account statement for accounts  
10 ending in 761 and ending in 712, and both for the  
11 month of July 2017.

12                   You have People's Bank account  
13 statement, bank statement for account ending in 46  
14 and 47. Both are for the period of April 1st,  
15 through June 30, 2017.

16                   You have the Army Corps of  
17 Engineers report to the Board dated August 15, 2017.

18                   Attorney Ellen Gregory's report  
19 to the Board, with revision date of August 11, 2017.

20                   You have Parsons monthly bird  
21 observation report, number 23, dated August 9, 2017.

22                   You have a monthly progress  
23 report number 29, dated August 14, 2017, for the  
24 Atlantic Richfield Company regarding the ECI  
25 refinery site investigations activities. And you

1 have an e-mail from EPA, Brenda Jones to myself,  
2 dated July 26, 2017, basically approving my 2016  
3 in-kind cost report.

4 That concludes the items in your  
5 Board packet.

6 To go over a few things. User  
7 Fee update for 2017 collection. We have collected  
8 all User Fees except for User IDWW 0013 and that's  
9 the same User who hasn't paid in the last couple of  
10 years. And that account has been turned over to the  
11 Attorney General's office to pursue or to assist in  
12 collections.

13 On the Great Lakes Legacy Act,  
14 the EPA approval process is continuing to go well.  
15 We are anticipating getting the official approval to  
16 proceed this week, possibly next week. And once we  
17 receive approval, we'll begin the official process  
18 of negotiating the project agreement. We have also  
19 been continuously working on other cost share  
20 strategies for the remediation of the balance for  
21 the East Chicago Waterway.

22 As reminder, the project  
23 agreement that I referred to is for the remediation  
24 of the Lake George Canal, Mittal and east sections.  
25 And also reminder, we have already sent a draft

1 project agreement on the sheet pile wall site  
2 agreement to be reviewed by BP and Arco, so we are  
3 waiting for feedback on those drafts.

4 The CDF TSCA permit, since our  
5 last Board meeting a couple of the community  
6 stakeholders requested to meet with me, and I have  
7 met with some of the community stakeholders  
8 regarding their questions and concerns on the  
9 permit.

10 The appraisal status, we are  
11 working to finalize two appraisals that we received  
12 from Access Evaluation and Begoin Appraisal, and  
13 hoping to have those finalized before the next Board  
14 meeting.

15 The dredging project, Natalie  
16 Mills will be giving an update on the Corps dredging  
17 project.

18 The 2017 budget, the financial  
19 statements that you have in your packet reflect, or  
20 include the budget amendment that was approved at  
21 our last Board meeting. I'll be contacting the  
22 Finance Committee to set up a Finance Committee  
23 meeting in the next couple of weeks to review a few  
24 finance issues.

25 That concludes my report.

1 MR. FEKETE: Any questions for Mr.  
2 Trevino? (No Response) Thank you very much.

3 Next order of business is  
4 approval consideration of the Board meeting notes  
5 for the July 19, 2017 meeting. I'll entertain a  
6 motion for approval.

7 MR. BAKOTA: Motion to approve.

8 MR. DOYLE: Second.

9 MR. FEKETE: All in favor signify by  
10 saying aye?

11 (All signify aye.)

12 MR. FEKETE: Any opposition? (No  
13 Response) Hearing none, the meeting notes are  
14 approved.

15 Accounting consultant report.  
16 Mr. Trevino, you are going to pinch hit for Mr.  
17 Anderson?

18 MR. TREVINO: Yes. So you have a copy of  
19 the financial statement dated July 31, 2017. Page 2  
20 shows a summary of receipts, and as of the end of  
21 July 31st and couple receipts, we have \$1.2 million  
22 and the total disbursements is \$246,833.000, with an  
23 increase in cash of 960,000 and some change. The  
24 cash balance as of January 1st, 2017, is \$2.76  
25 million. And the cash balance at the end of July



1 31, 2017 is \$3.236 million.

2 And the supplemental information  
3 on page 3, you have a summary of the Operating  
4 account and the cash balance as of January 1st,  
5 2017, is \$230,527.99. The User Fee cash balance  
6 account as of January 1st is \$2.046 million. And  
7 the User Fee account balance as of July 31st, is  
8 \$2.31 million.

