# STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND ADVISORY BOARD

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:17 p.m., on June 8, 2017.

BEFORE:

Lori B. Overland Certified Court Reporter In and For the State of Louisiana

(225) 216-2036

### APPEARANCES

Kerry Hill Chairman

Durwood Franklin, via telephone
Jeff Baker
Gary Fulton
Cy Morin
Jill Carter
Nick St. Romain
Steve Burnham
Roger Bright, via telephone
Theresa Delafosse
Frank Marcello

Melissa Vizinat
Sam Broussard
Jason Efferson
Natalie Isaacks
Roger Gingles
Rhonda Cook
Sherry Milam
Fran Falke
Lacey Vitteri
Bryon Blanchard
Roger Daniels

3

# INDEX

**EXAMINATION:** 

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE .

76

REPORTER'S CERTIFICATE

77

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1
                              * * * * *
  2
           MR. HILL:
  3
                 Good morning to everybody.
  4
           MR. MARCELLO:
  5
                 Good afternoon.
  6
           MR. HILL:
  7
                Or, good afternoon to everybody.
           Thank you, Frank.
  9
                At this time, we'd like to have a roll
- 10
           call and a consideration and adoption of the
           February 23, 2017 board minutes. Let's
 11
 12
           start with a roll call.
 13
          MR. FULTON:
 14
               Gary Fulton, DEQ.
15
          MR. HILL:
                       16
              Kerry Hill, Louisiana Oil Marketers
 17
          and Convenience Store Association.
 18
          MR. BURNHAM:
19
                Steve Burnham, Engineering Associates,
20
          Incorporated.
21
          MR. MORIN:
22
                Cy Morin, DEQ Audit.
23
          MS. VIZINAT:
24
                Melissa Vizinat, DEQ Trust Fund.
25
          MS. CARTER:
```

```
1
           MR. HILL:
  2
                 Second?
  3
           MR. BURNHAM:
  4
                 Second.
           MR. HILL:
 6
                 All in favor?
 7
           (All indicted, yes.)
           MR. HILL:
                 Thank ya'll. Let's start off with
- 10
           number three, the financial services report
11
           by Theresa.
12
           MS. DELAFOSSE:
13
                 Okay. So last board meeting where we
14
          met, I changed my name and this board
          meeting, I changed my hair. So stay tuned
15
           for what's going on next quarter.
16
17
                 I can briefly go over the, I guess,
18
          the high level results. But for this.
19
          meeting, I also put together a power point
20
          presentation that goes more in detail of
21
          what the administrative expenditures have
22
          been. I'm thinking now that I'm looking at
23
          the financial statements as of the third
24
          quarter, we also could maybe stand to add
```

some additional information to this report.

1	It may be that ya'll want some more
2	information on the interest revenues. You
3	may want more information on the total
4	disbursements from the fund. So I encourage
5	ya'll to stop me as we go through the
6	slides. I have volunteered Jeff to manage
7	the slides for us today. So hopefully he
8	does a great job with that. I know that he
9	will. And so feel free to stop me
10 -	whenever. If you have questions, concerns
11	or if you think we need more information or
12	different information.

13 So as of the third quarter, our 14 unobligated balance was around 23.3 million dollars. Represented in that was total 15 receipts of just under 26 million, 16 17 disbursements just under eight million. the -- let's see. So I guess that's about 18 19 it. The -- the fund balance at the beginning of the year was 93 million. 20 21 have had a -- you know, a good amount of collections, plus the -- some of the money 22 was classified from the attorney -- from the 23 attorney general's escrow and settlements. 24 25 So we have just under 106 million dollars in

1 the fund, cash, as of 3/31/2017.

2 And then our estimated -- or, I quess, 3 our projected transfer from motor fuel to 4 ETF to reimburse ETF for its' expenditures 5 is 5.4 million for this year. So that -and that's a pretty solid projection at this 7 point in time because, you know, the -- the year is substantially over. We know what 9 our payments are going to look like, 10 hopefully, and what our staff -- you know, what our staff levels are at and what we're 11 12 paying our folks, so they're pretty reliable 13 projections, so that's -- that's close to 14 what it was last year.

So now, I guess I'll go with the presentation. Unless ya'll have questions now? But we'll go into a lot more detail.

So this presentation, I think -- we had a meeting about some legislation with Dr. Brown and Bijon and I -- I don't recall who all was there. It's been a little bit. But it was suggested that perhaps our financial presentation should be a little more detailed. I know historically Karyn and then I guess Denise before her had done

15

16

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22

23

24

1	a very detailed presentation, perhaps too
2	detailed for a quarterly basis. My original
3	suggestion was that we do something like
4	this at the year end. So it would be like,
5	I guess, the August, July board meeting,
6	whichever one is the first one, where you
7	discuss the final results for the fiscal
, 8	, , , , , , , , , , , , , , , , , , , ,
	year. But since we hadn't done anything
9	like this in a while, I went ahead and did
10	one now. So I can do whatever ya'll think
11	is is best. We can do this, you know,
12	either at the very end of the year only or
13	we could also do it once you know, once
14	two quarters have past and once we have half
15	the year under our belt and then again at
16	the at the end of the year. Or, we can -
17	- you know, we can try that and then if we
18	think it's too much, you know, whatever.
19	I'm very flexible.
20	So next slide, please, Jeff. Okay.
21	
	So what is included in the administrative
22	expenditures of the motor fuel trust fund?
23	These are the categories. These categories
24	are based on the office of statewide
25	reporting and accounting policy. We have to

3

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have these -- this is how we have to subdivide our expenditures.

So as you can see, the largest percent of the total is salaries. And once you combine salaries with the related benefits, we are well over half of the total administrative costs of the fund. see there's, you know, four of the -- five of those categories are minuscule compared to the total. And then we have other charges, which is about 19 percent. That has some miscellaneous charges. And then those attorney general charges, which will not be permanent. Once those cases are settled and done with, we hope to not have substantial legal fees as we have had the past several years. And then we have the indirect cost and the overhead, which we have discussed some, but I have more in depth information later in the presentation.

So salaries and related benefits. Our salaries, after the third quarter -- yes, after the third quarter of the year, you see, we're 2,291,700. We project a total of just under three million dollars on the

1		year.
2		The related benefits. Some of these
3		related benefit costs are high.
4		Unfortunately, the retirement system is
5		expensive. We have the state is in an
6		unfunded accrued liability situation because
7		of how things were calculated historically,
8	*	so yes, 35.8 percent is paid per employee.
9		That amount is recalculated annually by
10		LASERS, Louisiana State Employees Retirement
11		System, LASERS. I think last year it was
12		37.2 percent. So it's come down a little
13		bit. Who knows what it'll look like next
14		year. No, that total amount does not go to
15	1 1	each person's retirement account. That
16		total amount is kind a to pay for the past
17		and to pay for the future. I think the
18		amount that's, you know, attributed to the
19		current costs for each employee is closer to
20		ten percent. So the vast majority of that
21		is for paying for those back back
22		expenses.
23		Group benefits. This includes health
24		insurance, predominately, but also life
25		insurance, you know, dental insurance, all
		i ditt

```
the other products that are available to us
 1
 2
          state employees that the state helps pay
 3
          for. So of the 47 employees that you'll see
          on the next slide that are hardcoded to
 4
 5
          motor fuels, 46 of them participate in group
 6
          benefits in some way. And the average cost
          of that per employee is around $3,400. And
          then we also have to pay Medicare, which is
          chump change at 1.45 percent, compared to
 9
10
          those other group related benefit costs.
          So, you know, all those things added
11
          together amount to -- will amount to about
12
13.
          1.38 million dollars at the end of this
14
          year.
15
          MR. MARCELLO:
16
                Question.
17
          MS. DELAFOSSE:
18
                Yes?
          MR. MARCELLO:
19
                You used the term hardcoded. Are
20
21
          hardcoded to motor fuels. And can you --
22
          can you describe or define motor fuels?
          that the entire motor fuel division?
23
          MS. DELAFOSSE:
24
25
                It is --
```

No, that's -- that's total.

MR. MARCELLO:

MS. DELAFOSSE:

23

24

```
1
                 Yes.
  2
           MR. FULTON:
  3
                 Yes.
           MR. MARCELLO:
  5
                 And you -- what -- what department --
  6
           what department do you head? What -- what's
           the -- what's the --
  7
           MR. FULTON:
  9
                 It's the underground storage tank
 10
          -division. -
 11
           MR. MARCELLO:
12
                 UST Division.
13
           MR. FULTON:
14
                 UST Division, right.
          MR. MARCELLO:
15
16
                 Is it the leaking underground storage
17
           tank division or the underground storage
18
           tank division?
19
           MR. FULTON:
20
                 Underground storage tank division.
21
           MR. MARCELLO:
22
                 Okay. And that's -- and your
23
           department?
24
           MS. DELAFOSSE:
25
               And then Jeff's --
```

	1		MR. BAKER:
	2		Motor fuel trust fund.
	3		MR. MARCELLO:
	4		The trust fund.
	5		MS. DELAFOSSE:
	6		Motor fuel trust fund section, within
	7		financial services division.
	, 8	,	MR. MARCELLO:
	9		Exactly. So wouldn't you think that -
-	10		- that a leaking underground storage tank
	11		fund and I know we're going to get into
	12		some particulars here. But wouldn't you
	13		think that a leaking underground storage
	14		tank fee fund, an underground storage tank
	15		problem area, instead of an underground
1	16	1	storage tank division? Just a simple
	17		it's just making a point and a question at
	18		the same time.
	19		MS. DELAFOSSE:
	20		Yes. So you think that there's work
	21		that Gary's division is doing that may be
	22	4	outside of the scope of the leaking? I mean
	23		
	24		MR. MARCELLO:
	25		Well, that's what that's what the -
4		4	and 5 what the

```
1
           - this is what a .008 fund is, is leaking
  2
           underground storage tanks. Am I correct?
  3
           MR. FULTON:
  4
                 Right. That's the whole program.
  5
           MR. MARCELLO:
                 That's the whole -- no. Leaking
           underground storage tank is not the whole
 7
 8
           underground storage tank program, is it?
 9
           MR. FULTON:
10
             · Yes.
11
          MS. DELAFOSSE:
12
                Yes.
13
          MR. MARCELLO:
14
                Leaking underground storage tanks --
          MS. DELAFOSSE:
15
16
                It's not called that, but that's all
17
          they address.
18
          MR. FULTON:
19
                It's not called that, but that's what
20
          we do. Right.
21
          MS. DELAFOSSE:
22
                Or, prevent leaks through inspections.
23
          MR. FULTON:
24
                Right.
25 ±
          MR. MARCELLO:
```

```
1
                  Right. So prior to the .008
   2
            inception, what was -- you -- you had an air
   3
            -- air program, a -- did we have a tank
  4
            program prior to .008?
  5
            MR. FULTON:
  6
                 Not that -- I -- I can't speak to the
  7
           -- that far back, but --
 *8
           MR. MARCELLO:
  9
                 Like prior to 1998, when -- when it
 10
           was mandatary that we upgrade all of these
           tanks and then we had to either have
 11
 12
           insurance --
13
           MS. DELAFOSSE:
14
                 I think there was still a fee then.
15
           It was just not .008.
          MR. FULTON:
16
17
                 It wasn't .008. Seems like it was --
18
          was it two?
19
          MS. DELAFOSSE:
20
                It was 004, at one point.
21
          MR. FULTON:
22
                Or, 004.
23
          MS. DELAFOSSE:
24
                I think it went from two to four to
25
          eight.
```

```
1
           MR. FULTON:
 2
                 I think -- I think -- I think it was,
 3
          yes.
 4
          MS. DELAFOSSE:
 5
                 But it's always been for the same
 6
          purpose.
 7
          MR. FULTON:
                Right.
 9
          MR. MARCELLO:
10
                Okay.
11
          MR. FULTON:
12
                We also get EPA funding.
13
          MR. MARCELLO:
14
                You get grants.
1,5
         MR. FULTON:
16
                We get grants.
17
          MR. MARCELLO:
18
                Right.
19
          MR. FULTON:
20
                We get a -- we get a prevention grant
21
        and we get break reduction grant. I think
22
          it's one point something million.
23
          MS. DELAFOSSE:
24
                One point five.
25
        MR. FULTON:
```

1		One point five, one point six,
2		somewhere around in there. It depends on
3		the grant.
4		MR. MARCELLO:
5		All right. Thank you.
6		MS. DELAFOSSE:
7		Okay. So this slide has the employees
8	,	by job title that are coded to the motor
9		fuel underground storage tank trust fund. I
10		have them sorted by count. So the we
11		have a lot of environmental scientist,
12		III's. Fourteen of them. So it shows the
13		average salary in that job title and then
14		the average benefits for that for those
15	1	folks in that job title, along with the
16		count and the total costs. This is as of
17		4/30. With this type of information, you
18		have to do kind of a snapshot, because you
19		see those 14 environmental scientist, III's,
20		two of them might have been environmental
21		scientist, II's from July to September and
22		then they go through what's called a career
23		progression group and they became
24		environmental scientist, III's and got a pay
25		raise, so their average you know, we
		you know, we

have to kind of take it at a point in time, instead of the previous slide where it was the total salary expenditures for the year.

Travel and training. This is one of the very small categories. We need to travel for our audits and inspections. A lot of that is just daytime field travel. But sometimes overnight is necessary.

And then we have conferences and conventions. So ASTSWMO in D.C., two employees went to that. Three employees to EPA Region 6 in Dallas. And one employee to LOMCSA convention. And then some DEQ required training, the HAZWOPER class. So we've spent right at \$7,000, after the third quarter. It should be right around 11,000 at the end of the year.

Operating services. These are some just cost of doing business. You'll see the as of charges. As of 3/31, it was \$58,000. The number below breaks down the projection for the year. I guess the -- it subdivides the total projection for the year, 85,000. So those are some expenses that are necessary for running the divisions.

1	Supplies. Another one of the little
2	categories. This is a subcategory of
3	operating services. It's not a separate
4	category. But a little bitty category, as
5	you can see. But office supplies that are
6	necessary, or anything to complete the
7	inspection and then some lab supplies and uniforms, tools, et cetera.
9	Professional services. This is
10 -	another fairly small category for this
11	program. We just have two two
12	professional services vendors who have done
13	work so far this year, some lab analysis for
14	site work and then some site consultation
15	for our risk assessment toxicology contract.
16	Then other charges. The main expense
17	in the other charges category are those attorney general fees. The expenses as of
19	3/31 for attorney general fees is \$672,000.
20	Then we have those other. So we paid for
21	the you know, we have the UST tank
22	operator training with those 140,000
23	expenses, compliant services for the
24	compliance inspections. We have a vendor do
25,	some, about half of those inspections and

we do the other half. And then a small lab contract. And then some site investigation work and some work on the Burt's Chevron corrective action.

the attorney general charges, because this has been significant, a significant expenditure beginning in fiscal year 2014.

Again, they represent attorney's fees associated with the ongoing litigation. So they're paid out of the other charges category. We do what's called an interagency agreement with the attorney general's office. And that's signed at the beginning of the year. And it list the maximum amount that we will spend in that year or that they, you know, propose that would be spent in that year.

So for example, I believe in fiscal year 2016, you'll see the final expenditures were \$917,465. I believe the agreement for that year was one million dollars. We signed an agreement for this year for the 1.1 million. It may -- it's highly likely that it'll end up under that. More

```
in the order of 900 to one million dollars,
  1
  2
           hopefully.
  3
                 And then -- oh, go back, Jeff, if you
           don't mind. And then -- so -- but these
  4
  5
           costs are reimbursed. So yes, the money is
           expended, but then the money is 100 percent
  6
           reimbursed from the settlements at the end
           of the year. We just wait to do that at the
 8
 9
          end of the year, because it's just a -- kind
10
          of a general -- a general voucher, just to,
11
          you know, move -- we don't actually move the
12
          cash. Just move --
13
          MR. MARCELLO:
14
                But it's not -- it's not a settlement,
          plus attorney's fees, is it? Or, is -- is
15
          the -- the attorney's fees comes out of the
16
17
          settlement?
18
          MS. DELAFOSSE:
1.9
                The attorney's fees comes out of the
20
          settlement.
21
          MR. MARCELLO:
22
                So that's less money going into the --
23
          MS. DELAFOSSE:
24
                Yes. And I --
```

MR. MARCELLO:

```
1
                 -- into the fund.
 2
          MS. DELAFOSSE:
 3
                 I guess we -- I -- I don't know, Jill,
          if you know off the top of your head the
 4
 5
          settlement information, but --
 6
          MS. CARTER:
                No, I don't.
          MS. DELAFOSSE:
                I think -- I quess we've gotten over
 9
10
          20 million dollars in settlements so far, or
11
          in that neighborhood, maybe 22.
12
          MS. CARTER:
                You know, I'm --
13
          MS. DELAFOSSE:
14
                And we've spent, around four, million
15
          dollars, so that's -- I mean, it's 20 to 25
16
          percent of the settlement that's -- you
17
          know, attorneys charge more than that
18
          sometimes. So, I mean, I know -- it's not -
19
20
          - it's not a contingency rate, but it
          doesn't represent as big of a portion of the
21
          total as -- as some continency fees do. So
22
          I kind of thought of it that way, as far as
23
          what the overall cost have been from what
24
```

the settlement proceeds have been.

1		MR. MARCELLO:
2		And for the record, these are only
3		settlement talks and not legal actions.
4		These are not court cases. These are
5		settlements.
6		MS. DELAFOSSE:
7		They have not become court cases yet.
8	,	Not any of them. But they could. Those who
9		have chosen to settle, you know, I guess
- 10	-	they weighed all the odds and decided it was
11		in their interest just to come to an
12	× F	agreement with us or with the attorneys on
13		the case and, you know, pay pay what they
14		felt was fair to both parties
15	- 1	MR. HILL:
16		How many
17		MS. DELAFOSSE:
18		and then save everybody the trouble
19		of the litigation.
20		MR. HILL:
21		And this may be a question for Perry,
22		but how many more cases are out there, do
23		you know? That's somebody we we'll
24		address that later.
25	2	MS. DELAFOSSE:

```
1
                 I think it's two or three.
 2
          MR. HILL:
 3
               Oh, is it?
 4
          MS. DELAFOSSE:
 5
                Might just be two.
 6
          MS. CARTER:
 7
                I'm not sure.
                               I can find out.
          MR. MARCELLO:
 9
                I think it was only two left.
          MR. HILL:
10
11
                Two left?
12
          MS. DELAFOSSE:
13
                I think it's two left.
14
                Next slide. Okay. Interagency
15
         transfers. So rent, for example, like the
16
          rent we pay in this Galvez Building, the
17
          State owns it and they set up an -- an
          agreement every year with a rate per floor,
18
          basically. So this is an aflocation of that
19
20
          for how many employees are in those
21
          buildings that are paid for through
22
          interagency transfer. And then telephone
23
          costs. Like, Jeff has a telephone at his
          desk and it cost us, you know, whatever,
24
         like $8 dollars a month and we pay the
25
```

1	office of telecommunications management or
2	OTM for that. And because they're another
3	state agency, we can accomplish that through
4	an interagency transfer instead of through
5	one of our other exponential categories.
6	MR. BAKER:
7	I'll be happy to give up the phone.
'8 '	MS. DELAFOSSE: ' '
9	Okay. Indirect costs. So this has
10	been something we've discussed some as well.
11	Every year so this is my second bullet, I
12	guess. Every year, as an agency, Lacey and
13	Fran and a little bit me, work together to
14	do an indirect cost proposal. And that, we
15	submit to EPA. So we sent it this year, I
16	believe in January. And to calculate that,
17	because this fiscal year is not over, we
18	used last fiscal year's final numbers to
19	kind of update our information. We kind of
20	divide the agency up based on what are
21	direct program expenditures and what are
22	overhead type expenditures. So like, legal,
23	for example, all the attorneys are overhead.
24	Sometimes, it sounds like a bad word, you
25	know, you'd rather be sometimes, you'd

1		rather be one of the people doing the actual
2	7	work instead of one of the overhead people.
3		But all all us overhead folks are
4		necessary too. So we get that approved
5		every year by EPA, some time in the spring.
6		You'll see the history of that rate. We
7	,	have it in reverse chronological order. so,
8		for example, fiscal year 2017, our EPA
9		approved rate was 70.91 percent. So we
10		calculate that and compile documentation.
11		We send it to EPA. And they review it and
12		they approve it either approve it or ask
13		us questions and ask us to make adjustments.
14		We use that in other programs to figure
15,		and we use it like in remediation, for
16		example, when site or, facility owners
17		are responsible for site cleanup and the
18		department is involved in that and the
.9		department pays up front, we can bill them
20		for those costs, and we bill them for the
21		direct costs. So let's say we spent
22		\$10,000, plus the full EPA overhead approved
23		rate, so we'll take the \$10,000 and add
4		70.91 percent of that and that's what is
5 .		billed to those people with the site who

	1	had to get that site remodiated because
	2	had to get that site remediated because they
		weren't following regulations.
	3	So we we use to not charge any of
	4	this overhead or these indirect costs to the
	5	motor fuel trust fund underground storage
	6	tank trust fund program. In fiscal year
	7	2013, I wasn't here then, but I believe Jeff
•	8	and Denise discussed this with the board and
	9	came to an agreement to begin charging half
-	10	of the approved indirect rate. So starting
	11	in fiscal year '13, as you'll see at the
	12	bottom of our chart, that was 30.43 percent.
	13	It went down for two years, but then it has
	14	gone up slightly for the last two years. So
. 1	15	, that's that's another one of our cost
	16	that is included in the administrative cost
	17	to the program.
	18	MR. MARCELLO:
	19	So question.
	20	MS. DELAFOSSE:
	21	Yes?
	22	MR. MARCELLO:
	23	That half rate, what is that number
	24	multiplied against?
	25	MS. DELAFOSSE:

1	It is good question. It is
2	multiplied against the salaries, related
3	and related benefits. Just those two
4	categories. So just the people cost.
5	Next slide. And then program revenues
6	are an important topic as well. So one of
7	the program revenues that's available for
8 , ,	administrative expenditures are the tank
9	registration fees. They're they're
10	pretty pretty predictable and pretty
11	regular. We collect right around \$625,000
12	annually. We bill those in March. So we've
13	done the majority of our collections for
14	fiscal year 2017, but some are trickling in
15	still. But we did pass a fee package last
16	year that ya'll are familiar with. And we
17	had anywhere from 10 to 25 percent increases
18 '	on in fees, depending on how far behind
19	that division or that function was lagging
20	from it's collections to it's expenditures.
21	Sc, you know, the tank program was a
22	little bit behind but not too behind, so we
23	did our lowest increase of ten percent. So
24	the fees have gone from \$54 to \$60. That
25	amount will increase beginning in fiscal

- 1 year 2018. So the bills we send out in --2 next March will be \$60 per tank instead of 3 \$54.
- We did some rough estimates on what we expect to collect. Instead of the 625, it 5 should go up to about 685, maybe as high as 6 7 700. It just kind of depends. Some people might be so conditioned to pay their \$54 per 9 tank, they might send us \$6 less or, you know, we'll just have to -- have to wait and 10 11 see what that looks like.

And then our other source of revenues for the program are the federal grants. So 13 the cumulative decrease since fiscal year 14 2012 has been over 1.8 million dollars. And 15 then I have the annual decrease in the far 16 17 right hand column, as well. So the total grants in fiscal year 2017 were just under 18 19 1.6 million, where at one point, we were as 20 high as 3.3 million. So -- and, you know, 21 there's been lots of talks about the changes 22 and how EPA is going to be structured and 23 funded with the new federal budget. And we haven't heard a whole lot. We've heard a 24 25 whole lot of rumors, but not a whole lot of

1 what that's actually going to look like. So 2 we're not really sure yet at this point. 3 And the federal fiscal year is different 4 from the state fiscal year. So those run 5 through September 30th and then they start 6 again on October 1st. So we will -- it 7 remains to be seen what kind of changes we'll have in federal grants and federal 9 revenues going forward.

> And then here's the history of the -the net transfer to ETF. So traditionally when we present this number to you, we've also included those attorney general charges, because they are part of the other charges category, however, they have been reimbursed in full from the settlement proceeds, as we discussed previously. So I have those three asterisked years at the bottom, 2014, 2015 and 2016. In those three years, I subtracted what the AG expenses were, because they were reimbursed in full. So the other expenditures of the program are represented here. And that statute that's cited above 30:2195.4(C)(2), that outlines the process for this transfer from the motor

-10

11

12

13

14

15

16

17

18

19

20

21.

22

23

24

1 fuel trust fund to the environmental trust 2 fund to cover the expenditures, because the 3 environmental trust fund does not have sufficient revenues available to cover the 5 program's costs. So over time, you know, 6 over the past couple of years, our costs have increased and our revenues have decreased. So that means, you know, the 8 9 third piece of the puzzle is the transfer 10 and so the transfer has increased, as you'll 11 see.

12 So the changes from year to year, 13 we've had decreases in three out of five 14 years. But I know the past four years have 15 been increases. The 48 percent is when we 16 start adding what -- when we started adding half of the indirect rate. So you'll see it 17 18 went from the two million to the three million. The other increases have been, you 19 20 know, a little more subtle, but still, I see 21 that we know that there have been increases 22 these past several years.

Okay. Going forward, I kind of
discussed this at the beginning. I don't
know if ya'll feel there was lots of content.