9 And the last sheet is a summary  
10 of our budget for 2017. You have the first column  
11 2017 budget appropriations is the 2017 budget. The  
12 second column adds the accounts payable that were  
13 paid in January. And the third is the total  
14 appropriations when you add the accounts payable of  
15 \$231,016.

16 And second to the last column  
17 shows summary of the cash business disbursements in  
18 the claims docket for approval at today's Board  
19 meeting. And the claim docket total is \$21,109.04.

20 And then the last column is the  
21 unused budget. And as you can see, there is a  
22 balance in all the budget line items. So we are  
23 okay on our 2017 budget.

24 And on the description on the  
25 left, you see the IDEM-CDF ground water sampling of

1 \$45,000, that was the budget line item amendment  
2 that was approved at our last Board meeting. And  
3 that's a summary of our financial statements.

4 MR. FEKETE: Okay. Very good. Any  
5 questions?

6 MR. PATRICK RODRIGUEZ: The George Park,  
7 we bring that up all the time, but our study, would  
8 it be possible if they don't use that within the  
9 year, to kind of use it for the dogs that patrol the  
10 beach?

11 MR. FEKETE: That's outside of our  
12 jurisdiction. The reason we agreed to fund it is  
13 because we said the study would also include any  
14 impact, yes or no, from the discharge of the Indiana  
15 Harbor Ship Canal, because George park is more than  
16 half mile away from the canal. So, you know, that  
17 kind of gave us the stretch that we needed to say we  
18 could do that.

19 MR. PATRICK RODRIGUEZ: Thanks.

20 MR. FEKETE: But there are other things.  
21 Next item is the claims docket. I need approval  
22 consideration for accounts payable voucher register  
23 dated August 16th.

24 MR. PATRICK RODRIGUEZ: So moved.

25 MR. LOPEZ: Second.

1 MR. FEKETE: Roll call vote. John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 (No Response).

5 MR. FEKETE: Patrick Rodriguez?

6 MR. PATRICK RODRIGUEZ: Yes.

7 MR. FEKETE: Ted Zagar?

8 (No Response).

9 MR. FEKETE: Kevin Doyle?

10 MR. DOYLE: Yes.

11 MR. FEKETE: Ray Lopez?

12 MR. LOPEZ: Yes.

13 MR. FEKETE: John Fekete? I vote yes.

14 The motion is approved. Seems like you're pinch  
15 hitting for everybody today. BMO Harris Bank Trust  
16 report.

17 MR. TREVINO: Okay. So the report shows  
18 the balance of ECI Facility Trust report, the first  
19 one shows the bar graph and historical marker value  
20 per year. And then below that shows the  
21 distribution per year.

22 And then the next sheet shows  
23 the different account types and the values, and the  
24 maturity dates.

25 And then the last sheet shows a

1 summary of the historical annual market value at the  
2 year end, and at different dates.

3 So the current balance of the  
4 Trust is \$4.847 million. And the table on the right  
5 shows the historical annual distribution. That's  
6 the summary of the BMO Harris Trust report.

7 MR. FEKETE: Okay. I always find it  
8 interesting that the amount that's distributed is an  
9 amount we started out with. We distributed 19  
10 million and we started out with 15 million. So  
11 there was a period of time when we invested wisely  
12 and interest rates on Government instruments were  
13 reasonable and high enough that we could actually  
14 accumulate money.

15 U.S. Army Corps report.

16 MS. MILLS: Natalie Mills, with the U.S.  
17 Army Corps of Engineers. Operation of the gradient  
18 control system is ongoing at the site. The  
19 contractor is scheduled to begin dredging in  
20 September. They are scheduled to dredge  
21 approximately 230,000 cubic yards of material, that  
22 includes approximately 30,000 cubic yards from  
23 Mittal.

24 TSCA permit, we are waiting on a  
25 decision from EPA and IDEM on the their decisions on

1 the TSCA permit.

2 The contractor has initiated  
3 coordination with BP to schedule the boom, oil boom  
4 movement, as they prepare for their dredging this  
5 September.

6 The Feddeler parcel, trying to  
7 work with internally on our end to schedule a date,  
8 I think we have got a proposed date on the 1st of  
9 September. I just need to make sure that everyone  
10 on our end agrees with that date as well. That's  
11 all I have at this time.