```
missing or if ya'll thought it was
  1
  2
           beneficial to have a presentation like this,
  3
           what kind of frequency you'd like. Any
 4
           other comments, questions, what was missing,
 5
           what was awful, what was great? But that's
           it for me.
          MR. HILL:
 7
                Thank you, Theresa. Do we have any
 9
          questions?
10
          MR. MARCELLO:
11
                I -- I just need -- go back one slide,
12
          please.
13
          MS. DELAFOSSE:
14
                You thought you were done.
          MR. MARCELLO:
15
16
                So just for the record, and for my
          understanding again, the .008 gets collected
17
18
          and is deposited in MTF or ETF?
19
          MS. DELAFOSSE:
20
                Motor fuel underground storage tank
21
          trust fund.
22
          MR. MARCELLO:
23
                And then it's transferred to the ETF
24
          fund, correct?
```

MS. DELAFOSSE:

```
1
                It's transferred -- the amount, yes.
 2
          This amount is transferred to the
 3
          environmental trust fund, yes.
 4
          MR. MARCELLO:
                And the environmental trust -- a
 6
          layman's description of the environmental
          trust fund is leaking, as well as other
 7
          aspects of -- of --
 9
          MR. FULTON:
          Prevention, yes. That's what we call
10
11
          it.
12
          MS. DELAFOSSE:
13
                That's the motor fuel trust fund. The
14
          environmental trust fund is -- basically,
15
          the -- the department's operating costs are
16
          intended to be paid for through the
17
          environmental trust fund and the predominant
18
          revenues are permit fees, annual permit fees
19
          from all of our regulated entities.
20
          MR. ST. ROMAIN:
21
               Tank registration goes to
22
          environmental --
23
         MS. DELAFOSSE:
24
                Tank registration does, yes. And then
25
         all our other permittees, so air permits,
```

```
1
            water permits.
            MR. MARCELLO:
   3
                  And .0 -- in 2017 projected, the .008
   4
            lust fee will bring in how many dollars?
            MS. DELAFOSSE:
   6
                  Well, let me see. I don't know if I -
   7
            - but last year, it was $23 million. So it
            should be in that order this year.
   9
            MR. ST. ROMAIN:
 10
                  The bulk distribution fees is the
 11
            .008?
            MS. DELAFOSSE:
 12
 13
                  Yes. And you see the other receipts
            on the third -- the fiscal year 2017, as of,
 14
 15
            that's the transfer of the settlement money.
 16
            MR. ST. ROMAIN:
 17
                  The ten million --
           MS. DELAFOSSE:
 18
 19
                  Yes, the ten -- that's predominantly
 20
           what it is. Because you see last year, it
 21
           was only two million at -- at this time.
 22
           And so that's -- that's why that's a big up
 23
           tick on that.
 24
           MR. MARCELLO:
. 25
                  So we can -- we can -- we can estimate
```

1		that after the settlement monies have
2		stopped that inflow/outflow will probably be
3		dead even since you have 12,000 positive
4		right now, with 10,000 coming in from
5		settlement money? The ten I'm showing
6		I showing ten million makes up I get it.
7	Y .	But this is what I'm getting at, this figure is inclusive of that \$10 million. So once -
9		- this will probably happen again once we
10	-	get some more settlement money. And then
11		it'll probably be close to a wash from
12		there, meaning
13		MS. DELAFOSSE:
14		Yes. And you see
14 15	i v	Yes. And you see MR. MARCELLO:
	,	MD MADGETTS
15		MR. MARCELLO:
15 16 17		MR. MARCELLO: inflows and outflows will probably
15 16		MR. MARCELLO:  inflows and outflows will probably be right at zero.
15 16 17 18		MR. MARCELLO:  inflows and outflows will probably be right at zero.  MS. DELAFOSSE:
15 16 17 18		MR. MARCELLO:  inflows and outflows will probably be right at zero.  MS. DELAFOSSE:  If you look at the final inflows and
15 16 17 18 19		MR. MARCELLO:  inflows and outflows will probably be right at zero.  MS. DELAFOSSE:  If you look at the final inflows and outflows of fiscal year 2016, we did not get
15 16 17 18 19 20 21		MR. MARCELLO:  inflows and outflows will probably be right at zero.  MS. DELAFOSSE:  If you look at the final inflows and outflows of fiscal year 2016, we did not get any transfers of those settlement proceeds
15 16 17 18 19 20 21		MR. MARCELLO:  inflows and outflows will probably be right at zero.  MS. DELAFOSSE:  If you look at the final inflows and outflows of fiscal year 2016, we did not get any transfers of those settlement proceeds aside from the ones that were expended on

```
1
                   Correct.
    2
             MS. DELAFOSSE:
   3
                   -- net inflows.
   4
             MR. MARCELLO:
   5
                   Correct.
   6
             MS. DELAFOSSE:
                   So it will be a lot smaller.
   7
             MR. MARCELLO:
 9
                   Yes.
  10
           -MS. DELAFOSSE:
  11
                   Yes. That -- it's -- it's high this
  12
            year because of that, yes, because the of
  13
            settlement transfer.
  14
            MR. MARCELLO:
 15
                  That's all I have. Thank you.
  16
            MS. DELAFOSSE:
  17
                  Sure.
 18
            MR. HILL:
 19
                  Okay. Thank you, Theresa.
 20
                  Let's go to number four, the auditor's
21
            status report.
 22
            MS. DELAFOSSE:
 23
                  I guess before we -- before we move
 24
            on, I just want to -- do ya'll think this is
25
           a best presentation reserved for an annual
```

```
DEPARTMENT OF ENVIRONMENTAL QUALITY
                                                        40
         basis, or what do ya'll -- or, do we want
  1
  2
           to do this every time?
  3
          MR. HILL:
                We -- we would like to do it every
  5
          time.
  6
          MS. DELAFOSSE:
 7
                Okay.
          MR. HILL:
 9
                That way, we can kind of --
10
          MS. DELAFOSSE:
11
                Absolutely.
12
          MR. HILL:
13
                -- follow it, we can report back to
14
          our members --
          MR. DELAFOSSE:
15
16
               Okay.
17
          MR. HILL:
18
                -- and keep it a little fresher on --
19
          MS. DELAFOSSE:
20
                Okay.
21
          MR. HILL:
22
                -- on our mind.
23
          MS. DELAFOSSE:
24
               Sure.
25
         MR . HILL:
```

```
1
                 If it's --
  2
           MS. DELAFOSSE:
  3
                And based on ya'll's feedback today --
           MR. HILL:
 5
                 -- if it's not a lot of trouble.
           MS. DELAFOSSE:
 7
                 -- we may make some tweaks to it.
 8
           MR. HILL:
 9
                Yes.
          MS. DELAFOSSE:
10
11
                But we'll -- we'll continue to present
12
          the information every time.
          MR. HILL:
13
14
                Okay. Thank you.
          MS. DELAFOSSE:
15
16
                Sure. Sorry to interrupt.
17
          MR. HILL:
18
                Yes. Good information.
19
          MR. MORIN:
20
                Okay. Cy Morin, DEQ Audit. Turn to
21
          tab four, please.
22
                As always, this first page of the
23
          report details 28 open motor fuel cases, as
          of May 26, 2017. One case resulted in a
24
25
         credit of $3,292.22. Due to a
```

miscalculation, human error, for one month,
we're awaiting a credit reduction from a
current payment remittal to go ahead and
closeout this file.

Two cases are awaiting payments, totaling just over \$6,900. A portion of an unrelated overpayment will be used to credit an invoice for the one assessment of \$516.67. And the due date on the second assessment of \$6,425 is due on June 12, 2017. If not received, the case will be forwarded to our legal department for collection.

Three cases are under review. Sixteen cases are awaiting review. Pending final review, these cases represent one potential credit of \$579.61 and 18 potentially clean audits with no assessment.

Four cases are still in progress, results to be determined. One case is in the report writing phase. It's a potentially clean audit with no assessment.

And the final case on here is being planned. It's going to be started this month. An audit date has not been set yet,

```
1
           but it will be done -- started before the
 2
           end of the fiscal year.
 3
                 Since the last meeting, three new
 4
           cases have been added to the list and three
 5
          have been closed and removed from the list.
 6
          Of the three removed, two are clean audits
 7
          with no assessment. One was assessed
          $146.99, which was paid in full.
 9
                 Do you have any questions about this,
10
          this page?
11
          (No response.)
12
          MR. MORIN:
13
                If not, we will turn to the next page.
14
          MR. ST. ROMAIN:
            Cy, one question.
15
          MR. MORIN:
16
17
                Yes.
18
          MR. ST. ROMAIN:
19
                One procedural question in these
          audits. Is the -- the owner of that AI
20
          number notified of audit or only if there's
21
22
          a problem found with the audit?
23
          MR. MORIN:
                They are notified that the audit will
24
          be performed. And after the audit, if there
25
```

T		is a finding, they will be sent a letter.
2		If there are if there's no finding, they
3		will be sent a closure letter, just to
4		acknowledge that there were no findings and
5		the audit is closed.
6		MR. ST. ROMAIN:
7	,	Okay. MR. MORIN:
9		So they will be informed.
10		MR. ST. ROMAIN:
11		Thank you.
12		MR. MORIN:
13		You're welcome.
14		So on page two, we we still have
15	¥	four cases that are being pursued legally.
16_		The first case on the list, a judgment was
17		entered against the company on March 6th in
18		the amount of \$51,907.98. You'll see this
19		is slightly different than what's on the
20		spreadsheet. The judgment also includes
21		\$381.90 in court costs, which are not shown.
22		This file will be referred to ODR. It's in
23		the process of being prepared.
24		The second case last remitted a
25		payment in March for \$250. This one is also

.1		ready to be referred to ODR. In the
2		process.
3		The status remains the same on the
4		third case. It's been at ODR since October
5		14th, 2015. We have not received any
6		payments as of May 26th, 2017.
7 * 8	,	I do have I did not change the date on here, so the note date on the note is
9		incorrect. It should be 5/26/17.
10	y 12.	On the fourth case, there has been no
11		change. The file is ready and will be sent
12		to ODR.
13		So we have one at ODR and the other
14		three are being sent to ODR for collections.
1,5	1	The as you can see on there, the
16		four legal cases represent a total
17		outstanding amount of \$119,223,30. Also,
18		the 381.90 is not included on there, that I
19		mentioned earlier. And you can see the
20		breakdown of the fees there.
21	4, 4	And that's that's my update. Does
22		anybody have any questions?
23		MR. MARCELLO:
24		When when it goes to ODR, again,
25	2	along with that same line of thinking, if '

```
DEPARTMENT OF ENVIRONMENTAL QUALITY
                                                          46
           if someone is assessed, they are -- they're
 1
 2
           at the -- the -- the unpaid tax, if you
 3
           will, interest and penalty and legal fees?
           Is that tacked on top?
 5
           MR. MORIN:
 6
                 There are some additional costs, I
          believe, associated with --
          MS. DELAFOSSE:
 9
                 Well, there's actually an ODR fee
10 -
          that's added.
11
          MR. MORIN:
12
              Yes.
13
          MS. DELAFOSSE:
14
                But, yes, in those -- I mean, if we
15
          have attorney fees ,--
16
          MR. MORIN:
17
              Right. If there --
18
          MS. DELAFOSSE:
19
                -- as part of it, then they stay as
20
          part of the total debt.
21
          MR. MORIN:
22
                If -- if we have a judgment, yes, the
23
          whole --
24
          MS. DELAFOSSE:
25 -
              · Part of the final judgment, yes.
```

```
1
           MR. MORIN:
  2
                 -- debt would be sent to ODR, yes.
  3
           MR. MARCELLO:
  4
                 Okay. Thank you.
  5
           MR. HILL:
                 Any other questions related to Cy's
  7
           report?
  8
           (No response.)
           MR. HILL:
  9
10
               If not, we will go to number five,
11
           Jeff Baker, the trust fund status report.
12
           MR. BAKER:
13
                 Good afternoon. If you'll refer to
14
          tab five in your packets. Looking at the
15
          first page, it's entitled, "report of
          activity for the motor fuel trust fund,
16
17
          current activity". These are the numbers
18
          for the third quarter of fiscal year 2017.
19
                 During this quarter, the trust fund
20
          received 215 applications, totaling
21
          $3,148,000. As of the end of March, 2017,
22
          the trust fund had 149 pending applications
23
          to process, which have requested amounts
24
          totaling $2,183,765.
25
                During this time period, 272
```

1		applications were processed for payment,
2		during the fiscal quarter, totaling .
3		\$3,134,992. And 22 applications were
4		returned with deficiencies.
5		If you'll turn to your handout and
6		I apologize. This was suppose to be
7		included in your your packets. You'll
8	,	see the monthly motor fuel trust fund
9		obligation determination. Does everybody
10	-	have that as a handout?
11		If you'll look at that, this worksheet
12		list the various component determinations of
13		the potential obligation against the trust
14		fund. As of the end of March 2017, the
15,	1	sites that are in the corrective action
16		phase, the outstanding liability of the
17		corrective action plan budget and estimated
18		cost to reach closure was \$25,074,409. This
19		total includes both the corrective the
20		CAP budget remaining amount and the RAC
21		estimated cost to closure amount
22		The next section, the fund obligation
23		
24		recognized for ROG approved CAP budgets I
25 .	WC.	mean, I'm sorry, for sites without ROG
20 ,	2	approved CAP budgets is \$32,774,327. This

25 .

is determined using a three year average

closure cost and applying these costs to the

active trust fund sites without current CAP

budgets.

By the way, attached to the front sheet is the backup for all of these numbers. We don't do that every -- every quarter. But if ya'll want us to, we can include that. So you can see where all the numbers that -- the first calculation come from.

By the way, all of these numbers do go in our EDMS document management system each month. But we can provide them for ya'll for the board meeting, if you'd like.

The next section, the fund obligation recognized 19 sites that have been determined to be trust fund eligible, however, have not submitted reimbursement applications. And that total is \$6,115,416. This is also determined using the three year average site closure and applying these costs to sites that have requested eligibility but have yet submitted a request for reimbursement from the fund.

	The five year projected fund
	obligation related to the motor fuel trust
	fund to environmental trust fund transfer is
	\$18,624,277. This estimate uses the three
	year average dollars transferred from the
	motor fuel trust fund to the environmental
	trust fund and you multiply that average by
	five years. Thus, the total obligation
	total estimated obligated amount is
-	\$82,588,429, which represents an \$816,768
	increase over the last quarter's estimated
	amount.
	You'll also note going back to the
	packet, you'll also note, the last page
1	lists the sites that have been trust fund
	sites that have been NFA'd during this
	fiscal year. And it shows 15 sites.
	We have a the number of potential
	trust fund sites that were reviewed and made
	eligible during this fiscal year is 17. And
1 14	that represents 22 active incidences.
	Just some points of interest. I

Just some points of interest. I wanted to give the board an update on the progress we made towards the revised trust

25 . fund cost control guidance document.

23

The stakeholder group and DEQ staff have completed their updates and review of the document. The completed draft document, along with other supporting documents, were sent to the RAC community and the advisory board members for a two week comment period. The two week period was over yesterday. And we only received a few minor comments. And those have been addressed in the document. Thus, the DEQ staff are currently moving the modification explanation comments from the draft version and are working on the final version.

This final version of the guidance document will be completed and posted on our web page -- we're hoping by next week -- and will become effective beginning on July 1, 2017.

For the board members information, all the minutes and topics discussed during the stakeholder meetings have been documented and will be posted in our EDMS system for future reference.

Another point of interest, I wanted to give you an update on the Senate, SCR 102,

from fiscal year 2016 regular session. This 1 2 is the resolution requesting department 3 review and assess inclusion of AST's in the motor fuel trust fund. The department has 5 contacted our national organization for feedback from other states regarding this 6 issue and have received numerous responses. 7 We've also done web searches to determine 9 how other states have implemented similar 10 programs. And recently, a questionnaire was 11 sent to all the current motor fuel 12 certificate holders asking for their AST 13 information.

Thus far, we've received approximately 14 115 responses out of,160 request that was 1 15 16 sent out. This information has been entered 17 into an Excel spreadsheet, and we're using 18 it to gain an understanding of the AST 19 universe in our state. We're hoping to begin having stakeholder meetings with AST 20 owners to gain a better understanding of 22 their needs and their concerns in the next few weeks.

24 And my last point, the department - 25 wanted to bring to the board's attention, an .

21

issue related to current calculations of the 1 2 estimated trust fund obligation amount. 3 believe the current method is an accurate 4 and objective method for estimating these 5 numbers each month. However, it's come to our attention that the inactive and abandon 6 7 tank portion of the fund potentially could -- should be included in these numbers. 8 9 According to our current statutes, all interest money earned by the motor fuel tank -10 11 trust fund shall be used for the closure of abandon motor fuel underground storage tanks 12 13 and assessment and remediation of property contaminated by abandon motor fuel storage 14 15 tanks.

Currently, that interest money is tracked separately. However, it's included in the total balance numbers. So since the statutes obligate these funds for a specific purpose, one way to address this is to include these monthly interest numbers in the normal obligation estimates so it would be earmarked for that purpose.

We're not currently requesting a recommendation from the board. However, we

16

17

18

19

20

21

22

23

24

25 +

```
1
           wanted to make ya'll aware of it for future
           discussion, as we talk about it.
  2
  3
                 I'm -- that's it for me. Does anybody
  4
           have any questions?
  5
           MR. ST. ROMAIN:
  6
                 You said the -- the interest on the
  7
           excess of the trust fund?
           MR. BAKER:
  9
                 Yes, sir. What -- the -- the statutes
           -- the statutes obligate all the interest
 10
 11
           money off the trust fund to be used for the
           purpose of taking care of removing inactive
 12
           abandoned tanks and remediation of those
13
14
           sites.
, 15
          MR. ST. ROMAIN:
16
                 And it has been used for that. It's
         , just not being accounted for --
17
18
          MR. BAKER:
19
                 It's not being accounted for. It's
          added -- it's in the total, but it's not
20
21
          being earmarked for that purpose. It's just
22
          thrown in with everything else.
23
          MR. ST. ROMAIN:
24
                Got you.
```

MS. DELAFOSSE:

. 25

```
Yes. And especially -- as ya'll may
  1
  2
           have noticed too, the interest revenues have
  3
           kind of seen an -- an up tick. I don't know
  4
           if the -- I quess the rates at treasury are
  5
           better. Like last year, we -- the whole
           year, we collected $199,000 in interest.
  6
  7
           And so far this year, it's over 330,000.
           And that's with only -- you know, that's
  8
  9
           with still one quarter left to go. So that
           should hit $400,000. The interest has
 10
           doubled, the interest revenue. So I don't
 11
12
           know if it will continue to do so, but
           it is a significant -- significant -- not --
13
14
           fairly significant source of revenue. It
           would certainly help cleanup a lot of ,
1 15
           abandon sites. And I know we have a -- a
16
17
           contract that we're working on. We've had
           some --
18
           MR. FULTON:
19
                 We -- yes, we have --
20
21
           MS. DELAFOSSE:
22
                 -- delays with the Office of State
           Procurement, but we should have that out of
23
           bid in the next couple of weeks, hopefully.
24
           MR. FULTON:
25
```

1	Yes. Our tank removal contract has
2	been led. They're in the process of getting
3	everything signed. The 24 month assessment
4	contract has not been posted on Lagov
5	website. And but that should be posted
6	pretty soon.
7	MR. ST. ROMAIN:
8 ,	'And that interest money is used to
9	cleanup any abandoned tank or just leaking
10	abandoned tanks?
11	MR. FULTON:
12	The the the monies are used for
13	the cleanup of any any site. However,
14	there's very specific guidelines on.
15	financial inability to pay and there's
16	ranking or, you know, we we work on the
17	highest most sites first, you know, the most
18	'dangerous ones, we, you know, given it's a
19	tank site
20	MR. HILL:
21	Prioritize.
22	MR. FULTON:
23	Prioritize them, yes. And then
24	MR. BAKER:
25	
	But to answer your question too, it

```
1
           also -- it can remove any tank. If
 2
           contamination or leaks are found when they
           remove those tanks, then the fund can be
           used to do remediation of that site.
           MS. DELAFOSSE:
 6
                 And how -- how many tanks do we have
 7
          right now that
          MR. FULTON:
 9
                 We've got about -- almost about 30
10
         -about sites-on the list.
11
          MR. MARCELLO:
12
                Of identified --
          MR. FULTON:
13
                Identified sites.
14
15
          MR. BAKER:
16
                And let me clarify something. When
17
          the trust fund is used for that purpose,
18
          when this interest money is used for that
19
          purpose, a lien is put on the property up to
20
          the amount of money that's spent out of that
21
          fund --
22
          MR. FULTON:
23
                Right.
          MR. BAKER:
24
                -- with the hopes of recouping that
```

```
1
           year?
  2
           MR. FULTON:
  3
                 It really depends.
  4
           MS. DELAFOSSE:
 5
                 It depends if there's problems once
 6
           you pull the tank.
 7
           MR. HILL:
                Depends on what you run into?
 9
          MR. FULTON:
            Yes. Depends on the site. We're
10 -
11
          trying to identify the -- the most critical
12
          sites first. And we do have a few of those.
13
          MR. ST. ROMAIN:
14
                That funding goes to the removal, but
          if there's remediation, that comes out of
15
16
          the trust fund, not out of --
17
          MS. DELAFOSSE:
18
             Still the interest.
19
          MR. FULTON:
20
                It could. If it's --
          MR. BAKER:
21
22
                That interest money is earmarked for
23
          the purpose of removal and assessment of
24
          remediation of abandon and inactive.
25
          MR. FULTON:
```

1		And remediation.	
2		MS. DELAFOSSE:	
3		If necessary.	
4		And then another thing that Jeff and I	
5		discussed and Perry, who's not here with us,	
6		but we have a wonderful fill in, is hiring	
7	,	an actuary. I I believe it's been discussed by the board before.	
9		MR. FULTON:	
10	*	It it has been discussed.	
11		MS. DELAFOSSE:	
12		I haven't been to that many board	
13		meetings.	
14		MR. FULTON:	
,15	1	Yes, it has been.	
16		MS. DELAFOSSE:	
17	¥.	This might be my fifth one. But, you know, we have fine-tuned the obligation	
19		calculation throughout the years and, you	
20		know, adjusted where we've done things,	
21		where we saw maybo they war to	
22		the most accurate. But an actuary goes to	
23		school for that and takes lots of tests for	
24		that and they have all sorts of different	
25		methodologies to project how likely	
	1000	in the state of th	

```
1
           expenditures are and -- and to what
  2
           magnitude. So we have talked about doing
  3
           that, as a department. And we would hope to
 . 4
           have, you know, somebody review the
  5
           calculation on an annual basis as well,
  6
           because they would need to -- you know,
 7
           there may be factors that have to be
 8 4
           adjusted each year, depending on what's
 9
           going on. I don't know if they would put an
10
           inflammatory -- I mean, I have -- I have no
11
           idea.
                  There are so many different things
12
           that maybe need to be considered that we
13
           aren't -- we don't have the actuarial
14
           capacity to consider here at the department.
15
          MR. HILL:
16
                 Any other questions?
17
           (No response.)
18
          MR. HILL:
19
                 Thank you, Jeff.
20
                 Number six. Perry's not here -- oh,
21
          you're going to speak. Okay. Go ahead.
22
          MS. CARTER:
23
                I'm Jill, Jill Carter.
24
          MR. HILL:
25
                Okay. Go ahead.
```

```
1
           MS. CARTER:
  2
                 And Perry informed me that we do not
  3
           have any new third party cases, and there's
           no changes with the current ones.
 5
                 But if ya'll have any questions, he is
 6
           upstairs and I can call him. If ya'll have
 7
           any questions ya'll need to talk about, I'll
           call him.
 9
          MR. HILL:
10
                Okay.
11
          MR. MARCELLO:
12
                If he's -- well, I do. If he's
13
          available, I -- I really would like to get
          an update on these -- on these settlements.
14
15
          MS. CARTER:
16
                Okay.
17
          MR. HILL:
18
                That's probably --
19
          MR. MARCELLO:
20
                We spoke about them at the last
21
          meeting.
22
          MR. HILL:
23
                -- something we will have to go into
24
          executive session on.
25
          MS. CARTER:
```

```
1
                 Yes. We can do that. Okay. Let me
 2
           give him a call.
 3
           (An off-the-record conversation followed.)
           MR. HILL:
 4
 5
                 Let's -- let's go ahead with number
 6
           seven. Let's go to number seven, other
 7
           business, discussion of potential
 8
           modification in the in-compliance owner's
 9
           financial responsibly requirements.
           MR. FULTON:
10
11
                 Well --
           MS. DELAFOSSE:
12
13
                 I mean, I can. It's been --
14
          MR. HILL:
15
                 That has to do with the -- |
          MR. BAKER:
16
17
                 That was -- that was
          MR. FULTON:
18
19
                 That's something that's been brought
20
          up previously.
21
          MR. HILL:
22
                 Yes. We -- we thought --
23
          MS. DELAFOSSE:
24
                We wanted to add it to the agenda.
```

MR. FULTON:

for the fiscal year beginning July 1st.

→MR. HILL:

24

```
1
                  I think we talked about doing that
  2
           last meeting. I guess that did not happen.
  3
           MR. ST. ROMAIN:
  4
                 Perry had said it had to be on the
  5
           agenda.
  6
           MR. HILL:
  7
                 Oh, it had to be on the agenda. I got
                 Okay.
           you.
  9
           MS. DELAFOSSE:
 10
                 So here it is.
 11
           MR. HILL:
12
                 Okay.
13
           MS. CARTER:
14
                 He had to leave for a problem at his
           house, but when we go into executive
15
16
           session, I've got him on the phone.
           MR. HILL:
17
18
                 Okay. Okay.
19
           MS. CARTER:
20
                 We can do it that way. Do ya'll want
21
          to do that? We'll have to go into executive
22
           session.
23
           MR. FULTON:
24
               Do we want to --
25
          MS. DELAFOSSE:
```

noncompliance deductible. I know we had

Sam's presentation and we had a lot of discussion on that. I guess we just decided to table it for now. But I think we may want to add it to a future agenda to discuss again as a group and determine what's the best methodology for addressing the noncompliance at those sites to ensure we're handling it in the best way possible to get the sites cleaned up but to make sure people are being responsible.

#### MR. BAKER:

The difference in the compliance and noncompliance, just for clarification purposes, the way the statute reads right now, the secretary can reduce the incompliance down to zero. However, the statute precludes him reducing the out of compliance below the current level, which is \$10,000. So if we're going to go -- and we talk about reducing the noncompliance, then we're going to have to have a statute change to coincide with that.

#### MS. DELAFOSSE:

Right. So we have time before next session where that would become -- if that

```
becomes something the board wants to pursue,
  1
           we're -- the board and the agency together
  2
  3
           decide is in the best interest of the
  4
           program, either reduction or changes or
  5
           whatever we discuss.
  6
           MR. HILL:
                 On noncompliance?
  8
           MS. DELAFOSSE:
  9
                 Right. But the compliance can be
           chosen by the secretary. And the board has
10
           now voted, and we will share that
11
12
           recommendation with him and --
13
           MR. HILL:
14
                 Now --
1,5
          MR., BURNHAM:
16
                 The compliance -- I'm sorry.
17
          MR. HILL:
18
                Go ahead.
19
          MR. BURNHAM:
20
                The compliance end though, is that
21
          evaluated over a certain number of years
22
          that the retailer was complaint when we
          review that or how is that done?
23
24
          MR. BAKER:
```

I'll defer Jason on that.

1			MR. EFFERSON:
2			What was the question?
3			MR. BAKER:
4			How how far back do we go when we
5			do a compliance evaluation for eligibility?
6			MR. EFFERSON:
7	٠		It's usually well, it depends on , the the compliance. One a lot of it,
9			like release detection is one year, but like
10		-	for non-detection, three to five.
11			MS. DELAFOSSE:
12			It depends on the type of what the
13			issue is.
14			MR. EFFERSON:
15	1	1	Tank tightness is five year.
16			MR. HILL:
17			Yes. That's what I would think,
18		,	depending on the the situation.
19			MS. DELAFOSSE:
20			But I would say that we could we
21			have the compliance review that Jason
22			handles, Jason Efferson in the trust fund
23			section. And if we want to have a
24			presentation on that, where he explains how
25			that checklist works and what all is taken

```
7
           into account, I think that's something we
  2
           could share with the board as well, if that
  3
           would be helpful.
 4
          MR. HILL:
 5
                 That may not be a bad idea. I like
 6
          that idea.
 7
          MR. MARCELLO:
                That'd be a great idea.
 9
          MR. HILL:
10
                I like that idea. Sure do.
11
          MR. MARCELLO:
12
                And not that time is of the essence,
13
          but I think that since we're cleaning up
14
          this non -- this compliance issue and
15
          bringing it to the secretary, we -- we ought
16
          to tackle the noncompliance and let's get
17
          that out of the way.
18
          MR. HILL:
19
                Yes. Get that out of the way.
20
          MR. ST. ROMAIN:
21
          And -- and I think one of our biggest
22
          concerns -- maybe I speak for the LOMA
23
          members, but -- was that noncompliance sites
24
          don't get a free ride. There still needs to
25
          be a punitive fee, whether it -- it's
```

```
71
```

```
1
           ticketed by Sam's group or -- or something
 2
          that --
 3
          MS. DELAFOSSE:
 4
              Right. Whether it's through
 5
          enforcement --
 6
          MR. ST. ROMAIN:
                That they don't get a free ride.
 7
          MS. DELAFOSSE:
                Right.
          MR.-HILL:
1-0
11
                Yes.
          MR. ST. ROMAIN:
12
13
                Where -- where the guys that were in
14
          substantial compliance and doing the right
          things and these other guys are getting a
15
          free ride and they didn't follow any of the
16
17
          rules.
18
          MS. DELAFOSSE:
19
                Right. Absolutely.
20
          MR. BAKER:
21
            We concur.
22
          MS. DELAFOSSE:
23
                Okay. We'll make sure that's on the
24
          next agenda.
25.
          MR. HILL:
```

```
DEPARTMENT OF ENVIRONMENTAL QUALITY
                                                           72
                  Any other questions on item seven?
  1
  2
            (No response.)
  3
           MR. HILL:
  4
                  I think we have Perry on the phone.
           We'll go back to third party.
  5
           MR. BAKER:
                 Actually, we need to go into executive
           session.
  9
           MR. HILL:
                Yes. We'll go into executive session,
 10
 11
           I'm sorry. That's right.
12
           MR. FULTON:
13
                 I make a motion.
14
           MR. HILL:
15
              Did I hear a motion.
16
           MR. FULTON:
17
                 Motion to go into executive session.
18
           MR. ST. ROMAIN:
19
                 Second.
20
          MR. HILL:
21
                All in favor?
22
          (All indicated, yes.)
           (The board went into executive session at
23
24
      this time.)
```

(The meeting reconvened.)

```
1
            MR. HILL:
                  We're going to call the meeting to
  2
  3
           order again.
           MR. MARCELLO:
  5
                  I make a motion that we move out of
  6
           executive session, back into ordinary
  7
           session.
           MR. HILL:
  9
                 Ordinary session.
           MR. ST. ROMAIN:
- 10
11
                 Second.
           MR. HILL:
12
13
                 All in favor?
           (All indicated, yes.)
14
15
           MR. HILL;
                 Okay. Is there any other questions
16
           that anyone has pertaining to any of our
17
18
           meeting today?
           MR. ST. ROMAIN:
19
                 I got one question in relation to item
20
21
           three. The slide show that you showed,
22
           would it be possible to receive that -- that
23
           report in a printout form?
           MS. DELAFOSSE:
24
25
                 Yes ..
```

	DEPAR	TMENT OF ENVI	RONMENTA	L QUALITY			75
1		Seco	nd.				
2		MR. HILL:					
3		All	in favor	?			
4		(All indic	ated, ye	es.)			
5		MR. HILL:					
6		Than	k ya'll.				
7			ETING AL		AT 2:20	P.M.	
8	,	, ,	*	* * * *	,	<b>y</b> = 1	, ,
-							41.
	7.9		<i>y</i> 4.				
	1 . 1			1	1		1
		700-7					٠.
	左 さんだ						

1	REPORTER'S PAGE
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23

24

1

Lori Overland C.C.R.

# 97083 25

## In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING-June 8, 2017

Associated Reporters, Incorporated 225-216-2036

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MOTOR FUELS UN	DERGROUND STORAGE	TANK TRUST		June 8, 2017
	\$8 (1)	7:25;46:6	47:23	38:23;46:15
\$	27:25	address (3)	analysis (1)	attorneys (3)
	\$816,768 (1)	17:17;26:24;53:20	22:13	25:18;26:12;28:23
\$10(1)	50:10	addressed (1)	and/or (3)	attorney's (4)
38:8	\$82,588,429 (1)	51:9	76:5,12,17	23:9;24:15,16,19
\$10,000 (3)	50:10	addressing (1)	annual (4)	attributed (1)
	\$917,465 (1)	67:6	32:16;36:18;39:25;	12:18
29:22,23;67:19	23:21	ADJOURNED (1)	61:5	Audit (9)
\$119,223,30 (1)	23.21	75:7	annually (2)	4:22;41:20;42:22,25;
45:17	A	adjusted (2)	12:9;31:12	43:21,22,24,25;44:5
\$146.99 (1)	TA .	60:20;61:8	apologize (1)	auditor's (1)
43:8	abandon (6)		48:6	39:20
\$18,624,277 (1)		adjustments (1) 29:13		
50:4	53:6,12,14;55:16;	NA THE RESERVE OF THE PARTY OF	applications (7)	audits (4)
\$199,000 (1)	58:5;59:24	administrative (5)	14:7,8;47:20,22;	21:6;42:18;43:6,20
55:6	abandoned (5)	7:21;10:21;11:7;	48:1,3;49:20	August (1)
\$2,183,765 (1)	54:13;56:9,10;58:15,	30:16;31:8	applying (2)	10:5
47:24	18	adopt (1)	49:2,22	available (4)
\$23 (1)	above (1)	* 6:19	approve (5)	13:1;31:7;34:4;
37:7	33:24	adoption (1)	14:7;29:12,12	62:13 <sup>1</sup>
\$25,074,409 (1)	Absolutely (2)	4:10	approved (6)	average (8)
48:18	40:11;71:19	advisory (1)	29:4,9,22;30:10;	13:6;20:13,14,25;
\$250(1)	accomplish (1)	51:5	48:23,25	49:1,22;50:5,7
44:25	- 28:3	afternoon (3)	approximately (1)	awaiting (3)
\$3,134,992 (1)	According (1)	4:5,7;47:13	52:14	42:2,5,15
48:3	53:9	AG (1)	area (1)	aware (1)
\$3,148,000 (1)	account (2)	33:20	16:15	54:1
47:21	12:15;70:1	again (8)	around (6)	awful (1)
\$3,292.22 (1)	accounted (2)	10:15;23:9;33:6;	8:14;13:7;20:2;	35:5
41:25	54:17,19	35:17;38:9;45:24;67:5;	21:16;25:15;31:11	
\$3,400 (1)	accounting (1)	73:3	Article (1)	В
13:7	10:25	against (4)	76:5	
\$32,774,327 (1)	accrued (1)	30:24;31:2;44:17;	aside (1)	back (11)
48:25	12:6	48:13	38:22	12:21,21;18:7;24:3;
\$381.90 (1)	accurate (2)	agency (4)	aspects (1)	35:11;40:13;50:13;
44:21	53:3;60:22	28:3,12,20;68:2	36:8	69:4;72:5;73:6;74:2
\$400,000 (1)	acknowledge (1)	agenda (6)	assess (1)	backup (1)
	44:4	63:24;64:5;65:5,7;	52:3	49:6
55:10	action (3)	67:4;71:24	assessed (2)	bad (2)
\$51,907.98 (1)	23:4;48:15,17	agreement (6)	43:7;46:1	28:24;70:5
44:18	actions (1)		assessment (9)	BAKER (19)
\$516.67 (1)	26:3	23:13,21,23;26:12;		
42:9		27:18;30:9	22:15;42:8,10,18,22;	5:2,3;6:8;16:1;28:6;
\$54 (3)	active (2)	ahead (6)	43:7;53:13;56:3;59:23	47:11,12;54:8,18;
31:24;32:3,8	49:3;50:21	10:9;42:3;61:21,25;	associated (2)	56:24;57:15,24;59:21;
\$579.61 (1)	activity (2)	63:5;68:18	23:10;46:7	63:16;67:11;68:24;
42:17	47:16,17	AI (1)	Associates (1)	69:3;71:20;72:6
\$58,000 (1)	actual (1)	43:20	4:19	balance (3)
21:20	29:1	air (3)	Association (4)	8:14,19;53:18
\$6 (1)	actually (4)	18:2,3;36:25	4:17;5:9,12,15	based (3)
32:9	24:11;33:1;46:9;	allocation (1)	AST (3)	10:24;28:20;41:3
\$6,115,416 (1)	72:7	27:19	52:12,18,20	basically (2)
49:20	actuarial (1)	almost (1)	asterisked (1)	27:19;36:14
\$6,425 (1)	61:13	57:9	33:18	basis (4)
42:10	actuary (2)	along (3)	AST's (1)	10:2;40:1;61:5;
\$6,900 (1)	60:7,22	20:15;45:25;51:4	52:3	74:11
	add (6)	always (2)	ASTSWMO (1)	became (1)
42:6	7:24;29:23;63:24;	19:5;41:22	21:10	20:23
560 (2)				
31:24;32:2	64:5;67:4;74:11	amount (20)	attached (1)	become (3)
6625,000 (1)	added (4)	8:21;12:9,14,16,18;	49:5	26:7;51:17;67:25
31:11	13:11;43:4;46:10;	13:12,12;23:16;31:25;	attention (2)	becomes (1)
6672,000 (1)	54:20	36:1,2;44:18;45:17;	52:25;53:6	68:1
22:19	adding (2)	48:20,21;50:9,12;53:2;	attorney (10)	begin (2)
67,000 (1)	34:16,16	57:20;58:24	8:23,24;11:13;22:18,	30:9;52:20
21:15	additional (2)	amounts (1)	19;23:6,13;33:13;	beginning (7)

MOTOR FUELS UNDI	ERGROUND STORAGE	TANK TRUST		June 8, 20
COOK (2)	26:10;67:2	DEQ (17)	51:21	42.2.47.21.40.14
6:6,7	Declared (1)	4:14,22,24;5:1,3,5,	documents (1)	43:2;47:21;48:14;
 corrective (4)	58:10	17,19,22,24;6:1,3,13;	51:4	68:20
23:4;48:15,17,19	decrease (2)	21:13;41:20;51:1,10		enforcement (1)
cost (13)	32:14,16	describe (1)	dollars (12)	71:5
11:18;13:6;21:19;	decreased (1)		8:15,25;11:25;13:13;	Engineering (1)
25:24;27:24;28:14;	34:8	13:22	23:22;24:1;25:10,16;	4:19
30:15,16;31:4;48:18,	decreases (1)	description (1)	27:25;32:15;37:4;50:5	0 ' '
21;49:2;50:25	34:13	36:6	done (10)	58:25
costs (19)		desk (1)	9:25;10:8;11:15;	ensure (1)
11:7;12:3,19;13:10;	deductible (2)	27:24	22:12;31:13;35:14;	67:7
	66:11,25	detail (2)	43:1;52:8;60:20;68:23	entered (2)
20:16;24:5;27:23;28:9;		7:20;9:17	doubled (1)	44:17;52:16
29:20,21;30:4;34:5,6;	68:25	detailed (3)	55:11	entire (2)
36:15;38:23;44:21;	deficiencies (1)	9:24;10:1,2	down (4)	13:23;14:2
46:6;49:2,23	48:4	details (1)	12:12;21:21;30:13;	entities (1)
count (2)	define (1)	41:23	67:16	36:19
20:10,16	13:22	detection (1)	Dr (2)	entitled (1)
couple (2)	defined (1)	69:9 *	9:20;64:21	47:15
34:6;55:24	70.4	determination (1)	draft (2)	Environmental (15)
court (5)	DELAFOSSE (90)	48:9	51:3,12	6:15;20:11,19,20,24;
26:4,7;44:21;76:2,13	5:4,5;7:12;13:17,24;	determinations (1)	Due (4)	34:1,3;36:3,5,6,14,17,
cover (2)	14:3,13,25;15:24;16:5,	48:12	41:25;42:9,10;76:9	22;50:3,6
34:2,4	19;17:11,15,21;18:13,	determine (2)	During (6)	EPA (8)
credit (4)	19,23;19:4,23;20:6;	52:8;67:5	47:19,25;48:2;50:16,	19:12;21:12;28:15;
41:25;42:2,7,17	24:18,23;25:2,8,14;	determined (4)	20;51:20	29:5,8,11,22;32:22
critical (1)	26:6,17,25;27:4,12;	42:20;49:1,18,21	Durwood (1)	
59:11	28:8;30:20,25;35:13,	difference (1)	6:13	error (1) 42:1
cumulative (1)	19,25;36:12,23;37:5,	67:12	0.15	
32:14	12,18;38:13,18;39:2,6,		E	escrow (1) 8:24
current (10)	10,16,22;40:6,10,15,	8:12;33:3;44:19;		especially (1)
12:19;42:3;47:17;	19,23;41:2,6,10,15;	60:24;61:11	earlier (1)	55:1
49:3;52:11;53:1,3,9;	46:8,13,18,24;54:25;	direct (2)	45:19	
62:4;67:18	55:21;57:5;58:9;59:4,	28:21;29:21		essence (1)
currently (3)	17;60:2,11,16;63:12,	disbursements (2)	earmarked (3)	70:12
51:10;53:16,24	23;64:4,12,17;65:9,25;	8:4,17	53:23;54:21;59:22	estimate (2)
Cy (3)	66:21;67:23;68:8;	discourse (1)	earned (1) 53:10	37:25;50:4
4:22;41:20;43:15	69:11,19;71:3,8,18,22;	76:10	EDMS (2)	estimated (6)
Cy's (1)	73:24;74:4,9,17	discuss (3)		9:2;48:17,21;50:9,
47:6	delays (1)	10:7;67:4;68:5	49:13;51:22	11;53:2
	55:22		effective (1)	estimates (2)
D	Denise (2)	discussed (10)	51:17 ·	32:4;53:22
	9:25;30:8	11:19;28:10;30:8;	EFFERSON (6)	estimating (1)
Dallas (1)	denoted (1)	33:17;34:24;51:20;	5:21,22;69:1,6,14,22	53:4
21:12	76:19	60:5,8,10;64:13	eight (2)	et (1)
dangerous (1)	dental (1)	discussion (3)	8:17;18:25	22:8
56:18	12:25	54:2;63:7;67:2	either (4)	ETF (5)
DANIELS (2)		distracted (1)	10:12;18:11;29:12;	9:4,4;33:11;35:18,23
5:18,19	department (12)	74:18	68:4	evaluated (1)
	14:20;15:5,6,23;	distribution (1)	eligibility (2)	68:21
dashes (2)	29:18,19;42:12;52:2,4,	37:10	49:24;69:5	evaluation (1)
76:10,14	24;61:3,14	divide (1)	eligible (2)	69:5
date (4)	departments (1)	28:20	49:18;50:20	even (1)
42:9,25;45:7,8	14:19	Division (12)	else (1)	38:3
daytime (1)	department's (1)	5:24;13:23;15:10,12,	54:22	everybody (4)
21:7	36:15	14,17,18,20;16:7,16,	employee (4)	4:3,7;26:18;48:9
DC (1)	depending (3)	21;31:19		Exactly (1)
21:10	31:18;61:8;69:18	divisións (1)	Employees (8)	16:9
dead (1)	depends (8)	21:25		example (5)
38:3	20:2;32:7;59:3,5,8,	document (6)	20:7;21:11,11;27:20	23:19;27:15;28:23;
debt (2)	10;69:7,12	49:13;50:25;51:3,3,	encourage (1)	29:8,16
46:20;47:2	deposited (1)	9,15		Excel (1)
decide (1)	35:18	documentation (1)	end (12)	52:17
40 -	depth (1)	29:10	10:4 12 16:13:13:	exception (1)

depth (1)

11:20

decided (2)

29:10

documented (1)

14:16

exception (1)

10:4,12,16;13:13;

21:17;23:25;24:7,9;

list (6)

17,23;73:6 lab (3) 25;72:3,9,14,20;73:1,8, 38:8 22:7,13;23:1 investigation (1) 12,15;74:13,20;75:2,5 in-compliance (1) Lacey (2) hiring (1) 63:8 23:2 6:1;28:12 Incorporated (1) invoice (1) 60:6 42:8 lagging (1) historically (2) 4:20 incorrect (1) 31:19 involved (1) 9:24;12:7 Lagov (1) 45:9 29:18 history (2) 56:4 29:6;33:10 ISAACKS (2) increase (3) largest (1) 31:23,25;50:11 5:13,14 hit (1) 11:3 55:10 increased (2) issue (4) 34:7,10 52:7;53:1;69:13; LASERS (2) holders (1) 52:12 increases (4) 70:14 12:10,11 31:17;34:15,19,21 issues (1) last (16) hope (2) 7:13;9:14;12:11; 11:15;61:3 indicate (1) 66:11 28:18;30:14;31:15; hopefully (4) 76:11 item (3) 37:7,20;43:3;44:24; indicated (5) 66:8;72:1;73:20 8:7;9:10;24:2;55:24 50:11,14;52:24;55:5; its' (1) hopes (1) 66:20;72:22;73:14; 9:4 62:20;65:2 57:25 75:4;76:15, later (2) indicted (1) \* hoping (2) \* J 11:20;26:24 7:7 51:16;52:19 layman's (1) indirect (6) house (1) 11:18;28:9,14;30:4, January (1) 36:6 65:15 leaders (1) 10;34:17 28:16 human (1) inflammatory (1) Jason (4) 14:8 42:1 61:10 5:22;68:25;69:21,22 leaking (11) 15:16;16:10,13,22; 1 inflow/outflow (1) **Jeff (9)** 17:1,6,14;36:7;56:9; 38:2 5:3;8:6;10:20;24:3; inflows (3) 27:23;30:7;47:11;60:4; 58:14,17 idea (5) 38:16,19;39:3 leaks (2) 61:11;70:5,6,8,10 61:19 17:22;57:2 information (14) Jeff's (2) identified (3) 7:25;8:2,3,11,12; 14:6;15:25 leave (1) 57:12,14;58:6 65:14 11:20;20:17;25:5; Jill (4) identify (1) led (1) 28:19;41:12,18;51:19; 5:1;25:3;61:23,23 59:11 56:2

23:15;43:4,5;44:16; 48:12;57:10 lists (1) 50:15 litigation (2) 23:10;26:19 little (9) 9:21,23;12:12;22:1, 4;28:13;31:22;34:20; 40:18 LOMA (1) 70:22 LOMCSA (1) 21:13 look (5) 9:9;12:13;33:1; 38:19;48:11 looking (2) 7:22;47:14 looks (1) 32:11 Lori (2) 76:2,21 lot (11) 9:17;20:11;21:7; 32:24,25,25;39:7;41:5; 55:15;67:1;69:8 lots (3) 32:21;34:25;60:23 Louisiana (7) 4:16;5:8,11,14; 12:10;76:3,6 lowest (1) 31:23 lust (1) 37:4 M

magnitude (1) 61:2 main (1) 22:16 majority (2) 12:20;31:13 makes (1) 38:6 making (1) 16:17 manage (1) 8:6 management (2) 28:1;49:13 mandatary (1) 18:10 many (8) 26:16,22;27:20;37:4;

instead (6) 16:15;21:2;28:4; 29:2;32:2,5 insurance (4) 12:24,25,25;18:12 intended (1) 36:16 interaction (1) 76:9 interagency (4) 23:13;27:14,22;28:4 interest (19)

52:13,16

informed (2)

44:9;62:2

inspection (1)

inspections (4)

17:22;21:6;22:24,25

22:7

III's (3)

II's (1)

20:21

52:9

31:6

in-(2)

20:12,19,24

implemented (1)

important (1)

64:8;67:15

53:6;54:12;59:24

49:9;53:21;74:12

10:21;30:16;33:13;

45:18;48:7;53:8,17

12:23;44:20;48:19

inability (1)

inactive (3)

inaudible (1)

inception (1)

incidences (1)

56:15

76:19

18:2

50:21

include (3)

included (7)

includes (3)

inclusion (1)

inclusive (1)

Min-U-Script®

52:3

8:2;26:11;46:3; 50:22;51:24;53:10,16, 21;54:6,10;55:2,6,10, 11;56:8;57:18;59:18, 22;68:3 interrupt (1) 41:16

into (15) 9:17;16:11;24:22: 25:1;52:17;59:8;62:23; 65:15,21;70:1;72:7,10,

job (4) 8:8;20:8,13,15 Jones (1) 6:15 judgment (4) 44:16,20;46:22,25 July (4) 10:5;20:21;51:17; 64:24 June (1) 42:10 K less (2)

left (5)

76:16

Legal (7)

46:3

legally (1)

44:15

9:19

letter (2)

level (2)

levels (1)

9:11

lien (1)

life (1)

57:19

12:24

likely (2)

line (1)

45:25

liability (2)

44:1,3

27:9,11,13;55:9;

5:1;11:16;26:3;

Karyn (1) 9:24 keep (1) 40:18 Kerry (1) 4:16 kind (13) 12:16;20:18;21:1; 24:9;25:23;28:19,19; 32:7;33:7;34:23;35:3; 40:9;55:3 knows (1) 12:13

28:22;42:12;45:16; legislation (1) 24:22;32:9 7:18;67:18 12:6;48:16 23:25;60:25

57:6;58:25;60:12; 61:11

MARCELLO (55) 4:4;5:10,11;6:20; 13:15,19;14:1,11,18,

L

MOTOR FUELS UN	DERGROUND STORAG	E TANK TRUST	FUND ADV	June 8, 2	
owner's (3) 63:8;64:9;66:9	11:3,11;12:8,12,20; 13:9;24:6;25:17;29:	possible (2) 67:8;73:22	33:25;44:23;45:2; 47:23;56:2	7:16,24;8:13;11:22,	
owns (1)	24;30:12;31:17,23;	posted (4)	processed (1)	23;21:16;47:18,19;	
27:17	34:15	51:15,22;56:4,5	48:1	48:2;49:8;55:9 quarterly (1)	
P	Perfect (1)	potential (4)	Procurement (1)	10:2	
	74:16 performed (1)	42:16;48:13;50:18;	55:23	quarters (1)	
package (1)	43:25	63:7	products (1)	10:14	
31:15	perhaps (2)	potentially (3)	13:1	quarter's (1)	
packet (3)	9:22;10:1	42:17,22;53:7 power (1)	Professional (2)	50:11	
50:14;74:12,14	period (3)	7:19	22:9,12	questionnaire (1)	
packets (2)	47:25;51:6,7	PPM (2)	Program (15) 14:2;17:4,8;18:3,4;	52:10	
47:14;48:7	permanent (2)	6:5,7	22:11;28:21;30:6,17;	R	
page (7)	11:14;74:11	precludes (1)	31:5,7,21;32:13;33:2		
41:22;43:10,13;	permit (2)	67:17	68:4	RAC (2)	
44:14;47:15;50:14; 51:16	36:18,18	predictable (1)	programs (2)	48:20;51:5	
paid (6)	permits (2)	31:10	29:14;52:10	raise (1)	
12:8;22:20;23:11;	36:25;37:1	predominant (1)	program's (1)	× 20:25	
27:21;36:16;43:8	permittees (I') 36:25	36:17	34:5	ranking (1)	
papers (1)	Perry (5)	predominantly (2)	progress (2)	56:16	
74:19	26:21;60:5;62:2;	14:5;37:19 predominately (1)	42:19;50:24	rate (8)	
part (4)	65:4;72:4	12:24	progression (1)	25:20;27:18;29:6,9,	
33:14;46:19,20,25	Perry's (1)	prepared (1)	20:23	23;30:10,23;34:17	
participate (1)	61:20	44:23	project (2) 11:24;60:25	rates (1)	
13:5	person's (1)	present (2)	projected (3)	55:4	
particulars (1)	12:15	33:12;41:11	9:3;37:3;50:1	rather (2) 28:25;29:1	
16:12 parties (1)	pertaining (1)	presentation (10)	projection (3)	reach (1)	
26:14	73:17	7:20;9:16,18,23;	9:6:21:21.23	48:18	
party (2)	phase (2) 42:21;48:16	10:1;11:20;35:2;39:25;		reads (1)	
62:3;72:5	phone (5)	67:1;69:24	9:13	67:14	
pass (1)	6:9,11;28:7;65:16;	pretty (6)	proper (1)	ready (2)	
31:15	72:4	9:6,12;31:10,10,10; 56:6	76:13	45:1,11	
past (6)	phrase (1)	prevent (1)	property (2) 53:13;57:19	really (3)	3
10:14;11:17;12:16;	76:19	17:22	proposal (1)	33:2;59:3;62:13	
34:6,14,22	phrases (1)	prevention (2)	28:14	recalculated (1) 12:9	
pauses (1) 76:11	76:15	19:20;36:10	propose (1)	recall (1)	
pay (11)	piece (1)	previous (1)	23:17	9:20	
12:16,17;13:2,8;	34:9 plan (1)	21:2	provide (1)	receipts (2)	
20:24;26:13,13;27:16,	48:17	previously (2)	49:14	8:16;37:13	
25;32:8;56:15	planned (1)	33:17;63:20 printout (1)	pull (1)	receive (1)	
paying (2)	42:24	73:23	59:6	73:22	
9:12;12:21	please (3)	prior (3)	punitive (1) 70:25	received (6)	
payment (3)	10:20;35:12;41:21	18:1,4,9	purpose (8)	42:11;45:5;47:20;	
42:3;44:25;48:1	plus (3)	Prioritize (2)	19:6;53:20,23;54:12,	51:8;52:7,14	
payments (3)	8:22;24:15;29:22	56:21,23	21;57:17,19;59:23	recently (1) 52:10	
9:9;42:5;45:6	PM (1)	probably (5)	purposes (1)	recognized (2)	
pays (1) 29:19	75:7	38:2,9,11,16;62:18	67:14	48:23;49:17	
penalty (1)	point (13)	problem (3)	pursue (1)	recommendation (7)	
46:3	7:19;9:7;16:17; 18:20;19:22,24;20:1,1;	16:15;43:22;65:14	68:1	53:25;64:8,19,22,23;	
Pending (2)	21:1;32:19;33:2;51:24;	problems (1) 59:5	pursued (1)	66:22;68:12	
42:15;47:22	52:24		44:15	recommendations (1)	
people (11)	points (1)	procedural (1) 43:19	put (4)	64:21	2
6:9;14:4,5,6;29:1,2,	50:22	Procedure (2)	6:10;7:19;57:19; 61:9	recommending (1)	
25;31:4;32:7;67:9;	policy (1)		puzzle (1)	64:7	
74:18	10:25	proceeding (2)	34:9	reconvened (1)	
per (5)	portion (3)	76:10,14	51.5	72:25	
12:8;13:7;27:18;	25:21;42:6;53:7	proceeds (3)	Q	record (3) 26:2;35:16;76:8	
32:2,8 percent (14)	positive (1)	25:25;33:17;38:21		recouping (1)	
percent (14)	38:3	process (5)	quarter (11)	57:25	

MOTOR FUELS UND
somewhere (1) 20:2
soon (1) 56:6
Sorry (4) 41:16;48:24;68:16;
72:11 sorted (1)
20:10
sorts (1) 60:24
sounds (1) 28:24
source (2) 32:12;55:14
speak (4) 18:6;58:6;61:21;
70:22 specific (2)
53:19;56:14 spend (1)
23:16 spent (5)
21:15;23:18;25:15; 29:21;57:20
spoke (1) 62:20
spontaneous (1) 76:10
spreadsheet (2) 44:20;52:17
spring (1) 29:5
ST (26)
5:7,8;36:20;37:9,16; 43:14,18;44:6,10;54:5
15,23;56:7;58:23; 59:13;65:3;66:16;
70:20;71:6,12;72:18; 73:10,19;74:1,6,15
staff (4) 9:10,11;51:1,10
stakeholder (3) 51:1,21;52:20
stand (1) 7:24
start (4) 4:12;7:9;33:5;34:16
started (3) 34:16;42:24;43:1
starting (1) 30:10
state (11)
12:5,10;13:2,2; 27:1 <b>7;28:3;</b> 33:4;52:19;
55:22;76:3,8 statements (1)
7:23 states (2)
52:6,9 statewide (1)
10:24 status (3)
status (3)

II.	/IRONMENTAL QUAL RGROUND STORAGE
	39:21;45:3;47:11 statute (4)
	33:23;67:14,17,21
	statutes (4) 53:9,19;54:9,10
	stay (2) 7:15;46:19
	Steve (1)
	4:19 still (8)
	18:14;31:15;34:20; 42:19;44:14;55:9;
	59:18;70:24 stop (2)
	8:5,9
	stopped (1) 38:2
	storage (17) 15:9,16,17,20;16:10,
	13,14,16;17:2,7,8,14;
	20:9;30:5;35:20;53:12, 14
	Store (4) 4:17;5:9,12,15
	structured (1) 32:22
	subcategory (1)
	22:2 subdivide (1)
	11:2 subdivides (1)
1	21:22 submit (1)
	28:15
-	submitted (2) 49:19,24
	substantial (2) 11:16;71:14
	substantially (1) 9:8
-	subtle (1)
1	34:20 subtracted (1)
	33:20 sufficient (1)
	34:4
1	suggested (1) 9:22
	suggestion (1) 10:3
	Supplies (3) 22:1,5,7
1	supporting (1)
1	suppose (1)
1	48:6 sure (9)
	27:7;33:2;39:17; 40:24;41:16;67:9;
	70:10;71:23;74:5
	sworn (1) 76:7
1 5	system (4)

system (4)

ANK TRUST
12:4,11;49:13;51:22
T
tab (2)
41:21;47:14 table (1)
67:3 tacked (1)
46:4 tackle (1)
70:16 talk (4)
54:2;62:7;67:20; 76:12
talked (2)
61:2;65:1 talks (2)
26:3;32:21 <sup>1</sup> tank (29)
15:9,17,18,20;16:10, 14,14,16;17:7,8;18:3;
20:9;22:21;30:6;31:8, 21;32:2,9;35:20;36:21
24;53:7,10;56:1,9,19; 57:1;59:6;69:15
tanks (9)
17:2,14;18:11;53:12, 15;54:13;56:10;57:3,6
tax (1) 46:2
team (1) 14:8
telecommunications (1) 28:1
telephone (2) 27:22,23
ten (6) 12:20;31:23;37:17,
19;38:5,6- term (1)
13:20
testimony (1) 76:7
tests (1) 60:23
That'd (1) 70:8
Theresa (4) 5:5;7:11;35:8;39:19
thinking (2) 7:22;45:25
third (11) 7:23;8:13;11:22,23;
21:16;34:9;37:14;45:4;
47:18;62:3;72:5 though (1)
68:20 thought (5)
25:23;35:1,14;63:22; 76:12
three (18) 7:10;11:25;21:11;
, ,

	27.1.22.19 10.24.12
_	27:1;33:18,19;34:13, 18;42:14;43:3,4,6;
	45:14;49:1,21;50:4;
-	69:10;73:21
	throughout (1)
	60:19
	thrown (1)
	54:22 Thus (3)
	50:8;51:10;52:14
	tick (2)
	37:23;55:3
	ticketed (1)
	71:1 tightness (1)
	69:15
	title (3)
	20:8,13,15
	today (3)
	8:7;41:3;73:18
1	together (4) 7:19;13:12;28:13;
	68:2
	tools (1)
I	22:8
	top (2)
1	25:4;46:4
1	topic (1) 31:6
1	topics (1)
١	51:20
1	total (22)
١	8:3,15;11:4,6,10,24;
I	12:14,16;14:24;20:16; 21:3,23;25:22;32:17;
١	45:16;46:20;48:19;
1	49:20;50:8,9;53:18;
	54:20
	totaling (4)
	42:6;47:20,24;48:2
	towards (1) 50:24
	toxicology (1)
	22:15
	tracked (1)
	53:17
	traditionally (1) 33:11
	training (3)
	21:4,14;22:22
	transcript (1)
	76:16
	transcription (1) 76:14
	transfer (10)
	9:3:27:22:28:4:
	33:11,25;34:9,10;
	37:15;39:13;50:3
	transferred (4)
	35:23;36:1,2;50:5 transfers (2)
	27:15;38:21

0	RY BOARD MEETING June 8, 201
	21:4,6,7
1	reasury (1)
1	55:4
	rickling (1)
'	31:14
,	
'	rouble (2)
,	26:18;41:5
	Trust (44)
	4:24;5:3,22;6:13;
	10:22;16:2,4,6;20:9;
	30:5,6;34:1,1,3;35:21;
	36:3,5,7,13,14,17;
	47:11,16,19,22;48:8,
	13;49:3,18;50:2,3,6,7,
	15,19,24;52:4;53:2,11;
	54:7,11;57:17;59:16;
	69:22
t	ry (1),
	10:17
t	rying (1)
	59:11
t	uned (1)
	7:15
7	Curn (3)
	41:20;43:13;48:5
t	weaks (1)
	41:7
t	wo (24)
	6:9;10:14;14:19;
	18:18,24;20:20;21:10;
	22:11,11;27:1,5,9,11,
	13;30:13,14;31:3;
	34:18;37:21;42:5;43:6;
	44:14;51:6,7
t	ype (3)
•	20:17;28:22;69:12
	U
11	nder (8)
	8:16,17,25;10:15;
	11:25;23:25;32:18;
	11.23,23.23,32.10,

under (8)	
8:16,17,25;	10.15:
11:25;23:25	
42:14	,52.10,
underground	(16)
15:9,16,17,2	
13,14,15;17	
20:9;30:5;3	
Unfortunately	(1)
12:4	
unfunded (1)	
12:6	
uniforms (1)	
22:8	
universe (1)	
52:19	
Unless (1)	
9:16	
unobligated (1	()
8:14	.)
unpaid (1)	
46:2	
unrelated (1) 42:7	
44.1	

Travel (3)

	_		5 Jr. 1/2		
	5			1 1 4 7	
5.4 (1)					
9:5		*			X 22
5/26/17 (1) 45:9					
	6				
6 (1)			j-		
21:12					