12 MR. FEKETE: Any questions?

13 MR. PATRICK RODRIGUEZ: Natalie, when do  
14 they expect any answer about the TSCA permit?

15 MS. MILLS: They have not given us any  
16 timeframe on when they intend to respond to our  
17 permit request.

18 MR. PATRICK RODRIGUEZ: Thank you.

19 MS. MILLES: You're welcome.

20 MR. TREVINO: We had submitted a request  
21 from the Great Lakes Legacy Act project to possibly  
22 use the CDF for disposal of some of the sediment and  
23 I know the Corps was carefully consideration the  
24 request. Has there been any decision on that?

25 MS. MILLS: There hasn't been a decision.

1 I just asked about this, they are still preparing a  
2 report and planning.

3 MR. TREVINO: Okay, thank you.

4 MS. MILLS: You're welcome.

5 MR. FEKETE: Okay. Attorney Ellen  
6 Gregory's report.

7 MS. GREGORY: Ellen Gregory of Ellen  
8 Gregory Law. Nothing much new. We are doing our  
9 biweekly calls on the consent decree. Our next call  
10 is tomorrow.

11 Fernando did mention, we have  
12 submitted a draft sheet pile agreement and draft  
13 revised budget agreement with BP, which they are  
14 reviewing. We expect to speak with them within the  
15 next few weeks about that.

16 And then as Natalie said, we are  
17 trying to set up a call to discuss the Feddeler  
18 appraisal with representatives of the Corps and our  
19 real estate counsel, Jim Wieser. That's all I have.

20 MR. FEKETE: No comment on the Feddeler.  
21 Any other new business to come before the Board?

22 MR. PATRICK RODRIGUEZ: We have a time  
23 sheet adjustment for Mr. Trevino here. It seems  
24 that there is two different -- what would I call  
25 those?

1 MR. TREVINO: If you could.

2 MR. PATRICK RODRIGUEZ: Two items, they  
3 need to be segregated so he can keep track of his  
4 hours more efficiently. So I'd like to make a  
5 motion that we accept the revised version of his  
6 timesheet.

7 MR. BAKOTA: Second.

8 MR. FEKETE: We'll have a roll call vote.  
9 John Bakota?

10 MR. BAKOTA: Yes.

11 MR. FEKETE: Henry Rodriguez?

12 (No Response).

13 MR. FEKETE: Patrick Rodriguez?

14 MR. PATRICK RODRIGUEZ: Yes.

15 MR. FEKETE: Ted Zagar?

16 (No Response).

17 MR. FEKETE: Kevin Doyle?

18 MR. DOYLE: Yes.

19 MR. FEKETE: Ray Lopez?

20 MR. LOPEZ: Yes.

21 MR. FEKETE: John Fekete. I vote yes.  
22 That motion is approved. Any other business? Any  
23 public comments? Hearing none.

24 Our next Board meeting will be  
25 September 20, 2017, at 5:00 p.m. at this facility

1 hopefully.

2 I will entertain a motion for  
3 adjournment.

4 MR. BAKOTA: Motion to adjourn.

5 MR. DOYLE: Second.

6 MR. FEKETE: All in favor signify by  
7 saying aye?

8 (All signify aye.)

9 MR. FEKETE: This meeting is adjourned.

10 (MEETING ADJOURNED.)  
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## C E R T I F I C A T E

I, Peggy S. Lalonde, Certified Shorthand Reporter (CSR), and Notary Public within and for the County of LaPorte, State of Indiana, do hereby certify that I appeared at the City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 16th day of August, 2017, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings given at said time and place, 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 said proceedings had, dated this 15th day of September, 2017.



*Peggy S. LaLonde*

Peggy S. LaLonde, CSR

My Commission expires: 3/14/2018

<hr/>	<b>29</b> 4:23	<b>accumulate</b> 11:14	<b>Attorney</b> 4:18 5:11 13:5
<hr/> <b>\$</b> <hr/>	<hr/> <b>3</b> <hr/>	<b>Act</b> 5:13 12:21	<b>August</b> 3:3 4:1,8,17,19, 21,23 9:23
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