625 (1) 32:5			1		
685 (1)				2 8	
32:6			8.5	,	
6th (1) 44:17					
-	¥	* *	y ,	, ,	, ,
7			P 3	*	
70.91 (2)					10 36 77
29:9,24				3	1, 2
700(1)			-	-	-
32:7				8	
8			) x		+
85,000 (1) 21:23					
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La Company			,		
900 (1) 24:11	1	1	1	1	, i
93 (1) 8:20	=			,	1
8:20	7				.4
97083 (1) 76:22				1 2 4 3	\$4 D
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## In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING

June 8, 2017

Associated Reporters, Incorporated 225-216-2036

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			Page 1	T		Page 3
1			raye			Page 3
123		CHAMP OF TOWER		1 2	INDEX	
4	DEPARTMENT OF FN	STATE OF LOUISIANS VIRONMENTAL QUALITY	A	3	EXAMINATION:	PAGE (S) :
5		UND STORAGE TANK TRUS	7.m	4	None	
6		ISORY BOARD	ST	5	EXHIBITS:	
7	POND ADV	ISORI BOARD	(1)	6	None	
8				7	None	
9				8	REPORTER'S PAGE	76
10				9	REPORTER'S CERTIFICATE	77
11				10		
12	,*i			11	* * * *	
13	The above-entitle	ed meeting was held a	t the	12		
14	North 5th Street, I	ing, Conference Cente Baton Roug∍, Louisian p.m., on Jine 8, 2017	a, 602	13		
15	beginning at 1:17	o.m., on June 8, 2017		14		
16	,	,	Y	15	y y	
17	y	<b>y</b>		16	<b>y</b>	¥
18				17		
19	BEFORE:			18		
20	Lori B. Ov		2	19		
21	In and For	Court Reporter the State of		20	*	-
22	Louisiana			21		
23				22		
24				23		
25				24		
				25		
			Page 2			Page 4
1		APPEARANCE	s	1	* * * * *	
2	Kerry Hill	1	1	2	MR. HILL:	1
3	Chairman			3	Good morning to everybody.	
4	Durwood Franklin, Jeff Baker	via telephone		4	MR. MARCELLO:	
5	Gary Fulton Cy Morin			5	Good afternoon.	
6	Jill Carter Nick St. Romain	43.0	i.		MR. HILL:	
7	Steve Burnham Roger Bright, via	telephone	7	7	Or, good afternoon to everybody.	
8	Theresa Delafosse Frank Marcello			8	Thank you, Frank.	
9	Melissa Vizinat			9	At this time, we'd like to have a roll	
0	Sam Broussard Jason Efferson		/	10	call and a consideration and adoption of the	
1	Natalie Isaacks Roger Gingles			11	February 23, 2017 board minutes. Let's	
2	Rhonda Cook		-1	12	start with a roll call.	
3	Sherry Milam Fran Falke Lacey Vitteri			13	MR. FULTON:	
4	Bryon Blanchard Roger Daniels			14	Gary Fulton, DEQ.	
5				15	MR. HILL:	
6		* * * * *		16	Kerry Hill, Louisiana Oil Marketers	
7				17	and Convenience Store Association.	
В				18	MR. BURNHAM:	
9	4	2		19	Steve Burnham, Engineering Associates,	,
)	4	2			Incorporated.	4
L			1		MR. MORIN:	
2			- 1	22	Cy Morin, DEQ Audit.	
3				23 24	MS. VIZINAT: Melissa Vizinat, DEQ Trust Fund.	- 4
1					MS. CARTER:	

Page 5			Page 7
Jill Carter, DEQ Legal Section.	1	MR. HILL:	
MR. BAKER:	2		
Jeff Baker, DEQ Trust Fund.	3		
MS. DELAFOSSE:	4		
Theresa Delafosse, DEO Financial	5		
Services.	6		
MR. ST. ROMAIN:	7		
Nicholas St. Romain, Louisiana Oil	8		
Marketers and Convenience Store Association.	9		
MR. MARCELLO:	10		
Frank Marcello, Louisiana Oil	11		
Marketers and Convenience Store Association.	12		
MS. ISAACKS:	13		
Natalie Isaacks, Louisiana Oil	14		
	15		
MR. BLANCHARD:	100000000000000000000000000000000000000		
Bryon Blanchard, DEQ.	17		
MR. DANIELS:	18		
Roger Daniels, DEQ Office of the	19		
Secretary.	20		
MR. EFFERSON:	21		
Jason Efferson, DEQ Trust Fund.	22		
MR. BROUSSARD:	23		
Sam Broussard, DEQ UST Division.	24		
MS. VITTERI:	25	some additional information to this report.	
Page 6			Page 8
Lacey Vitteri, DEO Financial Services.	1	It may be that va'll want some more	
MS. FALKE:			
Fran Falke, DEQ Financial Services.	3		
MR. MILAM:			3
Sherry Milam, PPM Consultants.	5		
MS. COOK:	6		
Rhonda Cook, PPM Consultants.	7		
MR. BAKER:	8		
And we have two people on the phone.	9		
	10		
phone?	11		
•			
	13		
MR. BRIGHT:	14		
Roger Bright, Jones Environmental.	15		
MR. HILL:	16		
	17		
At this time, do I hear a motion to	18		
	19	it. The the fund balance at the	
MR. MARCELLO: ±	20		
	21		
MR. HILL:	22		
All in favor?	23	was classified from the attorney from the	
MR. BURNHAM:	24	attorney general's escrow and settlements.	
	Jeff Baker, DEQ Trust Fund.  MS. DELAFOSSE: Theresa Delafosse, DEQ Financial Services.  MR. ST. ROMAIN: Nicholas St. Romain, Louisiana Oil Marketers and Convenience Store Association.  MR. MARCELLO: Frank Marcello, Louisiana Oil Marketers and Convenience Store Association.  MS. ISAACKS: Natalie Isaacks, Louisiana Oil Marketers and Convenience Store Association.  MR. BLANCHARD: Bryon Blanchard, DEQ.  MR. DANIELS: Roger Daniels, DEQ Office of the Secretary.  MR. EFFERSON: Jason Efferson, DEQ Trust Fund.  MR. BROUSSARD: Sam Broussard, DEQ UST Division.  MS. VITTERI:  Page 6  Lacey Vitteri, DEQ Financial Services.  MS. FALKE: Fran Falke, DEQ Financial Services.  MR. MILAM: Sherry Milam, PPM Consultants.  MS. COOK: Rhonda Cook, PPM Consultants.  MR. BAKER: And we have two people on the phone. Can ya'll make put your names on the phone?  MR. FRANKLIN: Durwood Franklin, DEQ Trust Fund.  MR. BRIGHT: Roger Bright, Jones Environmental.  MR. HILL: Okay. Thank ya'll. At this time, do I hear a motion to adopt the February 23rd board minutes?  MR. MARCELLO: So moved, Mr. Chairman.	MR. BAKER: Jeff Baker, DEQ Trust Fund.  MS. DELAFOSSE: Theresa Delafosse, DEQ Financial Services. MR. ST. ROMAIN: Nicholas St. Romain, Louisiana Oil Marketers and Convenience Store Association. MR. MARCELLO: Frank Marcello, Louisiana Oil Marketers and Convenience Store Association. MS. ISAACKS: Natalie Isaacks, Louisiana Oil Marketers and Convenience Store Association. MS. ISAACKS: Natalie Isaacks, Louisiana Oil Marketers and Convenience Store Association. MR. BLANCHARD: Bryon Blanchard, DEQ. MR. DANIELS: Roger Daniels, DEQ Office of the Secretary. MR. EFFERSON: Jason Efferson, DEQ Trust Fund. MR. BROUSSARD: Sam Broussard, DEQ UST Division. MS. VITTERI:  Page 6  Lacey Vitteri, DEQ Financial Services. MS. FALKE: Fran Falke, DEQ Financial Services. MR. MILAM: Sherry Milam, PPM Consultants. MS. COOK: Rhonda Cook, PPM Consultants. MR. BAKER: And we have two people on the phone. Can ya'll make put your names on the phone? MR. FRANKLIN: Durwood Franklin, DEQ Trust Fund. MR. BRIGHT: Roger Bright, Jones Environmental. MR. HILL: Okay. Thank ya'll. At this time, do I hear a motion to adopt the February 23rd board minutes? MR. MARCELLO: So moved, Mr. Chairman.	MR. BAKER: Jeff Baker, DEQ Trust Fund. MS. DELAFOSSE: Theresa Delafosse, DEQ Financial Services. MR. ST. ROMAIN: Nicholas St. Romain, Louisiana Oil Marketers and Convenience Store Association. MR. MARCELLO: Frank Marcello, Louisiana Oil Marketers and Convenience Store Association. MS. ISAACKS: Natalie Isaacks, Louisiana Oil Marketers and Convenience Store Association. MR. BLANCHARD: Bryon Blanchard, DEQ. MR. DANIELS: Roger Daniels, DEQ Office of the Secretary. MR. EFFERSON: Jason Efferson, DEQ Trust Fund. MS. VITTERI:  Diram Bakerd, DEQ UST Division. MS. VITTERI:  Page 6  Lacey Vitteri, DEQ Financial Services. MS. FALKE: Fran Falke, DEQ Financial Services. MS. MR. MILL: The maker put your names on the phone. And we have two people on the phone. And WR. FRANKLIN: Durwood Franklin, DEQ Trust Fund. MR. BRIGHT: Roger Bright, Jones Environmental. MR. HILL: Okay. Thank ya'll. At this time, do I hear a motion to adopt the February 23rd board minutes? MR. MARCELLO:  So moved, Mr. Chairman.

Fage 11

DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST Page 9 1 the fund, cash, as of 3/31/2017. 2 And then our estimated -- or, I guess, 2 our projected transfer from motor fuel to 3 3 ETF to reimburse ETF for its' expenditures 4 4 is 5.4 million for this year. So that --5 5 6 and that's a pretty solid projection at this 6 point in time because, you know, the -- the 7 7 year is substantially over. We know what 8 8 our payments are going to look like, 9 9 hopefully, and what our staff -- you know, 10 10 what our staff levels are at and what we're 11 11 paying our folks, so they're pretty reliable 12 12 13 projections, so that's -- that's close to 13 what it was last year. 14 14 So now, I guess I'll go with the 15 15 presentation. Unless ya'll have questions 16 16 now? But we'll go into a lot more detail. 17 17 So this presentation, I think -- we 18 18 had a meeting about some legislation with 19 19 Dr. Brown and Bijon and I -- I don't recall 20 20 21 who all was there. It's been a little bit. 21 But it was suggested that perhaps our 22 22 23 financial presentation should be a little 23 more detailed. I know historically Karyn 24 see, we're 2,291,700. We project a total of 24 and then I guess Denise before her had done 25 just under three million dollars on the 25 Page 10 a very detailed presentation, perhaps too year. 1 detailed for a quarterly basis. My original 2 2 3 suggestion was that we do something like 3 4 this at the year end. So it would be like, 4 I guess, the August, July board meeting, 5 5 whichever one is the first one, where you 6 discuss the final results for the fiscal 7

have these -- this is how we have to subdivide our expenditures. So as you can see, the largest percent of the total is salaries. And once you combine salaries with the related benefits, we are well over half of the total administrative costs of the fund. You can see there's, you know, four of the -- five of those categories are minuscule compared to the total. And then we have other charges, which is about 19 percent. That has some miscellaneous charges. And then those attorney general charges, which will not be permanent. Once those cases are settled and done with, we hope to not have substantial legal fees as we have had the past several years. And then we have the indirect cost and the overhead, which we have discussed some, but I have more in depth information later in the presentation. So salaries and related benefits. Our salaries, after the third quarter -- yes, after the third quarter of the year, you

Page 12

year. But since we hadn't done anything 8 like this in a while, I went ahead and did 9 one now. So I can do whatever ya'll think 10 is -- is best. We can do this, you know, 11 either at the very end of the year only or 12 we could also do it once -- you know, once 13 two quarters have past and once we have half 14 15 the year under our belt and then again at the -- at the end of the year. Or, we can -16 17 - you know, we can try that and then if we think it's too much, you know, whatever. 18 19 I'm very flexible. So next slide, please, Jeff. Okay. 20 So what is included in the administrative 21

expenditures of the motor fuel trust fund?

These are the categories. These categories

reporting and accounting policy. We have to

are based on the office of statewide

The related benefits. Some of these related benefit costs are high. Unfortunately, the retirement system is expensive. We have -- the state is in an unfunded accrued liability situation because of how things were calculated historically, 7 so yes, 35.8 percent is paid per employee. 8 9 That amount is recalculated annually by LASERS, Louisiana State Employees Retirement 10 System, LASERS. I think last year it was 11 37.2 percent. So it's come down a little 12 13 bit. Who knows what it'll look like next year. No, that total amount does not go to 14 15 each person's retirement account. That 16 total amount is kind a to pay for the past 17 and to pay for the future. I think the 18 amount that's, you know, attributed to the current costs for each employee is closer to 19 ten percent. So the vast majority of that 20 is for -- paying for those back -- back 21 22 expenses. 23 Group benefits. This includes health

insurance, predominately, but also life

insurance, you know, dental insurance, all

22

23

24

25

24

une 8, 2017	MC	OTO	R FUELS UNDERGROUND STORAGE TANK TRUS
	Page 13		Page 15
1 the other products that are available to us		1	Yes.
2 state employees that the state helps pay		2	MR. FULTON:
3 for. So of the 47 employees that you'll see		3	Yes.
4 on the next slide that are hardcoded to		4	MR. MARCELLO:
5 motor fuels, 46 of them participate in group		5	And you what what department
6 benefits in some way. And the average cost		6	what department do you head? What what's
of that per employee is around \$3,400. And		7	the what's the
then we also have to pay Medicare, which is		8	MR. FULTON:
9 chump change at 1.45 percent, compared to		9	It's the underground storage tank
those other group related benefit costs.		10	division.
So, you know, all those things added		11	MR. MARCELLO:
2 together amount to will amount to about		12	UST Division.
1.38 million dollars at the end of this		13	MR. FULTON:
4 year.		14	UST Division, right.
MR. MARCELLO:		15	MR. MARCELLO:
.6 Question.	,	16	Is it the leaking underground storage
7 MS. DELAFOSSE:		17	tank division or the underground storage
8 Yes?		18	tank division?
9 MR. MARCELLO:		19	MR. FULTON:
You used the term-hardcoded. Are	-	20	Underground storage tank division.
hardcoded to motor fuels. And can you		21	MR. MARCELLO:
2 can you describe or define motor fuels? Is		22	Okay. And that's and your
3 that the entire motor fuel division?		23	department?
4 MS. DELAFOSSE:		24	MS. DELAFOSSE:
5 It is		25	And then Jeff's
	Page 14		Page 16
. MR MARGELLO	rage 14		
1 MR. MARCELLO:		1	MR. BAKER:
2 Or, the entire UST Program?	1	2	Motor fuel trust fund.
3 MS. DELAFOSSE:		3	MR. MARCELLO:
4 It's all the people that do work for		4	The trust fund.
5 UST. So it's predominantly Gary's people		5	MS. DELAFOSSE:
and Jeff's people. So those who review the		6	Motor fuel trust fund section, within
7 applications, review and approve the		7	financial services division.
applications and then the team leaders		8	MR. MARCELLO:
9 overseeing the site work.	7	9	Exactly. So wouldn't you think that -
O So hardcoded means that all their	- 7	10	- that a leaking underground storage tank
1 MR. MARCELLO:		11	fund and I know we're going to get into
2 No, I know.	4	12	some particulars here. But wouldn't you
3 MS. DELAFOSSE:		13	think that a leaking underground storage
4 Okay. Yes. All their work is for		14	tank fee fund, an underground storage tank
5 motor fuel with, you know, some minor	-	15	problem area, instead of an underground
exception. And then they code our's outside	3	16	storage tank division? Just a simple
7 of that.		17	it's just making a point and a question at
8 MR. MARCELLO:		18	the same time.
9 So when we break those two department	its	19	MS. DELAFOSSE:
out, your department is what?	4	20	Yes. So you think that there's work
1 MR. FULTON:		21	that Gary's division is doing that may be
			autordo at the seems at the leaking! I mean
We've got 47, 46 employees.		22	outside of the scope of the leaking? I mean
We've got 47, 46 employees.  MR. MARCELLO:		23	
We've got 47, 46 employees.			•

		Page 17	,		une 8,
		age 17			Page
1.	- this is what a .008 fund is, is leaking		1	MR. FULTON:	
2	underground storage tanks. Am I correct?		2	I think I think I think it was,	
3	MR. FULTON:		3	yes.	
4	Right. That's the whole program.		4	MS. DELAFOSSE:	
5	MR. MARCELLO:		5	But it's always been for the same	
6	That's the whole no. Leaking		6	purpose.	
7	underground storage tank is not the whole		7	MR. FULTON:	
8	underground storage tank program, is it?		8	Right.	
9	MR. FULTON:		9	MR. MARCELLO:	
C	Yes.		10	Okay.	
L	MS. DELAFOSSE:		11	MR. FULTON:	
2	Yes.		12	We also get EPA funding.	
3	MR. MARCELLO:		13	MR. MARCELLO:	
1	Leaking underground storage tanks		14	You get grants.	
5	MS. DELAFOSSE:		15	MR. FULTON:	
5	It's not called that, but that's all		16	We get grants.	
	they address.		17	MR. MARCELLO:	
	MR. FULTON:		18	Right.	
	It's not called that, but that's what		19	MR. FULTON:	
	we do. Right.		20	We get a we get a prevention grant	
	MS. DELAFOSSE:		21	and we get break reduction grant. I think	
	Or, prevent leaks through inspections.		22	it's one point something million.	
	MR. FULTON:		23	MS. DELAFOSSE:	
	Right.		24	One point five.	
	MR. MARCELLO:		25	MR. FULTON:	
	7	Page 18			Page
	Right. So prior to the .008		1	One point five, one point six,	
	inception, what was you you had an air		2	somewhere around in there. It depends on	
	air program, a did we have a tank		3	the grant.	
	program prior to .008?		4	MR. MARCELLO:	
	MR. FULTON:		5	All right. Thank you.	
	Not that I I can't speak to the		6	MS. DELAFOSSE:	
	that far back, but				
	that fai back, but		7	Okay. So this slide has the employees	
	MR. MARCELLO:		7 8	Okay. So this slide has the employees by job title that are coded to the motor	
	MR. MARCELLO:		50	by job title that are coded to the motor	
	MR. MARCELLO: Like prior to 1998, when when it	n (	8	by job title that are coded to the motor fuel underground storage tank trust fund. I	
	MR. MARCELLO: Like prior to 1998, when when it was mandatary that we upgrade all of these	n N	8 9	by job title that are coded to the motor fuel underground storage tank trust fund. I have them sorted by count. So the we	
	MR. MARCELLO: Like prior to 1998, when when it		8 9 10 11	by job title that are coded to the motor fuel underground storage tank trust fund. I have them sorted by count. So the we have a lot of environmental scientist,	
	MR. MARCELLO: Like prior to 1998, when when it was mandatary that we upgrade all of these tanks and then we had to either have		8 9 10 11	by job title that are coded to the motor fuel underground storage tank trust fund. I have them sorted by count. So the we have a lot of environmental scientist, III's. Fourteen of them. So it shows the	
	MR. MARCELLO: Like prior to 1998, when when it was mandatary that we upgrade all of these tanks and then we had to either have insurance MS. DELAFOSSE:		8 9 10 11 12	by job title that are coded to the motor fuel underground storage tank trust fund. I have them sorted by count. So the we have a lot of environmental scientist, III's. Fourteen of them. So it shows the average salary in that job title and then	
	MR. MARCELLO: Like prior to 1998, when when it was mandatary that we upgrade all of these tanks and then we had to either have insurance MS. DELAFOSSE: I think there was still a fee then.		8 9 10 11 12 13	by job title that are coded to the motor fuel underground storage tank trust fund. I have them sorted by count. So the we have a lot of environmental scientist, III's. Fourteen of them. So it shows the average salary in that job title and then the average benefits for that for those	
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Page 21 Page 23 have to kind of take it at a point in time, we do the other half. And then a small lab instead of the previous slide where it was contract. And then some site investigation 2 2 the total salary expenditures for the year. work and some work on the Burt's Chevron 3 3 Travel and training. This is one of 4 corrective action. 4 the very small categories. We need to So I have a separate slide here for 5 5 travel for our audits and inspections. A the attorney general charges, because this 6 6 lot of that is just daytime field travel. has been significant, a significant 7 7 But sometimes overnight is necessary. expenditure beginning in fiscal year 2014. 8 8 9 And then we have conferences and Again, they represent attorney's fees 9 conventions. So ASTSWMO in D.C., two associated with the ongoing litigation. So 10 10 employees went to that. Three employees to they're paid out of the other charges 11 11 EPA Region 6 in Dallas. And one employee to category. We do what's called an 12 12 LOMCSA convention. And then some DEQ interagency agreement with the attorney 13 13 required training, the HAZWOPER class. So general's office. And that's signed at the 14 14 we've spent right at \$7,000, after the beginning of the year. And it list the 15 15 third quarter. It should be right around 16 maximum amount that we will spend in that 16 11,000 at the end of the year. year or that they, you know, propose that 17 17 18 Operating services. These are some 18 would be spent in that year. just cost of doing business. You'll see the So for example, I believe in fiscal 19 as of charges. As of 3/31, it was \$58,000.year 2016, you'll see the final expenditures 20 20 The number below breaks down the projection were \$917,465. I believe the agreement for 21 21 for the year. I guess the -- it subdivides that year was one million dollars. We 22 22 23 the total projection for the year, 85,000. signed an agreement for this year for 23 So those are some expenses that are the 1.1 million. It may -- it's highly 24 24 necessary for running the divisions. likely that it'll end up under that. More Page 22 Page 24 Supplies. Another one of the little in the order of 900 to one million dollars, 1 categories. This is a subcategory of 2 2 hopefully. operating services. It's not a separate And then -- oh, go back, Jeff, if you 3 3 category. But a little bitty category, as don't mind. And then -- so -- but these 4 4 you can see. But office supplies that are costs are reimbursed. So yes, the money is 5 necessary, or anything to complete the expended, but then the money is 100 percent 6 inspection and then some lab supplies and 7 7 reimbursed from the settlements at the end uniforms, tools, et cetera. of the year. We just wait to do that at the 8 8 end of the year, because it's just a -- kind Professional services. This is 9 9 another fairly small category for this of a general -- a general voucher, just to, 10 10 program. We just have two -- two 11 11 you know, move -- we don't actually move the professional services vendors who have done cash. Just move --12 12 work so far this year, some lab analysis for MR. MARCELLO: 13 13 site work and then some site consultation But it's not -- it's not a settlement, 14 14 for our risk assessment toxicology contract. plus attorney's fees, is it? Or, is -- is 15 15 16 Then other charges. The main expense 16 the -- the attorney's fees comes out of the in the other charges category are those settlement? 17 17 attorney general fees. The expenses as of 18 18 MS. DELAFOSSE: 3/31 for attorney general fees is \$672,000. The attorney's fees comes out of the 19 19 Then we have those other. So we paid for 20 20 settlement. the -- you know, we have the UST tank 21 21 MR. MARCELLO: operator training with those 140,000 So that's less money going into the --22 22 expenses, compliant services for the 23 23 MS. DELAFOSSE: compliance inspections. We have a vendor do 24 Yes. And I --24 some -- about half of those inspections and MR. MARCELLO:

DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TR			ST	FUND ADVISORY BOARD MEE June 8		
		Page 25			Page 2	
1	into the fund.		1	I think it's two or three.		
2	MS. DELAFOSSE:		2	MR. HILL:		
3	I guess we I I don't know, Jill,	1	3	Oh, is it?		
4	if you know off the top of your head the		4	MS. DELAFOSSE:		
5	settlement information, but		5	Might just be two.		
6	MS. CARTER:		6	MS. CARTER:		
7	No, I don't.		7	I'm not sure. I can find out.		
8	MS. DELAFOSSE:		8	MR. MARCELLO:		
9	I think I guess we've gotten over		9	I think it was only two left.		
10	20 million dollars in settlements so far, or	1		MR. HILL:		
11	in that neighborhood, maybe 22.	1		Two left?		
12	MS. CARTER:	1.		MS. DELAFOSSE:		
13	You know, I'm	1.		I think it's two left.		
14	MS. DELAFOSSE:	1		Next slide. Okay. Interagency		
15	And we've spent around four million	1.		transfers. So rent, for example, like the		
16	dollars, so that's I mean, it's 20 to 25'	1		rent'we pay in this Galvez Building, the		
7	percent of the settlement that's you	1		State owns it and they set up an an		
18	know, attorneys charge more than that	18		agreement every year with a rate per floor,		
19	sometimes. So, I mean, I know it's not	19		basically. So this is an allocation of that		
20	- it's not a contingency rate, but it -	20		for how many employees are in those	-	
21	doesn't represent as big of a portion of the	23		buildings that are paid for through		
22	total as as some continency fees do. So	22		interagency transfer. And then telephone		
23	I kind of thought of it that way, as far as	23		costs. Like, Jeff has a telephone at his		
24	what the overall cost have been from what	24		desk and it cost us, you know, whatever,		
5	the settlement proceeds have been.	25		like \$8 dollars a month and we pay the		
	Pa	age 26		P	age 28	
1	MR. MARCELLO:	1		office of telecommunications management or		
2	And for the record, these are only	2		OTM for that. And because they're another	1	
3	settlement talks and not legal actions.	3		state agency, we can accomplish that through		
4	These are not court cases. These are	4		an interagency transfer instead of through		
5	settlements.	5		one of our other exponential categories.		
6	MS. DELAFOSSE:	6		MR. BAKER:		
7	They have not become court cases yet.	7		I'll be happy to give up the phone.		
В	Not any of them. But they could. Those who	8		MS. DELAFOSSE:		
9	have chosen to settle, you know, I guess	9		Okay. Indirect costs. So this has		
)	they weighed all the odds and decided it was	10		been something we've discussed some as well.		
1	in their interest just to come to an	111		Every year so this is my second bullet I		

in their interest just to come to an

12 agreement with us or with the attorneys on

the case and, you know, pay -- pay what they 13

14 felt was fair to both parties --

15 MR. HILL:

16

How many --

17 MS. DELAFOSSE:

-- and then save everybody the trouble 18 19

of the litigation.

MR. HILL: 20

21 And this may be a question for Perry,

22 but how many more cases are out there, do

you know? That's somebody -- we -- we'll 23

24 address that later.

MS. DELAFOSSE: 25

Every year -- so this is my second bullet, I

12 guess. Every year, as an agency, Lacey and

13 Fran and a little bit me, work together to

do an indirect cost proposal. And that, we 14

15 submit to EPA. So we sent it this year, I

believe in January. And to calculate that, 16

because this fiscal year is not over, we 17 used last fiscal year's final numbers to 18

kind of update our information. We kind of 19

divide the agency up based on what are 20

21 direct program expenditures and what are

overhead type expenditures. So like, legal, 22

23 for example, all the attorneys are overhead. Sometimes, it sounds like a bad word, you 24

know, you'd rather be -- sometimes, you'd

	e 8, 2017			
		ge 29		R FUELS UNDERGROUND STORAGE TANK TRU Page
1	rather be one of the people doing the actual		1	It is good question. It is
2	work instead of one of the overhead people.		2	multiplied against the salaries, related
3	But all all us overhead folks are		3	and related benefits. Just those two
4	necessary too. So we get that approved		4	categories. So just the people cost.
5	every year by EPA, some time in the spring.		5	Next slide. And then program revenues
6	You'll see the history of that rate. We		6	are an important topic as well. So one of
7	have it in reverse chronological order. so,		7	the program revenues that's available for
8	for example, fiscal year 2017, our EPA		8	administrative expenditures are the tank
9	approved rate was 70.91 percent. So we		9	registration fees. They're they're
0	calculate that and compile documentation.		10	pretty pretty predictable and pretty
1	We send it to EPA. And they review it and		11	regular. We collect right around \$625,000
2	they approve it either approve it or ask		12	annually. We bill those in March. So we've
3	us questions and ask us to make adjustments.		13	done the majority of our collections for
4	We use that in other programs to figure		14	fiscal year 2017, but some are trickling in
5	and we use it like in remediation, for		15	still. But we did pass a fee package last
6	example, when site or, facility owners	,	16	'year that ya'll are familiar with. And we
7	are responsible for site cleanup and the		17	had anywhere from 10 to 25 percent increases
8	department is involved in that and the		18	on in fees, depending on how far behind
9	department pays up front, we can bill them		19	that division or that function was lagging
0	for those costs, and we bill them for the		20	from it's collections to it's expenditures.
1	direct costs. So let's say we spent		21	So, you know, the tank program was a
2	\$10,000, plus the full EPA overhead approved		22	little bit behind but not too behind, so we
3	rate, so we'll take the \$10,000 and add		23	did our lowest increase of ten percent. So
4_	70.91 percent of that and that's what is		24	the fees have gone from \$54 to \$60. That
5	billed to those people with the site who		25	amount will increase beginning in fiscal
				amount was more or
	Pag	ge 30		Page 3
1	had to get that site remediated because they		1	year 2018. So the bills we send out in
2	weren't following regulations.		2	next March will be \$60 per tank instead of
3	So we we use to not charge any of		3	\$54.
4	this overhead or these indirect costs to the		4	We did some rough estimates on what we
5	motor fuel trust fund underground storage		5	expect to collect. Instead of the 625, it
6	'tank trust fund program'. In fiscal year		6	should go up to about 685, maybe as high as
7	2013, I wasn't here then, but I believe Jeff		7	700. It just kind of depends. Some people
8	and Denise discussed this with the board and		8	might be so conditioned to pay their \$54 per
9	came to an agreement to begin charging half		9	tank, they might send us \$6 less or, you
	of the approved indirect rate. So starting		10	know, we'll just have to have to wait and
0			10	Mion, won just have to make and
			11	
1	in fiscal year '13, as you'll see at the			see what that looks like.  And then our other source of revenues
1	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent.	u-	11	see what that looks like.  And then our other source of revenues
1 2 3	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has		11 12	see what that looks like.  And then our other source of revenues for the program are the federal grants. So
1 2 3 4	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent.	ú-	11 12 13	see what that looks like.  And then our other source of revenues
1 2 3 4 5	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has gone up slightly for the last two years. So that's that's another one of our cost		11 12 13 14	see what that looks like.  And then our other source of revenues for the program are the federal grants. So the cumulative decrease since fiscal year
1 2 3 4 5 6	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has gone up slightly for the last two years. So that's that's another one of our cost that is included in the administrative cost		11 12 13 14 15	see what that looks like.  And then our other source of revenues for the program are the federal grants. So the cumulative decrease since fiscal year 2012 has been over 1.8 million dollars. And then I have the annual decrease in the far
1 2 3 4 5 6 7	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has gone up slightly for the last two years. So that's that's another one of our cost	u-	11 12 13 14 15	And then our other source of revenues for the program are the federal grants. So the cumulative decrease since fiscal year 2012 has been over 1.8 million dollars. And then I have the annual decrease in the far right hand column, as well. So the total
1 2 3 4 5 6 7 8	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has gone up slightly for the last two years. So that's that's another one of our cost that is included in the administrative cost to the program.  MR. MARCELLO:		11 12 13 14 15 16 17	see what that looks like.  And then our other source of revenues for the program are the federal grants. So the cumulative decrease since fiscal year 2012 has been over 1.8 million dollars. And then I have the annual decrease in the far right hand column, as well. So the total grants in fiscal year 2017 were just under
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1 2 3 4 5 6 7 8 9	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has gone up slightly for the last two years. So that's that's another one of our cost that is included in the administrative cost to the program.  MR. MARCELLO: So question.  MS. DELAFOSSE: Yes?		11 12 13 14 15 16 17 18 19 20 21	And then our other source of revenues for the program are the federal grants. So the cumulative decrease since fiscal year 2012 has been over 1.8 million dollars. And then I have the annual decrease in the far right hand column, as well. So the total grants in fiscal year 2017 were just under 1.6 million, where at one point, we were as high as 3.3 million. So and, you know, there's been lots of talks about the changes
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0 1 2 3 4 5 6 7 8 9 0 1 2 2 3	in fiscal year '13, as you'll see at the bottom of our chart, that was 30.43 percent. It went down for two years, but then it has gone up slightly for the last two years. So that's that's another one of our cost that is included in the administrative cost to the program.  MR. MARCELLO: So question.  MS. DELAFOSSE: Yes?		11 12 13 14 15 16 17 18 19 20 21 22	And then our other source of revenues for the program are the federal grants. So the cumulative decrease since fiscal year 2012 has been over 1.8 million dollars. And then I have the annual decrease in the far right hand column, as well. So the total grants in fiscal year 2017 were just under 1.6 million, where at one point, we were as high as 3.3 million. So and, you know, there's been lots of talks about the changes

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST June 8, 201 Page 33 Fage 35 1 what that's actually going to look like. So missing or if ya'll thought it was 2 we're not really sure yet at this point. beneficial to have a presentation like this, 2 3 And the federal fiscal year is different what kind of frequency you'd like. Any 3 4 from the state fiscal year. So those run 4 other comments, questions, what was missing. through September 30th and then they start 5 what was awful, what was great? But that's 5 6 again on October 1st. So we will -- it 6 it for me. remains to be seen what kind of changes 7 MR. HILL: 7 we'll have in federal grants and federal 8 8 Thank you, Theresa. Do we have any revenues going forward. 9 9 questions? 10 And then here's the history of the --MR. MARCELLO: 10 the net transfer to ETF. So traditionally 11 I -- I just need -- go back one slide, 11 when we present this number to you, we've 12 12 please. also included those attorney general 13 13 MS. DELAFOSSE: charges, because they are part of the other 14 14 You thought you were done. 15 charges category, however, they have been MR. MARCELLO: 15 reimbursed in full from the settlement 16 So just for the record, and for my 16 proceeds, as we discussed previously. So I 17 understanding again, the .008 gets collected 17 have those three asterisked years at the 18 and is deposited in MTF or ETF? 18 bottom, 2014, 2015 and 2016. In those three 19 MS. DELAFOSSE: 19 20 - years, I subtracted what the AG expenses Motor fuel underground storage tank 20 were, because they were reimbursed in full. 21 trust fund. 21 So the other expenditures of the program are 22 MR. MARCELLO: 22 represented here. And that statute that's 23 23 And then it's transferred to the ETF cited above 30:2195.4(C)(2), that outlines 24 fund, correct? 24 25 the process for this transfer from the motor 25 MS. DELAFOSSE: Page 34 Page 36 fuel trust fund to the environmental trust 1 It's transferred -- the amount, yes. 1 2 fund to cover the expenditures, because the 2 This amount is transferred to the environmental trust fund does not have 3 3 environmental trust fund, yes. 4 sufficient revenues available to cover the MR. MARCELLO: 4 program's costs. So over time, you know, 5 5 And the environmental trust -- a 6 over the past couple of years, our costs layman's description of the environmental 6 have increased and our revenues have 7 trust fund is leaking, as well as other 7 8 decreased. So that means, you know, the aspects of -- of --8 third piece of the puzzle is the transfer MR. FULTON: 9 and so the transfer has increased, as you'll 10 Prevention, yes. That's what we call 10 11 see. it. 11 So the changes from year to year, 12 MS. DELAFOSSE: 12 13

13

we've had decreases in three out of five years. But I know the past four years have been increases. The 48 percent is when we start adding what -- when we started adding half of the indirect rate. So you'll see it went from the two million to the three million. The other increases have been, you know, a little more subtle, but still, I see that we know that there have been increases these past several years.

Okay. Going forward, I kind of discussed this at the beginning. I don't know if ya'll feel there was lots of content

That's the motor fuel trust fund. The environmental trust fund is -- basically, the -- the department's operating costs are intended to be paid for through the environmental trust fund and the predominant revenues are permit fees, annual permit fees

Tank registration does, yes. And then

from all of our regulated entities.

Tank registration goes to

all our other permittees, so air permits,

MR. ST. ROMAIN:

MS. DELAFOSSE:

environmental --

Min-U-Script®

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Jun	e 8, 2017	MC	TOI	R FUELS UNDERGROUND STORAGE TAN	K TRUST
	Р	age 37			Page 39
1	water permits.		1	Correct.	
2	MR. MARCELLO:		2	MS. DELAFOSSE:	
3	And .0 in 2017 projected, the .008		3	net inflows.	
4	lust fee will bring in how many dollars?		4	MR. MARCELLO:	
5	MS. DELAFOSSE:		5	Correct.	
6	Well, let me see. I don't know if I -		6	MS. DELAFOSSE:	
7	- but last year, it was \$23 million. So it		7	So it will be a lot smaller.	
8	should be in that order this year.		8	MR. MARCELLO:	
9	MR. ST. ROMAIN:		9	Yes.	
10	The bulk distribution fees is the		10	MS. DELAFOSSE:	
11	.008?		11	Yes. That it's it's high this	
12	MS. DELAFOSSE:		12	year because of that, yes, because the of	
13	Yes. And you see the other receipts		13	settlement transfer.	
14	on the third the fiscal year 2017, as of,		14	MR. MARCELLO:	
15,	that's the transfer of the settlement money.		15	That's all I have. Thank you.	
16	MR. ST. ROMAIN:		16	MS. DELAFOSSE:	y
17	The ten million		17	Sure.	
18	MS. DELAFOSSE:		18	MR. HILL:	
19	Yes, the ten that's predominantly		19	Okay. Thank you, Theresa.	
20	what it is. Because you see last year, it	-	20	Let's go to number four, the auditor's	-
21	was only two million at at this time.		21	status report.	
22	And so that's that's why that's a big up		22	MS. DELAFOSSE:	
23	tick on that.		23	I guess before we before we move	
24	MR. MARCELLO:		24	on, I just want to do ya'll think this is	
25	So we can we can estimate		25	a best presentation reserved for an annual	
	P	age 38			Page 40
1	that after the settlement monies have		1	basis, or what do ya'll or, do we want	
1	stopped that inflow/outflow will probably be		1	to do this every time?	
2	dead even since you have 12,000 positive	1	2	MR. HILL:	
3	right now, with 10,000 coming in from			We we would like to do it every	
4			4	time.	
5	settlement money? The ten I'm showing I showing ten million makes up I get it.		5	MS. DELAFOSSE:	
6	But this is what I'm getting at, this figure		6		
7	is inclusive of that \$10 million. So once -		7	Okay. MR. HILL:	
8			8	That way, we can kind of	
9	- this will probably happen again once we		9	MS. DELAFOSSE:	
10	get some more settlement money. And then		10	Absolutely.	
11	it'll probably be close to a wash from		11	MR. HILL:	
12	there, meaning		12		
13	MS. DELAFOSSE:		13	follow it, we can report back to	
14	Yes. And you see		14	our members	
15	MR. MARCELLO:		15	MR. DELAFOSSE:	
16	inflows and outflows will probably		16	Okay.	
17	be right at zero.		17	MR. HILL:	
18	MS. DELAFOSSE:		18	and keep it a little fresher on	
19	If you look at the final inflows and		19	MS. DELAFOSSE:	
20	outflows of fiscal year 2016, we did not get	4	20	Okay.	
21	any transfers of those settlement proceeds		21	MR. HILL:	
22	aside from the ones that were expended on		22	on our mind.	
23	attorney general costs and it was about six		23	MS. DELAFOSSE:	
24	million		24	Sure.	
25	MR. MARCELLO:		25	MR. HILL:	

Fage 43

		D 40	-		-
25	credit of \$3,292.22. Due to a		25	be performed. And after the audit, if there	
24	of May 26, 2017. One case resulted in a		24	They are notified that the audit will	
23	report details 28 open motor fuel cases, as		23	MR. MORIN:	
22	As always, this first page of the		22	a problem found with the audit?	
21	tab four, please.		21	number notified of audit or only if there's	
20	Okay. Cy Morin, DEQ Audit. Turn to		20	audits. Is the the owner of that Al	
19	MR. MORIN:		19	One procedural question in these	
18	Yes. Good information.		18	MR. ST. ROMAIN:	
17	MR. HILL:		17	Yes.	
16	Sure. Sorry to interrupt.	7	16	MR. MORIN:	
15	MS. DELAFOSSE:		15	Cy, one question.	
14	Okay. Thank you.		14	MR. ST. ROMAIN:	
13	MR. HILL:		13	If not, we will turn to the next page.	
12	the information every time.		12	MR. MORIN:	
11	But we'll we'll continue to present		11	(No response.)	
10	MS. DELAFOSSE:		10	this page?	
9	Yes.		9	Do you have any questions about this,	
8	MR. HILL:		8	\$146.99, which was paid in full.	
7	we may make some tweaks to it.		7	with no assessment. One was assessed	
6	MS. DELAFOSSE:		6	Of the three removed, two are clean audits	
5	if it's not a lot of trouble.		5	have been closed and removed from the list	
4	MR. HILL:		4	cases have been added to the list and three	
3	And based on ya'll's feedback today		3	end of the fiscal year.  Since the last meeting, three new	
2	MS. DELAFOSSE:		1		
1	If it's			but it will be done started before the	
		Page 41			

Page 42

Page 44

```
we're awaiting a credit reduction from a
     current payment remittal to go ahead and
 3
 4
     closeout this file.
          Two cases are awaiting payments,
     totaling just over $6,900. A portion of an
     unrelated overpayment will be used to credit
 7
 8
     an invoice for the one assessment of
     $516.67. And the due date on the second
 9
10
     assessment of $6,425 is due on June 12,
11
     2017. If not received, the case will be
     forwarded to our legal department for
12
     collection.
13
14
         Three cases are under review. Sixteen
     cases are awaiting review. Pending final
15
16
     review, these cases represent one potential
     credit of $579.61 and 18 potentially clean
17
```

audits with no assessment.

the report writing phase. It's a

Four cases are still in progress,

results to be determined. One case is in

planned. It's going to be started this

potentially clean audit with no assessment.

And the final case on here is being

month. An audit date has not been set yet,

miscalculation, human error, for one month,

is a finding, they will be sent a letter. If there are -- if there's no finding, they will be sent a closure letter, just to 3 acknowledge that there were no findings and the audit is closed. 5 MR. ST. ROMAIN: 6 7 Okay. 8 MR. MORIN: So they will be informed. 9 MR. ST. ROMAIN: 10 Thank you. 11 12 MR. MORIN: 13 You're welcome. 14 So on page two, we -- we still have 15 four cases that are being pursued legally. The first case on the list, a judgment was 16 17 entered against the company on March 6th in the amount of \$51,907.98. You'll see this 18 19 is slightly different than what's on the 20 'spreadsheet. The judgment also includes 21 \$381.90 in court costs, which are not shown. This file will be referred to ODR. It's in 22 the process of being prepared. 23

The second case last remitted a

payment in March for \$250. This one is also

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Jun	e 8, 2017	MO	OTO	R FUELS UNDERGROUND STORAGE TANK	
		Page 45			Page 47
1	ready to be referred to ODR. In the		1	MR. MORIN:	
2	process.		2	debt would be sent to ODR, yes.	
3	The status remains the same on the		3	MR. MARCELLO:	
4	third case. It's been at ODR since October		4	Okay. Thank you.	
5	14th, 2015. We have not received any		5	MR. HILL:	
6	payments as of May 26th, 2017.		6	Any other questions related to Cy's	
7	I do have I did not change the date		7	report?	
8	on here, so the note date on the note is		8	(No response.)	
9	incorrect. It should be 5/26/17.		9	MR. HILL:	
10	On the fourth case, there has been no		10	If not, we will go to number five,	
11	change. The file is ready and will be sent		11	Jeff Baker, the trust fund status report.	
12	to ODR.		12	MR. BAKER:	
13	So we have one at ODR and the other		13	Good afternoon. If you'll refer to	
14	three are being sent to ODR for collections.		14	tab five in your packets. Looking at the	
15	The as you can see on there, the		15	first page, it's entitled, "report of	
16	four legal cases represent a total		16	activity for the motor fuel trust fund,	
17	outstanding amount of \$119,223,30. Also,		17	current activity". These are the numbers	
18	the 381.90 is not included on there, that I		18	for the third quarter of fiscal year 2017.	
19	mentioned earlier. And you can see the		19	During this quarter, the trust fund	
20	breakdown of the fees there.		20	received 215 applications, totaling	-
21	And that's that's my update. Does		21	\$3,148,000. As of the end of March, 2017,	
22	anybody have any questions?		22	the trust fund had 149 pending applications	
23	MR. MARCELLO:		23	to process, which have requested amounts	
24_	When when it goes to ODR, again,		24	totaling \$2,183,765.	
25	along with that same line of thinking, if		25	During this time period, 272	
		Page 46			Page 48
1	if someone is assessed, they are they're		1	applications were processed for payment,	
2	at the the the unpaid tax, if you		2	during the fiscal quarter, totaling	1
3	will, interest and penalty and legal fees?		3	\$3,134,992. And 22 applications were	
4	Is that tacked on top?		4	returned with deficiencies.	
5	MR. MORIN:		5	If you'll turn to your handout and	
6	There are some additional costs, I.		6	I apologize. This was suppose to be	
7	believe, associated with		7	included in your your packets. You'll	
8	MS. DELAFOSSE:		8	see the monthly motor fuel trust fund	
9	Well, there's actually an ODR fee		9	obligation determination. Does everybody	
10	that's added.		10	have that as a handout?	
11	MR. MORIN:		11	If you'll look at that, this worksheet	
12	Yes.		12	list the various component determinations of	
13	MS. DELAFOSSE:		13	the potential obligation against the trust	
14	But, yes, in those I mean, if we		14	fund. As of the end of March 2017, the	
15	have attorney fees		15	sites that are in the corrective action	
16	MR. MORIN:		16	phase, the outstanding liability of the	
17	Right. If there		17	corrective action plan budget and estimated	
18	MS. DELAFOSSE:		18	cost to reach closure was \$25,074,409. This	
19	as part of it, then they stay as		19	total includes both the corrective the	
20	part of the total debt.		20	CAP budget remaining amount and the RAC	4
21	MR. MORIN:		21	estimated cost to closure amount.	
22	If if we have a judgment, yes, the		22	The next section, the fund obligation	100
23	whole		23	recognized for ROG approved CAP budgets	I
24	MS. DELAFOSSE:		24	mean, I'm sorry, for sites without ROG	
25	Part of the final judgment, yes.		25	approved CAP budgets is \$32,774,327. This	

Page 51

Page 49

is determined using a three year average
 closure cost and applying these costs to the
 active trust fund sites without current CAP
 budgets.

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By the way, attached to the front sheet is the backup for all of these numbers. We don't do that every -- every quarter. But if ya'll want us to, we can include that. So you can see where all the numbers that -- the first calculation come from

By the way, all of these numbers do go in our EDMS document management system each month. But we can provide them for ya'll for the board meeting, if you'd like.

16 The next section, the fund obligation recognized 19 sites that have been 17 18 determined to be trust fund eligible, however, have not submitted reimbursement 19 applications. And that total is \$6,115,416. 20 This is also determined using the three year 21 average site closure and applying these 22 costs to sites that have requested 23 eligibility but have yet submitted a request 24

for reimbursement from the fund.

The five year projected fund

1 The stakeholder group and DEQ staff

2 have completed their updates and review of

3 the document. The completed draft document,

4 along with other supporting documents, were

5 sent to the RAC community and the advisory

6 board members for a two week comment period.

7 The two week period was over yesterday. And

8 we only received a few minor comments. And

9 those have been addressed in the document.

Thus, the DEQ staff are currently moving the modification explanation comments from the draft version and are working on the final

13 version.

This final version of the guidance document will be completed and posted on our web page -- we're hoping by next week -- and will become effective beginning on July 1, 2017.

For the board members information, all the minutes and topics discussed during the stakeholder meetings have been documented and will be posted in our EDMS system for future reference.

Another point of interest, I wanted to give you an update on the Senate, SCR 102,

Page 50

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Page 52

obligation related to the motor fuel trust 2 fund to environmental trust fund transfer is 3 \$18,624,277. This estimate uses the three 4 5 year average dollars transferred from the motor fuel trust fund to the environmental 6 7 trust fund and you multiply that average by five years. Thus, the total obligation --8 total estimated obligated amount is 9 \$82,588,429, which represents an \$816,768 10 increase over the last quarter's estimated 11

You'll also note -- going back to the packet, you'll also note, the last page lists the sites that have been -- trust fund sites that have been NFA'd during this fiscal year. And it shows 15 sites.

We have a -- the number of potential trust fund sites that were reviewed and made eligible during this fiscal year is 17. And that represents 22 active incidences.

Just some points of interest. I wanted to give the board an update on the progress we made towards the revised trust fund cost control guidance document.

- from fiscal year 2016 regular session. This
- 2 is the resolution requesting department
- 3 review and assess inclusion of AST's in the
- 4 motor fuel trust fund. The department has
- 5 contacted our national organization for
- 6 feedback from other states regarding this
- 7 issue and have received numerous responses.
- 8 We've also done web searches to determine
- 9 how other states have implemented similar
- 10 programs. And recently, a questionnaire was
- 11 sent to all the current motor fuel
- 12 certificate holders asking for their AST

13 information.

Thus far, we've received approximately
15 115 responses out of 160 request that was
16 sent out. This information has been entered
17 into an Excel spreadsheet, and we're using

it to gain an understanding of the AST

universe in our state. We're hoping to

20. begin having stakeholder meetings with AST

21 owners to gain a better understanding of

their needs and their concerns in the next

23 few weeks.

And my last point, the department wanted to bring to the board's attention, an

amount.

Jun	e 8, 2017 Me	OTO	R FUELS UNDERGROUND STORAGE TANK	TRUS
	Page 53			Page 55
1	issue related to current calculations of the	1	Yes. And especially as ya'll may	
2	estimated trust fund obligation amount. We	2	have noticed too, the interest revenues have	
3	believe the current method is an accurate	3	kind of seen an an up tick. I don't know	
4	and objective method for estimating these	4	if the I guess the rates at treasury are	
5	numbers each month. However, it's come to	5	better. Like last year, we the whole	
6	our attention that the inactive and abandon	6	year, we collected \$199,000 in interest.	
7	tank portion of the fund potentially could -	7	And so far this year, it's over 330,000.	
8	- should be included in these numbers.	8	And that's with only you know, that's	
9	According to our current statutes, all	9	with still one quarter left to go. So that	
10	interest money earned by the motor fuel tank	10	should hit \$400,000. The interest has	
11	trust fund shall be used for the closure of	11	doubled, the interest revenue. So I don't	
12	abandon motor fuel underground storage tanks	12	know if it will continue to do so, but	
13	and assessment and remediation of property	13	it is a significant significant not	
14	contaminated by abandon motor fuel storage	14	fairly significant source of revenue. It	
15	tanks.	15	would certainly help cleanup a lot of	
16	Currently, that interest money is	16	abandon sites. And I know we have a a	¥
17	tracked separately. However, it's included	17	contract that we're working on. We've had	
18	in the total balance numbers. So since the	18	some	
19	statutes obligate these funds for a specific	19	MR. FULTON:	
20	purpose, one way to address this is to	20 -	We yes, we have	-
21	include these monthly interest numbers in	21	MS. DELAFOSSE:	
22	the normal obligation estimates so it would	22	delays with the Office of State	
23	be earmarked for that purpose.	23	Procurement, but we should have that out of	
24	We're not currently requesting a	24	bid in the next couple of weeks, hopefully.	
25	recommendation from the board. However, we	25	MR. FULTON:	700
	Page 54		1	Page 56
1	wanted to make ya'll aware of it for future		Voc. Our tonk removed contract be-	
2	discussion, as we talk about it.	2	Yes. Our tank removal contract has been led. They're in the process of getting	
3	I'm that's it for me. Does anybody	3	everything signed. The 24 month assessment	1
4	have any questions?	4	contract has not been posted on Lagov	
5	MR. ST. ROMAIN:	5	website. And but that should be posted	
6	You said the the interest on the	6	pretty soon.	
7	excess of the trust fund?	7	MR. ST. ROMAIN:	
8	MR. BAKER:	8	And that interest money is used to	
9	Yes, sir. What the the statutes	9	cleanup any abandoned tank or just leaking	
10	the statutes obligate all the interest	10	abandoned tanks?	
11	money off the trust fund to be used for the	11	MR. FULTON:	
12	purpose of taking care of removing inactive	12	The the the monies are used for	
13	abandoned tanks and remediation of those	13	the cleanup of any any site. However,	
14	sites.	14	there's very specific guidelines on	
15	MR. ST. ROMAIN:	15	financial inability to pay and there's	
16	And it has been used for that. It's	16	ranking or, you know, we we work on the	
17	just not being accounted for	17	highest most sites first, you know, the most	
18	MR. BAKER:	18	dangerous ones, we, you know, given it's a	
19	It's not being accounted for. It's	19	tank site	
20	added it's in the total, but it's not	20	MR. HILL:	
21	being earmarked for that purpose. It's just	21	Prioritize.	±
22	thrown in with everything else.	22	MR. FULTON:	
23	MR. ST. ROMAIN:	23	Prioritize them, yes. And then	
24	Got you.	24	MR. BAKER:	
25	MS. DELAFOSSE:	25	But to answer your question too, it	

IAT	OTOR FUELS UNDERGROUND STORAGE TANK		Γ June 8, 20
	Pag	e 57	Page 5
1	also it can remove any tank. If		year?
2	contamination or leaks are found when they		
3	remove those tanks, then the fund can be		
4	used to do remediation of that site.	3	,
5	MS. DELAFOSSE:	4	
		1 5	
6	And how how many tanks do we have	1	,
7	right now that	17	
8	MR. FULTON:	8	1 3 3
9	We've got about almost about 30	9	
10	about sites on the list.	10	Yes. Depends on the site. We're
11	MR. MARCELLO:	11	trying to identify the the most critical
12	Of identified	12	sites first. And we do have a few of those.
13	MR. FULTON:	13	
14	Identified sites.	14	That funding goes to the removal, but
15	MR. BAKER:	15	
16	And let me clarify something. When	16	
17	the trust fund is used for that purpose,	17	MS. DELAFOSSE:
18	when this interest money is used for that	18	Still the interest.
19	purpose, a lien is put on the property up to	19	MR. FULTON:
20	the amount of money that's spent out of that		
21	fund	20	It could. If it's
	MR. FULTON:	21	MR. BAKER:
22		22	That interest money is earmarked for
23	Right.	23	the purpose of removal and assessment of
24	MR. BAKER:	24	remediation of abandon and inactive.
25	with the hopes of recouping that	25	MR. FULTON:
	Page	58	Page 60
1	money in the future.	1	And remediation.
2	MR. FULTON:	1 2	MS. DELAFOSSE:
3	Yes.		
4	MR. MARCELLO:	3	If necessary.
		4	And then another thing that Jeff and I
5	So there's 30 abandon sites	5	discussed and Perry, who's not here with us,
6	identified, as we speak.	. 6	but we have a wonderful fill in, is hiring
7	MR. FULTON:	7	an actuary. I I believe it's been
8	So far.	8	discussed by the board before.
9	MS. DELAFOSSE:	9	MR. FULTON:
0	Declared.	10	It it has been discussed.
1	MR. FULTON:	11	MS. DELAFOSSE:
2	Right.	12	I haven't been to that many board
3	MR. MARCELLO:	13	meetings.
4	Not necessarily leaking, but	14	MR. FULTON:
	abandoned?	-	Yes, it has been.
	MR. FULTON:	15	
7		16	MS. DELAFOSSE:
	Not necessarily leaking, but	17	This might be my fifth one. But, you
	abandoned, that is correct.	18	know, we have fine-tuned the obligation
	MR. MARCELLO:	19	calculation throughout the years and, you
) +	Okay.	20	know, adjusted where we've done things,
	MR. HILL:	21	where we saw maybe they weren't the best or
2	I think	22	the most accurate. But an actuary goes to
3	MR. ST. ROMAIN:	23	school for that and takes lots of tests for
1	And that and that amount of funding	24	that and they have all sorts of different
5	is enough to cleanup roughly how many a	25	methodologies to project how likely
,	is chough to cleanup roughly now many a	25	memodologies to project now likely

Jun	e 8, 2017	ото	R FUELS UNDERGROUND STORAGE TANK TRUST	
	Page 6	1	Page 63	1
1	expenditures are and and to what	1	Yes. We can do that. Okay. Let me	
2	magnitude. So we have talked about doing	2	give him a call.	
3	that, as a department. And we would hope to	3	(An off-the-record conversation followed.)	
4	have, you know, somebody review the	4	MR. HILL:	
5	calculation on an annual basis as well,	5	Let's let's go ahead with number	
6	because they would need to you know,	6	seven. Let's go to number seven, other	
7	there may be factors that have to be	7	business, discussion of potential	
8	adjusted each year, depending on what's	8	modification in the in-compliance owner's	
9	going on. I don't know if they would put an	9	financial responsibly requirements.	
10	inflammatory I mean, I have I have no	10	MR. FULTON:	
11	idea. There are so many different things	11	Well	
12	that maybe need to be considered that we	12	MS. DELAFOSSE:	
13	aren't we don't have the actuarial	13	I mean, I can. It's been	
14	capacity to consider here at the department.	14	MR. HILL:	
15	MR. HILL:	15	That has to do with the	
16	Any other questions?	16	MR. BAKER:	
17	(No response.)	17	That was that was	
18	MR. HILL:	18	MR. FULTON:	
19	Thank you, Jeff.	19	That's something that's been brought	
20	Number six. Perry's not here oh,	20	up previously.	-
21	you're going to speak. Okay. Go ahead.	21	MR. HILL:	
22	MS. CARTER:	22	Yes. We we thought	
23	I'm Jill, Jill Carter.	23	MS. DELAFOSSE:	
24	MR. HILL:	24	We wanted to add it to the agenda.	
25	Okay. Go ahead.	25	MR. FULTON:	
-	Page 6		D 04	
	The last of		Page 64	
1	MS. CARTER:	1	Right.	
2	And Perry informed me that we do not	2	MR. HILL:	
3	have any new third party cases, and there's	3	What?	
4	no changes with the current ones.	4	MS. DELAFOSSE:	
5	But if ya'll have any questions, he is	5	We wanted to add it to the agenda so	
	· upstairs and I can call him. If ya'll have	6	we could officially or formerly take,a vote	
7	any questions ya'll need to talk about, I'll call him.	7	on recommending or having an official	
8	MR. HILL:	8	recommendation to the secretary for the in-	
9		9	compliance owner's financial responsibility.	
10	Okay. MR. MARCELLO:	10	MR. FULTON:	
11		11	To zero.	
12	If he's well, I do. If he's	12	MS. DELAFOSSE:	
13	available, I I really would like to get	13	So we had discussed reducing it to	
14	an update on these on these settlements.	14	zero.	
15	MS. CARTER:	15	MR. HILL:	
16	Okay.	16	Right.	
17	MR. HILL:	17	MS. DELAFOSSE:	
18	That's probably	18	For the compliant sites, that's a	
19	MR. MARCELLO:	19	recommendation that the board could make to	
20	We spoke about them at the last	20	the secretary. And then I know I know	2
21	meeting. MR. HILL:	21	Dr. Brown takes those recommendations to	
		22	heart and could make a recommendation you	
23	something we will have to go into executive session on.	23	know, recommendation to change it to zero	
24	MS. CARTER:	24	for the fiscal year beginning July 1st.	
25	MO. CARTER.	25	MR. HILL:	

	OTOR FUELS UNDERGROUND STORAGE TANK	-	O.I.	June 9	
	Page	65		P:	age 67
1	I think we talked about doing that		1	Sam's presentation and we had a lot of	
2			2	discussion on that. I guess we just decided	
3	A COM DOS CLOS		3	to table it for now. But I think we may	
4			4	want to add it to a future agenda to discuss	
5			5	again as a group and determine what's the	
6	A CONTRACTOR OF THE PROPERTY O		6	best methodology for addressing the	
7			7	noncompliance at those sites to ensure we're	
8	you. Okay.		8	handling it in the best way possible to get	
9	MS. DELAFOSSE:		9	the sites cleaned up but to make sure people	
10	So here it is.		10	are being responsible.	
11	MR. HILL:		11	MR. BAKER:	
12	Okay.		12	The difference in the compliance and	
13	MS. CARTER:		13	noncompliance, just for clarification	
14	He had to leave for a problem at his		14	purposes, the way the statute reads right	
15	house, but when we go into executive		1.5	now, the secretary can reduce the in-	
16	session, I've got him on the phone.	*	16	compliance down to zero. However, the	
17	MR. HILL:		17	statute precludes him reducing the out of	
18	Okay. Okay.		.8	compliance below the current level, which is	
19	MS. CARTER:		. 9	\$10,000. So if we're going to go and we	
20	We can do it that way. Do ya'll want		20	talk about reducing the noncompliance, then	_
21	to do that? We'll have to go into executive		21	we're going to have to have a statute change	
22	session.		22	to coincide with that.	
23	MR. FULTON:		3	MS. DELAFOSSE:	
24	Do we want to		4	Right. So we have time before next	
25	MS. DELAFOSSE:		5	session where that would become if that	
				session where that would become It that	
	Page	66		Pa	ge 68
1	Well, do ya'll want to vote on the		1	becomes something the board wants to pursue,	
2	other business?		2	we're the board and the agency together	
3	MR. FULTON:		3	decide is in the best interest of the	
4	Do you want make a I make a motion		4	program, either reduction or changes or	
5	that we vote		5	whatever we discuss.	
6	MR. HILL:			MR. HILL:	
7	Yes. Let's let's make a motion		7	On noncompliance?	
8	we're on item number seven on the compliance			MS. DELAFOSSE:	
9.	owner's financial responsibility. So do I		9	Right. But the compliance can be	
10	hear a motion to take a vote on zero	10		chosen by the secretary. And the board has	
11	deductible on compliance issues?	1:		now voted, and we will share that	
12	MR. FULTON:	12		recommendation with him and	
	Motion, first motion.	13		MR. HILL:	
1.3	and the state of t	1		Now	
	MR. HILL:	114	a		
4	MR. HILL:  We got the first motion right here	14		MR BURNHAM.	
.5	We got the first motion right here.	15	5	MR. BURNHAM: The compliance I'm sorry	
L4 L5	We got the first motion right here. MR. ST. ROMAIN:	15	5	The compliance I'm sorry.	
.5	We got the first motion right here. MR. ST. ROMAIN: Second.	15 16 17	5 6 7	The compliance I'm sorry. MR. HILL:	
.4 .5 .6 .7	We got the first motion right here. MR. ST. ROMAIN: Second. MR. HILL:	15 16 17 18	5 6 7 3	The compliance I'm sorry. MR. HILL: Go ahead.	
.4 .5 .6 .7 .8	We got the first motion right here.  MR. ST. ROMAIN: Second.  MR. HILL: Second on Nick. All in favor?	15 16 17 18	5 6 7 3	The compliance I'm sorry. MR. HILL: Go ahead. MR. BURNHAM:	
.4 .5 .6 .7 .8 .9	We got the first motion right here. MR. ST. ROMAIN: Second. MR. HILL: Second on Nick. All in favor? (All indicated, yes.)	15 16 17 18 19	5 6 7 3 9	The compliance I'm sorry.  MR. HILL: Go ahead.  MR. BURNHAM: The compliance end though, is that	
.4 .5 .6 .7 .8 .9	We got the first motion right here.  MR. ST. ROMAIN: Second.  MR. HILL: Second on Nick. All in favor?  (All indicated, yes.)  MS. DELAFOSSE:	15 16 17 18 19 20 21	5 6 7 3 9	The compliance I'm sorry.  MR. HILL: Go ahead.  MR. BURNHAM: The compliance end though, is that evaluated over a certain number of years	
1.5 1.6 1.7 1.8 1.9 1.0 1.1 1.2	We got the first motion right here.  MR. ST. ROMAIN: Second.  MR. HILL: Second on Nick. All in favor?  (All indicated, yes.)  MS. DELAFOSSE: Okay. We'll take that recommendation	15 16 17 18 19 20 21 22	5 6 7 3 9 1 1	The compliance I'm sorry.  MR. HILL: Go ahead.  MR. BURNHAM: The compliance end though, is that evaluated over a certain number of years that the retailer was complaint when we	
L4 L5 L6 L7 L8 L9 20 21 22 23	We got the first motion right here.  MR. ST. ROMAIN: Second.  MR. HILL: Second on Nick. All in favor?  (All indicated, yes.)  MS. DELAFOSSE: Okay. We'll take that recommendation to the secretary.	15 16 17 18 19 20 21 22 23	5 6 7 3 9	The compliance I'm sorry.  MR. HILL: Go ahead.  MR. BURNHAM: The compliance end though, is that evaluated over a certain number of years that the retailer was complaint when we review that or how is that done?	
113 114 115 116 117 118 119 120 121 122 123 124	We got the first motion right here.  MR. ST. ROMAIN: Second.  MR. HILL: Second on Nick. All in favor?  (All indicated, yes.)  MS. DELAFOSSE: Okay. We'll take that recommendation to the secretary. And we didn't have on here the	15 16 17 18 19 20 21 22 23 24	5 6 7 8 9 0 L	The compliance I'm sorry.  MR. HILL: Go ahead.  MR. BURNHAM: The compliance end though, is that evaluated over a certain number of years that the retailer was complaint when we review that or how is that done?  MR. BAKER:	
.4 .5 .6 .7 .8 .9 .0 .1 .2	We got the first motion right here.  MR. ST. ROMAIN: Second.  MR. HILL: Second on Nick. All in favor?  (All indicated, yes.)  MS. DELAFOSSE: Okay. We'll take that recommendation to the secretary.	15 16 17 18 19 20 21 22 23	5 6 7 8 9 0 L	The compliance I'm sorry.  MR. HILL: Go ahead.  MR. BURNHAM: The compliance end though, is that evaluated over a certain number of years that the retailer was complaint when we review that or how is that done?	

Jun	e 8, 2017	MC	OTO	R FUELS UNDERGROUND STORAGE TAN	K TRUS
		Page 69			Page 71
1	MR. EFFERSON:		1	ticketed by Sam's group or or something	
2	What was the question?		2	that	
3	MR. BAKER:		3	MS. DELAFOSSE:	
4	How how far back do we go when we		4	Right. Whether it's through	
5	do a compliance evaluation for eligibility?		5	enforcement	
6	MR. EFFERSON:		6	MR. ST. ROMAIN:	
7	It's usually well, it depends on		7	That they don't get a free ride.	
8	the the compliance. One a lot of it,		8	MS. DELAFOSSE:	
9	like release detection is one year, but like		9	Right.	
LO	for non-detection, three to five.		10	MR. HILL:	
1	MS. DELAFOSSE:		11	Yes.	
12	It depends on the type of what the		12	MR. ST. ROMAIN:	
13	issue is.		13	Where where the guys that were in	
L4	MR. EFFERSON:		14	substantial compliance and doing the right	
L5	Tank tightness is five year.		15	things and these other guys are getting a	
6	MR. HILL:	7	16	free ride and they didn't follow any of the	*
.7	Yes. That's what I would think,		17	rules.	
.8	depending on the the situation.		18	MS. DELAFOSSE:	
.9	MS. DELAFOSSE:		19	Right. Absolutely.	
0.9	But I would say that we could we -	-	20	MR. BAKER:	
1	have the compliance review that Jason		21	We concur.	. F
2	handles, Jason Efferson in the trust fund		22	MS. DELAFOSSE:	
3	section. And if we want to have a		23	Okay. We'll make sure that's on the	
4-	presentation on that, where he explains how		24	next agenda.	
25	that checklist works and what all is taken		25	MR. HILL:	
		Page 70			Page 72
1	into account, I think that's something we		1	Any other questions on item seven?	
2	could share with the board as well, if that		2	(No response.)	
3	would be helpful.		3	MR. HILL:	
4	MR. HILL:		4	I think we have Perry on the phone.	
5	That may not be a bad idea. I like		5	We'll go back to third party.	
6	that idea.		6	MR. BAKER:	
7	MR. MARCELLO:		7	Actually, we need to go into executive	
8	That'd be a great idea.		8	session.	
9	MR. HILL:		9	MR. HILL:	
0	I like that idea. Sure do.		10	Yes. We'll go into executive session,	
1	MR. MARCELLO:		11	I'm sorry. That's right.	
2	And not that time is of the essence,		12	MR. FULTON:	
3	but I think that since we're cleaning up		13	I make a motion.	
4	this non this compliance issue and		14	MR. HILL:	
5	bringing it to the secretary, we we ought		15	Did I hear a motion.	*
6	to tackle the noncompliance and let's get		16	MR. FULTON:	
7	that out of the way.		17	Motion to go into executive session.	
8	MR. HILL:		18	MR. ST. ROMAIN:	
9	Yes. Get that out of the way.		19	Second.	
0	MR. ST. ROMAIN:		20	MR. HILL:	
1	And and I think one of our biggest		21	All in favor?	
2	concerns maybe I speak for the LOMA		22	(All indicated, yes.)	
3	members, but was that noncompliance sites		23	(The board went into executive session at	
4	don't get a free ride. There still needs to			this time.)	
25	be a punitive fee, whether it it's		25	(The meeting reconvened.)	
			23	(The mooting reconvened.)	

MC	OTOR FUELS UNDERGROUND STORAGE T	ANK TR	UST	June 8, 201
		Page 73		Page 75
1	MR. HILL:		1	Second.
2	We're going to call the meeting to		2	MR. HILL:
3	order again.		3	All in favor?
4	MR. MARCELLO:		4	(All indicated, yes.)
5	I make a motion that we move out of		5	MR. HILL:
6	executive session, back into ordinary		6	Thank ya'll.
7	session.		7	THE MEETING ADJOURNED AT 2:20 P.M.
8	MR. HILL:		8	* * * *
9	Ordinary session.		9	
.0	MR. ST. ROMAIN:		10	
.1	Second.		11	
.2	MR. HILL:		12	
.3	All in favor?		13	
4	(All indicated, yes.)		14	
5	MR. HILL:		15	
6	Okay. Is there any other questions		16	3, 3,
7	that anyone has pertaining to any of our		17	
8	meeting today?		18	
9	MR. ST. ROMAIN:		19	
0	I got one question in relation to item		20-	
1	three. The slide show that you showed,		21	
2	would it be possible to receive that that		22	
3	report in a printout form?		23	
4	MS. DELAFOSSE:		24	
5	Yes.		25	
		Page 74		Page 76
-	MR. ST. ROMAIN:	3		REPORTER'S PAGE
1			1	
2	That way we could reference back and forth		2	I, Lori B. Overland, Certified Court  Reporter, in and for the State of Louisiana, the
3	MS. DELAFOSSE:			officer, as defined in Rule 28 of the Federal
4	Sure.			Rules of Civil Procedure and/or Article 1434(b)
	MR. ST. ROMAIN:			of the Louisiana code of Civil Procedure, before
6	through the sheets and make any			whom this sworn testimony was taken, do hereby
7	notes on them.			state on the Record
3	MS. DELAFOSSE:		9	That due to the interaction in the
9	Yes. Since since we're going to			spontaneous discourse of this proceeding, dashes
0				() have been used to indicate pauses, changes
1	add it on on a more permanent basis,			in thought, and/or talk overs; that same is the
2	we'll include it in the packet. MR. HILL:			proper method for a Court Reporters's
	In the packet.			transcription of proceeding, and that the dashes
4	MR. ST. ROMAIN:			() do not indicated that words or phrases have
	Perfect. Great.			been left out of this transcript;
6	MS. DELAFOSSE:			That any words and/or names which could not
			17	be verified through reference material have been
9	Some people get too distracted by the papers. I know I do.			denoted with the phrase "(inaudible)."
)	MR. HILL:		20	
L	Well, if there's no further questions,		21	Lori Overland, C.C.R.
2	do I hear a motion to close the meeting?		22	# 97083
	MR. MARCELLO:		23	W 97003
3	So moved.		24	
5	MR. FULTON:		25	
	mat obton.		23	7

Jun	e 8, 2017 MC	OTOR FUELS UND	ERGROUND STO	RAGE TANK TRUST
	Page 77			
1	CERTIFICATION			
2	I, Lori B. Overland, Certified Court Reporter in			
3	and for the State of Louisiana, as the officer			
4	before whom this testimony was taken, do hereby			
5	certify that the above referenced individual to whom			
6	oath was administered, after having been duly sworn			
7	by me upon authority of R.S. 37:2554, did testify as			
8	hereinbefore set forth in the foregoing pages, that			
9	this testimony was reported by me in the stenomask			
10	reporting method, was prepared and transcribed by me			
11	or under my personal direction and supervision, and			
12	is a true and correct transcript to the best of my			- 0
13	ability and understanding; that the transcript has			
14	been prepared in compliance with transcript format	-		
16	guidelines required by statute or by rules of the board, that I have acted in compliance with the	1	2	,
17	prohibition on contractual relationships, as defined		•	,
18	by Louisiana Code of Civil Procedure Article 1434			
19	and in rules and advisory opinions of the board;	4		
20	that I am not related to counsel or to the parties	2	=	-
21	herein, nor am I otherwise interested in the outcome			
22	of this matter.			
23				
24	Lori Overland C.C.R.			
25	# 97083			
		-		
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MOTOR FUELS	UNDI	ERGROUND STORAGE	TANK TRUST		June 8, 2017
		\$8 (1)	7:25;46:6	47:23	38:23;46:15
\$		27:25	address (3)	analysis (1)	attorneys (3)
		\$816,768 (1)	17:17;26:24;53:20	22:13	25:18;26:12;28:23
\$10(1)		50:10	addressed (1)	and/or (3)	attorney's (4)
38:8		\$82,588,429 (1)	51:9	76:5,12,17	23:9;24:15,16,19
\$10,000 (3)		50:10	addressing (1)	annual (4)	attributed (1)
29:22,23;67:19	9	\$917,465 (1)	67:6	32:16;36:18;39:25;	12:18
\$119,223,30 (1)	7 7 4	23:21	ADJOURNED (1)	61:5	Audit (9)
45:17			75:7	annually (2)	4:22;41:20;42:22,25;
\$146.99 (1)		A	adjusted (2)	12:9;31:12	43:21,22,24,25;44:5
43:8			60:20;61:8	apologize (1)	auditor's (1)
\$18,624,277 (1)		abandon (6)	adjustments (1)	48:6	39:20
50:4		53:6,12,14;55:16;	29:13	applications (7)	audits (4)
\$199,000 (1)		58:5;59:24	administrative (5)	14:7,8;47:20,22;	21:6;42:18;43:6,20
55:6		abandoned (5)	7:21;10:21;11:7;	48:1,3;49:20	August (1)
\$2,183,765 (1)		54:13;56:9,10;58:15,	30:16;31:8	applying (2)	10:5
47:24		18	adopt (1)	49:2,22	available (4)
\$23 (1)		above (1)	6:19	approve (3)	13:1;31:7;34:4;
37:7	*	33:24	adoption (1)	14:7;29:12,12	62:13
\$25,074,409 (1)		Absolutely (2)	4:10	approved (6)	average (8)
48:18		40:11;71:19	advisory (1)	29:4,9,22;30:10;	13:6;20:13,14,25;
\$250 (1)		accomplish (1)	51:5	48:23,25	49:1,22;50:5,7
44:25		28:3	afternoon (3)	approximately (1)	awaiting (3)
\$3,134,992 (1)	_	According (1)	4:5,7;47:13	52:14	42:2,5,15
48:3		53:9	AG (1)	area (1)	aware (1)
\$3,148,000 (1)		account (2)	33:20	16:15	54:1
47:21		12:15;70:1	again (8)	around (6)	awful (1)
\$3,292.22 (1)		accounted (2)	10:15;23:9;33:6;	8:14;13:7;20:2;	35:5
41:25		54:17,19	35:17;38:9;45:24;67:5;		
\$3,400 (1)		accounting (1)	73:3	Article (1)	В
13:7		10:25	against (4)	76:5	
\$32,774,327 (1)		accrued (1)	30:24;31:2;44:17;	aside (1)	back (11)
48:25		12:6	48:13	38:22	12:21,21;18:7;24:3;
\$381.90 (1)	. 1	accurate (2)	agency (4)	aspects (1)	35:11;40:13;50:13;
44:21		53:3;60:22	28:3,12,20;68:2	36:8	69:4;72:5;73:6;74:2
\$400,000 (1)	1	acknowledge (1)	agenda (6)	assess (1)	backup (1)
55:10		44:4	63:24;64:5;65:5,7;	52:3	49:6
\$51,907.98 (1)		action (3)	67:4;71:24	assessed (2)	bad (2)
44:18		23:4;48:15,17	agreement (6)	43:7;46:1	28:24;70:5
\$516.67 (1)		actions (1)	23:13,21,23;26:12;	assessment (9)	BAKER (19)
42:9		26:3	27:18;30:9	22:15;42:8,10,18,22;	5:2,3;6:8;16:1;28:6;
\$54 (3)		active (2)	ahead (6)	43:7;53:13;56:3;59:23	47:11,12;54:8,18;
31:24;32:3,8		49:3;50:21	10:9;42:3;61:21,25;	associated (2)	56:24;57:15,24;59:21;
\$579.61 (1)		activity (2)	63:5;68:18	23:10;46:7	63:16;67:11;68:24;
42:17		47:16,17	AI (1)	Associates (1)	69:3;71:20;72:6
\$58,000 (1)		actual (1)	43:20	4:19	balance (3)
21:20		29:1	air (3)	Association (4)	8:14,19;53:18
		actually (4)	18:2,3;36:25	4:17;5:9,12,15	based (3)
\$6 (1)		24:11;33:1;46:9;	allocation (1)	AST (3)	10:24;28:20;41:3
32:9		72:7	27:19	52:12,18,20	basically (2)
\$6,115,416 (1)		actuarial (1)	almost (1)	asterisked (1)	27:19;36:14
49:20		61:13	57:9	33:18	basis (4)
\$6,425 (1)			along (3)	AST's (1)	
42:10		actuary (2)	20:15;45:25;51:4	52:3	10:2;40:1;61:5; 74:11
\$6,900 (1)		60:7,22			
42:6		add (6)	always (2)	ASTSWMO (1)	became (1)
\$60 (2)	4	7:24;29:23;63:24;	19:5;41:22	21:10	20:23
31:24;32:2		64:5;67:4;74:11	amount (20)	attached (1)	become (3)
\$625,000 (1)		added (4)	8:21;12:9,14,16,18;	49:5	26:7;51:17;67:25
31:11		13:11;43:4;46:10;	13:12,12;23:16;31:25;	attention (2)	becomes (1)
		54:20	36:1,2;44:18;45:17;	52:25;53:6	68:1
\$672,000 (1)		- 11' (2)	10 00 01 70 0 10 70 0		
22:19		adding (2)	48:20,21;50:9,12;53:2;	attorney (10)	begin (2)
		adding (2) 34:16,16 additional (2)	48:20,21;50:9,12;53:2; 57:20;58:24 amounts (1)	8:23,24;11:13;22:18, 19;23:6,13;33:13;	begin (2) 30:9;52:20 beginning (7)

June 8, 2017		MOTOR FUELS UNDERGROUND STORAGE TANK TRUST				
8:20;23:8,15;31:25;	bring (2)	54:12	chump (1)	11:9;13:9		
34:24;51:17;64:24	37:4;52:25	career (1)	13:9			
behind (3)	bringing (1)	20:22		compile (1)		
31:18,22,22			cited (1)	29:10		
	70:15	CARTER (12)	33:24	complaint (1)		
below (2)	brought (1)	4:25;5:1;25:6,12;	Civil (2)	68:22		
21:21;67:18	63:19	27:6;61:22,23;62:1,15,		complete (1)		
belt (1)	BROUSSARD (2)	25;65:13,19	clarification (1)	22:6		
10:15	5:23,24	case (9)	67:13	completed (3)		
beneficial (1)	Brown (2)	26:13;41:24;42:11,	clarify (1)	51:2,3,15		
35:2	9:20;64:21	20,23;44:16,24;45:4,10	57:16	compliance (15)		
benefit (2)	Bryon (1)	cases (14)	class (1)	22:24;64:9;66:8,11;		
12:3;13:10	5:17	11:14;26:4,7,22;	21:14			
benefits (7)				67:12,16,18;68:9,16,		
	budget (3)	41:23;42:5,14,15,16,	classified (1)	20;69:5,8,21;70:14;		
11:5,21;12:2,23;	32:23;48:17,20	19;43:4;44:15;45:16;	8:23	71:14		
13:6;20:14;31:3	budgets (3)	62:3	clean (3)	compliant (2)		
best (6)	48:23,25;49:4	cash (2)	42:17,22;43:6	22:23;64:18		
10:11;39:25;60:21;	Building (1)	9:1;24:12	cleaned (1)	component (1)		
67:6,8;68:3	27:16	categories (7)	67:9	48:12		
better (2)	buildings (1)	10:23,23;11:9;21:5;	cleaning (1)			
52:21;55:5	27:21			concerns (3)		
		22:2;28:5;31:4	70:13	8:10;52:22;70:22		
bid (1)	bulk (1)	category (6)	cleanup (5)	concur (1)		
55:24	37:10	22:4,4,10,17;23:12;	29:17;55:15;56:9,13;	71:21		
big (2)	bullet (1)	33:15	58:25	conditioned (1)		
25:21;37:22	28:11	CCR (1)	close (3)	32:8		
biggest (1)	BUŔNHAM (6)	76:21	9:13;38:11;74:22	conferences (1)		
70:21	4:18,19;6:24;7:3;	certain (1)	closed (2)	21:9		
Bijon (1)	68:15,19	68:21				
9:20			43:5;44:5	consider (1)		
	Burt's (1)	certainly (1)	closeout (1)	61:14		
bill (3)	23:3	55:15	42:4	consideration (1)		
29:19,20;31:12	business (3)	certificate (1)	closer (1)	4:10		
billed (1)	21:19;63:7;66:2	52:12	12:19	considered (1)		
29:25		Certified (1)	closure (6)	61:12		
bills (1)	C	76:2	44:3;48:18,21;49:2,	Consultants (2)		
32:1		cetera (1)	22;53:11	6:5,7		
bit (4)	calculate (2)	22:8	code (2)	consultation (1)		
9:21;12:13;28:13;	28:16;29:10	Chairman (1)	14:16;76:6	22:14		
31:22	calculated (1)	6:21				
bitty (1)	12:7		coded (1)	contacted (1)		
		change (5)	20:8	52:5		
22:4	calculation (3)	13:9;45:7,11;64:23;	coincide (1)	contaminated (1)		
BLANCHARD (2)	<b>49:10;</b> 60:19;61:5	67:21	67:22	53:14		
5:16,17	calculations (1)	changed (2)	collect (2)	contamination (1)		
board (19)	53:1	7:14,15	31:11;32:5	57:2		
4:11;6:19;7:13,14;	call (7)	changes (6)	collected (2)	content (1)		
10:5;30:8;49:15;50:23;	4:10,12;36:10;62:6,	32:21;33:7;34:12;	35:17;55:6	34:25		
51:6,19;53:25;60:8,12;	8;63:2;73:2					
64:19;68:1,2,10;70:2;		62:4;68:4;76:11	collection (1)	continency (1)		
	called (4)	charge (2)	42:13	25:22		
72:23	17:16,19;20:22;	25:18;30:3	collections (4)	contingency (1)		
board's (1)	23:12	charges (10)	<b>8:22;3</b> 1:13,20;45:14	25:20		
52:25	came (1)	11:11,12,13;21:20;	column (1)	continue (2)		
both (2)	30:9	22:16,17;23:6,11;	32:17	41:11;55:12		
26:14;48:19	Can (32)	33:14,15	combine (1)	contract (5)		
bottom (2)	6:10;7:17;10:10,11,	charging (1)	11:5			
30:12;33:19		30:9		22:15;23:2;55:17;		
	16,17;11:3,7;13:21,22;		coming (1)	56:1,4		
break (2)	22:5;27:7;28:3;29:19;	chart (1)	38:4	control (1)		
14:19;19:21	37:25,25,25;40:9,13;	30:12	comment (1)	50:25		
breakdown (1)	45:15,19;49:8,9,14;	checklist (1)	51:6	Convenience (4)		
45:20	57:1;3;62:6;63:1,13;	69:25	comments (3)	4:17;5:9,12,15		
breaks (1)	65:20;67:15;68:9	Chevron (1)	35:4;51:8,11	convention (1)		
21:21	CAP (4)	23:3		21:13		
	48:20,23,25;49:3		community (1)			
Drietty (1)	40.20.23.23.49.3	chosen (2)	51:5	conventions (1)		
			14.			
7:17	capacity (1)	26:9;68:10	company (1)	21:10		
briefly (1) 7:17 BRIGHT (2) 6:14,15			company (1) 44:17 compared (2)	21:10 conversation (1)		

MOTOR FOELS CROP	EKGKOUND STORAGE	TANK TRUST		June 8, 20
COOK (2)	26:10;67:2	DEQ (17)	51:21	43:2;47:21;48:14;
6:6,7	Declared (1)	4:14,22,24;5:1,3,5,	documents (1)	68:20
corrective (4)	58:10	17,19,22,24;6:1,3,13;	51:4	enforcement (1)
23:4;48:15,17,19	decrease (2)	21:13;41:20;51:1,10	dollars (12)	71:5
cost (13)	32:14,16	describe (1)	8:15,25;11:25;13:13;	Engineering (1)
11:18;13:6;21:19;	decreased (1)	13:22	23:22;24:1;25:10,16;	4:19
25:24;27:24;28:14;	34:8	description (1)	27:25;32:15;37:4;50:5	
30:15,16;31:4;48:18,	decreases (1)	36:6	done (10)	58:25
21;49:2;50:25	34:13	desk (1)	9:25;10:8;11:15;	ensure (1)
costs (19)	deductible (2)	27:24	22:12;31:13;35:14;	67:7
11:7;12:3,19;13:10;	66:11,25	detail (2)	43:1;52:8;60:20;68:23	
20:16;24:5;27:23;28:9;		7:20;9:17	doubled (1)	44:17;52:16
29:20,21;30:4;34:5,6;	68:25	detailed (3)	55:11	entire (2)
36:15;38:23;44:21;	deficiencies (1)	9:24;10:1,2	down (4)	13:23;14:2
46:6;49:2,23	48:4	details (1)	12:12;21:21;30:13;	entities (1)
count (2)	define (1)	41:23	67:16	36:19
20:10,16	13:22	detection (1)	Dr (2)	entitled (1)
couple (2)	defined (1)	69:9	9:20;64:21	47:15
34:6;55:24	76:4	determination (1)	draft(2)	Environmental (15)
court (5)	DELAFOSSE (90)	48:9	51:3,12	6:15;20:11,19,20,24;
26:4,7;44:21;76:2,13	5:4,5;7:12;13:17,24;	determinations (1)	Due (4)	34:1,3;36:3,5,6,14,17
cover (2)	14:3,13,25;15:24;16:5,	48:12	41:25;42:9,10;76:9	22;50:3,6
34:2,4	19;17:11,15,21;18:13,	determine (2)	During (6)	EPA (8)
credit (4)	19,23;19:4,23;20:6;	52:8;67:5	47:19,25;48:2;50:16,	19:12;21:12;28:15;
41:25;42:2,7,17	24:18,23;25:2,8,14;	determined (4)	20;51:20	29:5,8,11,22;32:22
critical (1)	26:6,17,25;27:4,12;	42:20;49:1,18,21	Durwood (1)	error (1)
59:11	28:8;30:20,25;35:13,	difference (1)	6:13	42:1
cumulative (1)	19,25;36:12,23;37:5,	67:12		escrow (1)
32:14	12,18;38:13,18;39:2,6,		E	8:24
current (10)	10,16,22;40:6,10,15,	8:12;33:3;44:19;		especially (1)
12:19;42:3;47:17;	19,23;41:2,6,10,15;	60:24;61:11	earlier (1)	55:1
49:3;52:11;53:1,3,9;	46:8,13,18,24;54:25;	direct (2)	45:19	essence (1)
62:4;67:18	55:21;57:5;58:9:59:4,	28:21;29:21	earmarked (3)	70:12
currently (3)	17;60:2,11,16;63:12,	disbursements (2)	53:23;54:21;59:22	estimate (2)
51:10;53:16,24 Cy (3)	23;64:4,12,17;65:9,25;		earned (1)	37:25;50:4
4:22;41:20;43:15	66:21;67:23;68:8; 69:11,19;71:3,8,18,22;	discourse (1) 76:10	53:10	estimated (6)
Cy's (1)	73:24;74:4,9,17	discuss (3)	EDMS (2) 49:13;51:22	9:2;48:17,21;50:9,
47:6	delays (1)	10:7;67:4;68:5	effective (1)	11;53:2
47.0	55:22	discussed (10)	51:17	estimates (2) 32:4;53:22
, <b>D</b>	Denise (2)	11:19;28:10;30:8;	EFFERSON (6)	estimating (1)
	9:25;30:8	33:17;34:24;51:20;	5:21,22;69:1,6,14,22	53:4
Dallas (1)	denoted (1)	60:5,8,10;64:13	eight (2)	et (1)
21:12	76:19	discussion (3)	8:17;18:25	22:8
dangerous (1)	dental (1)	54:2;63:7;67:2	either (4)	ETF (5)
56:18	12:25	distracted (1)	10:12;18:11;29:12;	9:4,4;33:11;35:18,23
DANIELS (2)	department (12)	74:18	68:4	evaluated (1)
5:18,19	14:20;15:5,6,23;	distribution (1)	eligibility (2)	68:21
dashes (2)	29:18,19;42:12;52:2,4,	37:10	49:24;69:5	evaluation (1)
76:10,14	24;61:3,14	divide (1)	eligible (2)	69:5
date (4)	departments (1)	28:20	49:18;50:20	even (1)
42:9,25;45:7,8	14:19	Division (12)	else (1)	38:3
daytime (1)	department's (1)	5:24;13:23;15:10,12,	54:22	everybody (4)
21:7	36:15	14,17,18,20;16:7,16,	employee (4)	4:3,7;26:18;48:9
DC (1)	depending (3)	21;31:19	12:8,19;13:7;21:12	Exactly (1)
21:10	31:18;61:8;69:18	divisions (1)	Employees (8)	16:9
dead (1)	depends (8)	21:25	12:10;13:2,3;14:22;	example (5)
38:3	20:2;32:7;59:3,5,8,	document (6)	20:7;21:11,11;27:20	23:19;27:15;28:23;
debt (2)	10;69:7,12	49:13;50:25;51:3,3,	encourage (1)	29:8,16
46:20;47:2	deposited (1)	9,15	8:4	Excel (1)
decide (1)	35:18	documentation (1)	end (12)	52:17
68:3	depth (1)	29:10	10:4,12,16;13:13;	exception (1)
decided (2)	11:20	documented (1)	21:17;23:25;24:7,9;	14:16

June 8, 2017		MOTOR FU	ELS UNDERGROUND S	STORAGE TANK TRUS
excess (1)	fees (17)	73:23	48:8,14,22;49:3,16,18,	
54:7	11:16;22:18,19;23:9;	formerly (1)	25;50:1,3,3,6,7,15,19,	
executive (8)	24:15,16,19;25:22;	64:6	25;52:4;53:2,7,11;	H
62:24;65:15,21;72:7,	31:9,18,24;36:18,18;	forth (1)		
10,17,23;73:6	37:10;45:20;46:3,15	74:3	54:7,11;57:3,17,21;	hair (1)
expect (1)			59:16;69:22	7:15
32:5	felt (1) 26:14	forward (2)	funded (1)	half (7)
		33:9;34:23	32:23	10:14;11:6;22:25;
expended (2) 24:6;38:22	few (3)	forwarded (1)	funding (3)	23:1;30:9,23;34:17
	51:8;52:23;59:12	42:12	19:12;58:24;59:14	hand (1)
expenditure (1)	field (1)	found (2)	funds (1)	32:17
23:8	21:7	43:22;57:2	53:19	handles (1)
expenditures (13)	fifth (1)	four (9)	further (1)	69:22
7:21;9:4;10:22;11:2;	60:17	11:8;18:24;25:15;	74:21	handling (1)
21:3;23:20;28:21,22;	figure (2)	34:14;39:20;41:21;	future (5)	67:8
31:8,20;33:22;34:2;	29:14;38:7	42:19;44:15;45:16	12:17;51:23;54:1;	handout (2)
61:1	file (3)	Fourteen (1)	58:1;67:4	48:5,10
expense (1)	42:4;44:22;45:11	20:12		happen (2)
22:16	fill (1)	fourth (1)	G	38:9;65:2
expenses (5)	60:6	45:10	<u> </u>	
12:22;21:24;22:18,	final (9)	Fran (2)	gain (2)	happy (1)
23;33:20	10:7;23:20;28:18;	6:3;28:13	52:18,21	28:7
expensive (1)	38:19;42:15,23;46:25;	Frank (2)	Galvez (1)	hardcoded (4)
12:5	51:12,14	4:8;5:11	27:16	13:4,20,21;14:10
explains (1)				HAZWOPER (1)
	Financial (11)	FRANKLIN (2)	Gary (1)	21:14
69:24	5:5;6:1,3;7:10,23;	6:12,13	4:14	head (2)
explanation (1)	9:23;16:7;56:15;63:9;	free (4)	Gary's (2)	15:6;25:4
51:11	64:9;66:9	8:9;70:24;71:7,16	14:5;16:21	health (1)
exponential (1)	find (1)	frequency (1)	general (8)	12:23
28:5	27:7	35:3	11:13;22:18,19;23:6;	hear (4)
	finding (2)	fresher (1)	24:10,10;33:13;38:23	6:18;66:10;72:15;
$\mathbf{F}$	44:1,2	40:18	general's (2)	74:22
	findings (1)	front (2)	8:24;23:14	heard (2)
facility (1)	44:4	29:19;49:5	gets (1)	32:24,24
29:16	fine-tuned (1)	fuel (21)	35:17	heart (1)
factors (1)	60:18	9:3;10:22;13:23;	given (1)	64:22
61:7	first (9)	14:15;16:2,6;20:9;	56:18	
fair (1)	10:6;41:22;44:16;	30:5;34:1;35:20;36:13;	goes (5)	help (1)
26:14	47:15;49:10;56:17;	41:23;47:16;48:8;50:2,	7:20;36:21;45:24;	55:15
fairly (2)	59:12;66:13,15	6;52:4,11;53:10,12,14	59:14;60:22	helpful (1)
22:10;55:14	fiscal (23)	fuels (3)	Good (7)	70:3
FALKE (2)	10:7;23:8,19;28:17,	13:5,21,22		helps (1)
6:2,3	18;29:8;30:6,11;31:14,	full (4)	4:3,5,7;8:21;31:1;	13:2
		, ,	41:18;47:13	hereby (1)
familiar (1)	25;32:14,18;33:3,4;	29:22;33:16,21;43:8	grant (3)	76:7
31:16	37:14;38:20;43:2;	FULTON (48)	19:20,21;20:3	here's (1)
far (10)	47:18;48:2;50:17,20;	4:13,14;14:21;15:2,	grants (5)	33:10
18:7;22:13;25:10,23;	52:1;64:24	8,13,19;17:3,9,18,23;	19:14,16;32:13,18;	high (5)
31:18;32:16;52:14;	five (10)	18:5,16,21;19:1,7,11,	33:8	7:18;12:3;32:6,20;
55:7;58:8;69:4	11:8;19:24;20:1;	15,19,25;36:9;55:19,	great (4)	39:11
favor (6)	34:13;47:10,14;50:1,8;	25;56:11,22;57:8,13,	8:8;35:5;70:8;74:16	highest (1)
6:23;7:6;66:19;	69:10,15	22;58:2,7,11,16;59:2,9,	Group (7)	56:17
72:21;73:13;75:3	flexible (1)	19,25;60:9,14;63:10,	12:23;13:5,10;20:23;	highly (1)
February (2)	10:19	18,25;64:10;65:23;	51:1;67:5;71:1	23:24
4:11;6:19	floor (1)	66:3,12;72:12,16;	guess (15)	
ederal (6)	27:18	74:25	7:17;8:18;9:2,15,25;	HILL (69)
cuciaitoi		function (1)	10:5;21:22;25:3,9;	4:2,6,15,16;6:16,22;
	folks (3)		10.3,21.22,23.3,7,	7:1,5,8;26:15,20;27:2,
32:13,23;33:3,8,8;	folks (3)			
32:13,23;33:3,8,8; 76:4	9:12;20:15;29:3	31:19	26:9;28:12;39:23;55:4;	10;35:7;39:18;40:3,8,
32:13,23;33:3,8,8; 76:4 (ee (6)	9:12;20:15;29:3 follow (2)	31:19 Fund (59)	26:9;28:12;39:23;55:4; 65:2;67:2	10;35:7;39:18;40:3,8, 12,17,21,25;41:4,8,13,
32:13,23;33:3,8,8; 76:4 fee (6) 16:14;18:14;31:15;	9:12;20:15;29:3 follow (2) 40:13;71:16	31:19 Fund (59) 4:24;5:3,22;6:13;8:4,	26:9;28:12;39:23;55:4; 65:2;67:2 guidance (2)	10;35:7;39:18;40:3,8, 12,17,21,25;41:4,8,13,
32:13,23;33:3,8,8; 76:4 (ee (6) 16:14;18:14;31:15; 37:4;46:9;70:25	9:12;20:15;29:3 follow (2) 40:13;71:16 followed (1)	31:19 Fund (59) 4:24;5:3,22;6:13;8:4, 19;9:1;10:22;11:7;	26:9;28:12;39:23;55:4; 65:2;67:2 guidance (2) 50:25;51:14	10;35:7;39:18;40:3,8, 12,17,21,25;41:4,8,13, 17;47:5,9;56:20;58:21;
32:13,23;33:3,8,8; 76:4 fee (6) 16:14;18:14;31:15; 37:4;46:9;70:25 feedback (2)	9:12;20:15;29:3 follow (2) 40:13;71:16 followed (1) 63:3	31:19 Fund (59) 4:24;5:3,22;6:13;8:4, 19;9:1;10:22;11:7; 16:2,4,6,11,14;17:1;	26:9;28:12;39:23;55:4; 65:2;67:2 guidance (2) 50:25;51:14 guidelines (1)	10;35:7;39:18;40:3,8, 12,17,21,25;41:4,8,13, 17;47:5,9;56:20;58:21; 59:7;61:15,18,24;62:9,
32:13,23;33:3,8,8; 76:4 fee (6) 16:14;18:14;31:15; 37:4;46:9;70:25 feedback (2) 41:3;52:6	9:12;20:15;29:3 follow (2) 40:13;71:16 followed (1) 63:3 following (1)	31:19 Fund (59) 4:24;5:3,22;6:13;8:4, 19;9:1;10:22;11:7; 16:2,4,6,11,14;17:1; 20:9;25:1;30:5,6;34:1,	26:9;28:12;39:23;55:4; 65:2;67:2 guidance (2) 50:25;51:14 guidelines (1) 56:14	10;35:7;39:18;40:3,8, 12,17,21,25;41:4,8,13, 17;47:5,9;56:20;58:21; 59:7;61:15,18,24;62:9, 17,22;63:4,14,21;64:2,
32:13,23;33:3,8,8; 76:4 fee (6) 16:14;18:14;31:15; 37:4;46:9;70:25 feedback (2)	9:12;20:15;29:3 follow (2) 40:13;71:16 followed (1) 63:3	31:19 Fund (59) 4:24;5:3,22;6:13;8:4, 19;9:1;10:22;11:7; 16:2,4,6,11,14;17:1;	26:9;28:12;39:23;55:4; 65:2;67:2 guidance (2) 50:25;51:14 guidelines (1)	10;35:7;39:18;40:3,8, 12,17,21,25;41:4,8,13, 17;47:5,9;56:20;58:21; 59:7;61:15,18,24;62:9,

MOTOR FUELS UNDE	RGROUND STORAGE	TANK TRUST	1	June 8, 2017
25.72.2 0 14 20.72.1 9	20.0	17.22.72.6	1.1.(2)	1:-4.60
25;72:3,9,14,20;73:1,8,		17,23;73:6	lab (3)	list (6)
12,15;74:13,20;75:2,5	in-compliance (1)	investigation (1)	22:7,13;23:1	23:15;43:4,5;44:16;
hiring (1)	63:8	23:2	Lacey (2)	48:12;57:10
60:6	Incorporated (1)	invoice (1)	6:1;28:12	lists (1)
historically (2)	4:20	42:8	lagging (1)	50:15
9:24;12:7	incorrect (1)	involved (1)	31:19	litigation (2)
history (2)	45:9	29:18	Lagov (1)	23:10;26:19
29:6;33:10	increase (3)	ISAACKS (2)	56:4	little (9)
hit (1)	31:23,25;50:11	5:13,14	largest (1)	9:21,23;12:12;22:1,
55:10	increased (2)	issue (4)	11:3	4;28:13;31:22;34:20;
holders (1)	34:7,10			40:18
52:12		52:7;53:1;69:13;	LASERS (2)	
	increases (4)	70:14	12:10,11	LOMA (1)
hope (2)	31:17;34:15,19,21	issues (1)	last (16)	70:22
11:15;61:3	indicate (1)	66:11	7:13;9:14;12:11;	LOMCSA (1)
hopefully (4)	76:11	item (3)	28:18;30:14;31:15;	21:13
8:7;9:10;24:2;55:24	indicated (5)	66:8;72:1;73:20	37:7,20;43:3;44:24;	look (5)
hopes (1)	66:20;72:22;73:14;	its' (1)	50:11,14;52:24;55:5;	9:9;12:13;33:1;
57:25	75:4;76:15	9:4	62:20;65:2	38:19;48:11
hoping (2)	indicted (1)	*	later (2)	*looking (2)
51:16;52:19	7:7	J '	11:20;26:24	7:22;47:14
house (1)	indirect (6)		layman's (1)	looks (1)
65:15	11:18;28:9,14;30:4,	January (1)	36:6	32:11
human (1)	10;34:17	28:16	leaders (1)	Lori (2)
42:1				
- 4Z:1 -	inflammatory (1)	Jason (4)	14:8	76:2,21
<b>T</b>	61:10	5:22;68:25;69:21,22	leaking (11)	lot (11)
I	inflow/outflow (1)	Jeff (9)	15:16;16:10,13,22;	9:17;20:11;21:7;
	38:2	5:3;8:6;10:20;24:3;	17:1,6,14;36:7;56:9;	32:24,25,25;39:7;41:5;
idea (5)	inflows (3)	27:23;30:7;47:11;60:4;	58:14,17	55:15;67:1;69:8
61:11;70:5,6,8,10	38:16,19;39:3	61:19	leaks (2)	lots (3)
identified (3)	information (14)	Jeff's (2)	17:22;57:2	32:21;34:25;60:23
57:12,14;58:6	7:25;8:2,3,11,12;	14:6;15:25	leave (1)	Louisiana (7)
identify (1)	11:20;20:17;25:5;	Jill (4)	65:14	4:16;5:8,11,14;
59:11	28:19;41:12,18;51:19;	5:1;25:3;61:23,23	led (1)	12:10;76:3,6
III's (3)	52:13,16	job (4)	56:2	lowest (1)
20:12,19,24	informed (2)	8:8;20:8,13,15	left (5)	31:23
II's (1)	44:9;62:2			lust (1)
		Jones (1)	27:9,11,13;55:9;	
20:21	inspection (1)	6:15	76:16	37:4
implemented (1)	22:7	judgment (4)	Legal (7)	3.4
52:9	inspections (4)	44:16,20;46:22,25	5:1;11:16;26:3;	M
important (1)	17:22;21:6;22:24,25	July (4)	28:22;42:12;45:16;	
31:6	instead (6)	10:5;20:21;51:17;	46:3	magnitude (1)
in- (2)	16:15;21:2;28:4;	64:24	legally (1)	61:2
64:8;67:15	29:2;32:2,5	June (1)	44:15	main (1)
inability (1)	insurance (4)	42:10	legislation (1)	22:16
56:15	12:24,25,25;18:12		9:19	majority (2)
inactive (3)	intended (1)	K	less (2)	12:20;31:13
53:6;54:12;59:24	36:16		24:22;32:9	makes (1)
	interaction (1)	Vorum (1)	letter (2)	38:6
76:19		Karyn (1)		
	76:9	9:24	44:1,3	making (1)
	interagency (4)	keep (1)	level (2)	16:17
18:2	23:13;27:14,22;28:4	40:18	7:18;67:18	manage (1)
	interest (19)	Kerry (1)	levels (1)	8:6
50:21	8:2;26:11;46:3;	4:16	9:11	management (2)
include (3)	50:22;51:24;53:10,16,	kind (13)	liability (2)	28:1;49:13
49:9;53:21;74:12	21;54:6,10;55:2,6,10,	12:16;20:18;21:1;	12:6;48:16	mandatary (1)
included (7)	11;56:8;57:18;59:18,	24:9;25:23;28:19,19;	lien (1)	18:10
10:21;30:16;33:13;	22;68:3	32:7;33:7;34:23;35:3;	4	many (8)
	interrupt (1)	40:9;55:3	life (1)	26:16,22;27:20;37:4;
includes (3)	41:16	knows (1)	12:24	57:6;58:25;60:12;
				61:11
	into (15)	12:13	likely (2)	
inclusion (1)	9:17;16:11;24:22;	Y		MARCELLO (55)
52:3	25:1;52:17;59:8;62:23;	L	line (1)	4:4;5:10,11;6:20;
inclusive (1)	65:15,21;70:1;72:7,10,		45:25	13:15,19;14:1,11,18,

June 8, 2017		MOTOR F	UELS UNDERGROUND	STORAGE TANK TRUST
23;15:4,11,15,21;16:3,	0.5.11.25.12.12.12.20			
8,24;17:5,13,25;18:8;			55:2	ongoing (1)
	23:22,24;24:1;25:10,	51:10	notified (2)	23:10
19:9,13,17;20:4;24:13,	, , , , , , , , , , , , , , , , , , , ,	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	43:21,24	only (7)
21,25;26:1;27:8;30:18,	19;37:7,17,21;38:6,8,	35:18	number (13)	10:12;26:2;27:9;
22;35:10,15,22;36:4;	24	much (1)	7:10;21:21;30:23;	37:21;43:21;51:8;55:8
37:2,24;38:15,25;39:4,		10:18	33:12;39:20;43:21;	open (1)
8,14;45:23;47:3;57:11;	24:4;40:22	multiplied (2)	47:10;50:18;61:20;	41:23
58:4,13,19;62:11,19;	minor (2)	30:24;31:2	63:5,6;66:8;68:21	
70:7,11;73:4;74:23	14:15;51:8	multiply (1)	numbers (9)	Operating (3)
March (6)	minuscule (1)	50:7	28:18;47:17;49:7,10,	21:18;22:3;36:15
31:12;32:2;44:17,25;	11:9	30.7		operator (1)
47:21;48:14	minutes (3)	N	12;53:5,8,18,21	22:22
Marketers (4)	4:11;6:19;51:20	14	numerous (1)	order (4)
4:16;5:9,12,15	miscalculation (1)	(1)	52:7	24:1;29:7;37:8;73:3
material (1)	42:1	name (1)		ordinary (2)
76:18		7:14	0	73:6,9
	miscellaneous (1)	names (2)		organization (1)
maximum (1)	11:12	6:10;76:17	objective (1)	52:5
23:16	missing (2)	Natalie (1)	53:4	original (1)
may (12)	35:1,4	5:14	obligate (2)	10:2
8:1,3;16:21;23:24;	modification (2)	national (1)	53:19;54:10	OTM (1)
26:21;41:7,24;45:6;	51:11;63:8	52:5	obligated (1)	28:2
55:1;61:7;67:3;70:5	money (15)	necessarily (2)	50:9	ought (1)
maybe (6)	8:22;24:5,6,22;	58:14,17	obligation (9)	
7:24;25:11;32:6;	37:15;38:5,10;53:10,	necessary (5)	48:9,13,22;49:16;	70:15
60:21;61:12;70:22	16;54:11;56:8;57:18,	21:8,25;22:6;29:4;		our's (1)
mean (7)	20;58:1;59:22	60:3	50:2,8;53:2,22;60:18	14:16
16:22;25:16,19;	monies (2)	need (7)	October (2)	out (19)
46:14;48:24;61:10;	38:1;56:12		33:6;45:4	14:20;23:11;24:16,
63:13	month (6)	8:11;21:5;35:11;	odds (1)	19;26:22;27:7;32:1;
meaning (1)		61:6,12;62:7;72:7	26:10	34:13;52:15,16;55:23;
38:12	27:25;42:1,25;49:14;	needs (2)	ODR-(9)	57:20;59:15,16;67:17;
means (2)	53:5;56:3	52:22;70:24	44:22;45:1,4,12,13,	70:17,19;73:5;76:16
14:10;34:8	monthly (2)	neighborhood (1)	14,24;46:9;47:2	outflows (2)
	48:8;53:21	25:11	off (3)	38:16,20
Medicare (1)	more (13)	net (2)	7:9;25:4;54:11	outlines (1)
13:8	7:20;8:1,3,11;9:17,	33:11;39:3	Office (6)	33:24
meeting (14)	24;11:19;23:25;25:18;	new (3)	5:19;10:24;22:5;	outside (2)
7:13,15,19;9:19;	26:22;34:20;38:10;	32:23;43:3;62:3	23:14;28:1;55:22	14:16;16:22
10:5;43:3;49:15;62:21;	74:11	next (15)	officer (1)	outstanding (2)
65:2;72:25;73:2,18;	MORIN (14)	7:16;10:20;12:13;	76:4	45:17;48:16
74:22;75:7	4:21,22;41:19,20;	13:4;27:14;31:5;32:2;	official (1)	over (13)
meetings (3)	43:12,16,23;44:8,12;	43:13;48:22;49:16;	64:7	7:17;9:8;11:6;25:9;
51:21;52:20;60:13	46:5,11,16,21;47:1	51:16;52:22;55:24;	officially (1)	28:17;32:15;34:5,6;
Melissa (1)	morning (1)	67:24;71:24	64:6	
4:24	4:3	NFA'd (1)	off-the-record (1)	42:6;50:11;51:7;55:7;
members (4)	most (4)	50:16	63:3	68:21
40:14;51:6,19;70:23	56:17,17;59:11;	Nicholas (1)		overall (1)
mentioned (1)	60:22	5:8	Oil (4)	25:24
45:19	motion (12)		4:16;5:8,11,14	overhead (7)
met (1)	6:18;66:4,7,10,13,13,	Nick (1)	once (8)	11:18;28:22,23;29:2,
7:14	15.72.12 15 17.72.5	66:19	10:13,13,14;11:4,14;	3,22;30:4
method (3)	15;72:13,15,17;73:5;	non (1)	38:8,9;59:5	Overland (2)
	74:22	70:14	one (37)	76:2,21.
53:3,4;76:13	motor (24)	noncompliance (7)	10:6,6,10;18:20;	overnight (1)
methodologies (1)	9:3;10:22;13:5,21,	66:25;67:7,13,20;	19:22,24;20:1,1;21:4,	21:8
60:25	22,23;14:15;16:2,6;	68:7;70:16,23	12;22:1;23:22;24:1;	overpayment (1)
methodology (1)	20:8;30:5;33:25;35:20;	non-detection (1)	28:5;29:1,2;30:15;	42:7
67:6	36:13;41:23;47:16;	69:10	31:6;32:19;35:11;	overs (1)
might (5)	48:8;50:2,6;52:4,11;	normal (1)	41:24;42:1,8,16,20;	76:12
20:20;27:5;32:8,9;	53:10,12,14	53:22	43:7,15,19;44:25;	overseeing (1)
		note (4)	45:13;53:20;55:9;	14:9
MILAM (2)				
(-)	24:11,11.12:39:23	45.8 8.50.13 14	60.17.60.90.70.71.	OWNOR (1)
6:4,5	24:11,11,12;39:23; 73:5	45:8,8;50:13,14 notes (1)	60:17;69:8,9;70:21;	owner (1)
6:4,5	73:5	notes (1)	73:20	43:20
6:4,5	73:5 moved (2)			

MOTOR FUELS UND	ERGROUND STORAGE	TANK TRUST		June 8, 201
owner's (3)	11:3,11;12:8,12,20;	possible (2)	33:25;44:23;45:2;	7:16,24;8:13;11:22,
63:8;64:9;66:9	13:9;24:6;25:17;29:9,	67:8;73:22	47:23;56:2	23;21:16;47:18,19;
owns (1)	24;30:12;31:17,23;	posted (4)	processed (1)	48:2;49:8;55:9
27:17	34:15	51:15,22;56:4,5	48:1	quarterly (1)
P	Perfect (1) 74:16	potential (4) 42:16;48:13;50:18;	Procurement (1) 55:23	10:2 quarters (1)
package (1) 31:15 packet (3) 50:14;74:12,14	performed (1) 43:25 perhaps (2) 9:22;10:1 period (3)	63:7 potentially (3) 42:17,22;53:7 power (1) 7:19	products (1) 13:1 Professional (2) 22:9,12 Program (15)	10:14 quarter's (1) 50:11 questionnaire (1) 52:10
packets (2)	47:25;51:6,7	PPM (2)	14:2;17:4,8;18:3,4;	R
47:14;48:7	permanent (2)	6:5,7	22:11;28:21;30:6,17;	
page (7) 41:22;43:10,13; 44:14;47:15;50:14; 51:16 paid (6) 12:8;22:20;23:11;	11:14;74:11 permit (2) 36:18,18 permits (2) 36:25;37:1 permittees (1),1	precludes (1) 67:17 predictable (1) 31:10 predominant (1) 36:17	31:5,7,21;32:13;33:22; 68:4 programs (2) 29:14;52:10 program's (1) 34:5	RAC (2) 48:20;51:5 raise (1) 20:25 ranking (1)
27:21;36:16;43:8	36:25	predominantly (2)	progress (2)	56:16
papers (1)	Perry (5)	14:5;37:19	42:19;50:24	rate (8)
74:19	26:21;60:5;62:2;	predominately (1)	progression (1)	25:20;27:18;29:6,9,
part (4)	65:4;72:4	12:24	20:23	23;30:10,23;34:17
33:14;46:19,20,25	Perry's (1)	prepared (1)	project_(2)	rates (1)
participate (1)	61:20	44:23	11:24;60:25	55:4
13:5	person's (1)	present (2)	projected (3)	rather (2)
particulars (1)	12:15	33:12;41:11	9:3;37:3;50:1	28:25;29:1
16:12	pertaining (1)	presentation (10)	projection (3)	reach (1)
parties (1)	73:17	7:20;9:16,18,23;	9:6;21:21,23	48:18
26:14	phase (2)	10:1;11:20;35:2;39:25;	projections (1)	reads (1)
party (2)	42:21;48:16	67:1;69:24	9:13	67:14
62:3;72:5	phone (5)	pretty (6)	proper (1)	ready (2)
pass (1)	6:9,11;28:7;65:16;	9:6,12;31:10,10,10;	76:13	45:1,11
31:15	72:4	56:6	property (2)	really (3)
past (6)	phrase (1)	prevent (1)	53:13;57:19	33:2;59:3;62:13
10:14;11:17;12:16;	76:19	17:22	proposal (1)	recalculated (1)
34:6,14,22	phrases (1)	prevention (2)	28:14	12:9
pauses (1)	76:15	19:20;36:10	propose (1)	recall (1)
76:11	piece (1)	previous (1)	23:17	9:20
pay (11)	34:9	21:2	provide (1)	receipts (2)
12:16,17;13:2,8;	plan (1)	previously (2)	49:14	8:16;37:13
20:24;26:13,13;27:16,	48:17	33:17;63:20	pull (1)	receive (1)
25;32:8;56:15	planned (1)	printout (1)	59:6	73:22
paying (2)	42:24	73:23	punitive (1)	received (6)
9:12;12:21	please (3)	prior (3)	70:25	42:11;45:5;47:20;
payment (3) 42:3;44:25;48:1 payments (3) 9:9;42:5;45:6	10:20;35:12;41:21 plus (3) 8:22;24:15;29:22	18:1,4,9 Prioritize (2) 56:21,23	purpose (8) 19:6;53:20,23;54:12, 21;57:17,19;59:23	51:8;52:7,14 recently (1) 52:10
9.9,42.3,43.6	PM (1)	probably (5)	purposes (1)	recognized (2)
pays (1)	75:7	38:2,9,11,16;62:18	67:14	48:23;49:17
29:19	point (13)	problem (3)	pursue (1)	recommendation (7)
penalty (1)	7:19;9:7;16:17;	16:15;43:22;65:14	68:1	53:25;64:8,19,22,23;
46:3	18:20;19:22,24;20:1,1;	problems (1)	pursued (1)	66:22;68:12
Pending (2)	21:1;32:19;33:2;51:24;	59:5	44:15	recommendations (1)
42:15;47:22	52:24	procedural (1)	put (4)	64:21
people (11)	points (1)	43:19	6:10;7:19;57:19;	recommending (1)
6:9;14:4, <b>5,6;29</b> :1,2,	50:22	Procedure (2)	61:9	64:7 reconvened (1) 72:25
25;31:4;32:7;67:9;	policy (1)	76:5,6	puzzle (1)	
74:18	10:25	proceeding (2)	34:9	
per (5)	portion (3)	76:10,14	Q	record (3)
12:8;13:7;27:18;	25:21;42:6;53:7	proceeds (3)		26:2;35:16;76:8
32:2,8	positive (1)	25:25;33:17;38:21		recouping (1)
percent (14)	38:3	process (5)	quarter (11)	57:25

			MOTORFU	ELS UNDERGROUND S	TORAGE TANK TRUST
	reduce (1)	report (10)	reviewed (1)	school (1)	sheet (1)
	67:15	7:10,25;39:21;40:13;	50:19	60:23	49:6
	reducing (3)	41:23;42:21;47:7,11,	revised (1)	scientist (4)	sheets (1)
	64:13;67:17,20	15;73:23	50:24	20:11,19,21,24	74:7
	reduction (3)	Reporter (1)	Rhonda (1)	scope (1)	Sherry (1)
	19:21;42:2;68:4	76:3	6:7	16:22	6:5
	refer (1)	Reporters's (1)	ride (3)	SCR (1)	show (1)
	47:13 reference (3)	76:13	70:24;71:7,16	51:25	73:21
	51:23;74:2;76:18	reporting (1) 10:25	right (29) 15:14;17:4,20,24;	searches (1) 52:8	showed (1)
	referred (2)	represent (4)	18:1;19:8,18;20:5;	Second (11)	73:21 showing (2)
	44:22;45:1	23:9;25:21;42:16;	21:15,16;31:11;32:17;	6:25;7:2,4;28:11;	38:5,6
	regarding (1)	45:16	38:4,17;46:17;57:7,23;	42:9;44:24;66:17,19;	shown (1)
	52:6	Represented (2)	58:12;64:1,16;66:15;	72:19;73:11;75:1	44:21
	Region (1)	8:15;33:23	67:14,24;68:9;71:4,9,	Secretary (7)	shows (2)
	21:12	represents (2)	14,19;72:11	5:20;64:8,20;66:23;	20:12;50:17
	registration (3) 31:9;36:21,24	50:10,21	risk (1)	67:15;68:10;70:15	signed (3)
	regular (2) *	request (2) 49:24;52:15	22:15 ROG (2)	Section (5)	23:14,23;56:3
	31:11;52:1	requested (2)	48:23,24	5:1;16: <b>6</b> ;48:22; 49:16;69:23	significant (5) 23:7,7;55:13,13,14
	regulated (1)	47:23;49:23	Roger (2)	Seems (1)	similar (1)
	36:19	requesting (2)	5:19;6:15	18:17	52:9
	regulations (1)	52:2;53:24	roll (2)	Senate (1)	simple (1)
-	30:2	required (1)	4:9,12	51:25	16:16
	reimburse (1)	21:14	ROMAIN (26)	send (3)	site (13)
	9:4	requirements (1)	5:7,8;36:20;37:9,16;	29:11;32:1,9	14:9;22:14,14;23:2;
	reimbursed (4) 24:5,7;33:16,21	63:9 reserved (1)	43:14,18;44:6,10;54:5,	sent (9)	29:16,17,25;30:1;
	reimbursement (2)	39:25	15,23;56:7;58:23; —59:13;65:3;66:16;	28:15;44:1,3;45:11, —14;47:2;51:5;52:11,16	49:22;56:13,19;57:4; 59:10
	49:19,25	resolution (1)	70:20;71:6,12;72:18;	separate (2)	sites (20)
	related (10)	52:2	73:10,19;74:1,6,15	22:3;23:5	48:15,24;49:3,17,23;
	11:5,21;12:2,3;	response (4)	rough (1)	separately (1)	50:15,16,17,19;54:14;
	13:10;31:2,3;47:6;	43:11;47:8;61:17;	32:4	53:17	55:16;56:17;57:10,14;
	50:2;53:1	72:2	roughly (1)	September (2)	58:5;59:12;64:18;67:7,
	relation (1) 73:20	responses (2) 52:7,15	58:25 Rule (1)	20:21;33:5	9;70:23
	release (1)	responsibility (2)	76:4	Services (10) 5:6;6:1,3;7:10;16:7;	situation (2) 12:6;69:18
	69:9	64:9;66:9	rules (2)	21:18;22:3,9,12,23	six (3)
	reliable (1)	responsible (2)	71:17;76:5	session (12)	20:1;38:23;61:20
	, 9:12	29:17;67:10	rumors (1)	52:1;62:24;65:16,22;	Sixteen (1)
	remaining (1)	responsibly (1)	32:25	67:25;72:8,10,17,23;	42:14
	48:20	63:9	run (2)	73:6,7,9	slide (9)
	remains (2)	resulted (1)	33:4;59:8	set (2)	10:20;13:4;20:7;
	33:7;45:3 remediated (1)	41:24 results (3)	running (1)	27:17;42:25	21:2;23:5;27:14;31:5;
	30:1	7:18;10:7;42:20	21:25	settle (1) 26:9	35:11;73:21 slides (2)
	remediation (7)	retailer (1)	S	settled (1)	8:6,7
	29:15;53:13;54:13;	68:22	2	11:15	slightly (2)
	57:4;59:15,24;60:1	retirement (3)	salaries (5)	settlement (14)	30:14;44:19
	remittal (1)	12:4,10,15	11:4,5,21,22;31:2	24:14,17,20;25:5,17,	small (3)
	42:3	returned (1)	salary (2)	25;26:3;33:16;37:15;	21:5;22:10;23:1
	remitted (1) 44:24	48:4	20:13;21:3	38:1,5,10,21;39:13	smaller (1)
	removal (3)	revenue (2) 55:11,14	Sam (1) 5:24	settlements (5)	39:7
	56:1;59:14,23	revenues (9)	same (5)	8:24;24:7;25:10; 26:5;62:14	snapshot (1) 20:18
	remove (2)	8:2;31:5,7;32:12;	16:18;19:5;45:3,25;	seven (4)	solid (1)
	57:1,3	33:9;34:4,7;36:18;55:2	76:12	63:6,6;66:8;72:1	9:6
	removed (2)	reverse (1)	Sam's (2)	several (2)	somebody (2)
	43:5,6	29:7	67:1;71:1	11:17;34:22	26:23;61:4
	removing (1)	review (11)	save (1)	shall (1)	someone (1)
	54:12	14:6,7;29:11;42:14,	26:18	53:11	46:1
	rent (2) 27:15,16	15,16;51:2;52:3;61:4; 68:23;69:21	saw (1) 60:21	share (2)	sometimes (4)
	27.13,10	00.23,07.21	00.21	68:11;70:2	21:8;25:19;28:24,25

MOTOR FUELS UND
somewhere (1)
20:2 soon (1) 56:6
Sorry (4)
41:16;48:24;68:16; 72:11
sorted (1) 20:10
sorts (1) 60:24
sounds (1) 28:24
source (2) 32:12;55:14
speak (4) 18:6;58:6;61:21;
70:22 specific (2)*
53:19;56:14 spend (1)
23:16 spent (5)
21:15;23:18;25:15; 29:21;57:20
spoke (1) 62:20
spontaneous (1) 76:10
spreadsheet (2) 44:20;52:17
spring (1) 29:5
ST (26) 5:7,8;36:20;37:9,16;
43:14,18;44:6,10;54:5, 15,23;56:7;58:23;
59:13;65:3;66:16; 70:20;71:6,12;72:18;
73:10,19;74:1,6,15 staff (4)
9:10,11;51:1,10 stakeholder (3)
51:1,21;52:20 stand (1)
7:24 start (4)
4:12;7:9;33:5;34:16 started (3)
34:16;42:24;43:1 starting (1)
30:10 state (11)
12:5,10;13:2,2; 27:17;28:3;33:4;52:19;
55:22;76;3,8 estatements (1)
7:23 states (2)
52:6,9 statewide (1)
10:24 status (3)

NVIRONMENTAL QUA ERGROUND STORAGE
39:21;45:3;47:11 statute (4) 33:23;67:14,17,21
statutes (4) 53:9,19;54:9,10
stay (2) 7:15;46:19
Steve (1) 4:19
still (8) 18:14;31:15;34:20;
42:19;44:14;55:9; 59:18;70:24 stop (2)
8:5,9 stopped (1)
38:2 storage (17)
15:9,16,17,20;16:10, 13,14,16;17:2,7,8,14;
20:9;30:5;35:20;53:12
Store (4) 4:17;5:9,12,15 structured (1)
32:22 subcategory (1)
22:2 subdivide (1)
11:2 subdivides (1)
21:22 submit (1)
28:15 submitted (2) 49:19,24
substantial (2) 11:16;71:14
substantially (1) 9:8
subtle (1) 34:20
subtracted (1) 33:20
sufficient (1) 34:4 suggested (1)
9:22 suggestion (1)
10:3 Supplies (3)
22:1,5,7 supporting (1)
51:4 suppose (1)
48:6 sure (9)
27:7;33:2;39:17; 40:24;41:16;67:9; 70:10;71:23;74:5
sworn (1) 76:7
system (4)

	ANK TRUST
	12:4,11;49:13;51:22
1	T
	tab (2) 41:21;47:14
	table (1) 67:3
-	tacked (1)
	46:4 tackle (1)
-	70:16 talk (4)
	54:2;62:7;67:20; 76:12
	talked (2) 61:2;65:1
	talks (2) 26:3;32:21
1	tank (29) 15:9,17,18,20;16:10,
	14,14,16;17:7,8;18:3; 20:9;22:21;30:6;31:8,
	21;32:2,9;35:20;36:21, 24;53:7,10;56:1,9,19;
t	57:1;59:6;69:15 anks (9)
	17:2,14;18:11;53:12, 15;54:13;56:10;57:3,6
	ax (1) 46:2
	eam (1) 14:8
t	elecommunications (1) 28:1
t	elephone (2) 27:22,23
te	en (6) 12:20;31:23;37:17,
te	19;38:5,6 erm (1)
te	13:20 estimony (1)
	76:7 ests (1)
T	60:23 hat'd (1)
	70:8 heresa (4)
	5:5;7:11;35:8;39:19 ninking (2)
	7:22;45:25 aird (11)
	7:23;8:13;11:22,23; 21:16;34:9;37:14;45:4;
th	47:18;62:3;72:5 ough (1)
	68:20 ought (5)
	25:23;35:1,14;63:22; 76:12
th	ree (18)

		27:1;33:18,19;34:1	3
_	-	18;42:14;43:3,4,6;	٥,
		45:14;49:1,21;50:4	
_	-	69:10;73:21	,
		throughout (1)	
		60:19	
		thrown (1)	
		54:22	
		Thus (3)	
		50:8;51:10;52:14	
		tick (2)	
		37:23;55:3	
		ticketed (1)	
		71:1	
		tightness (1) 69:15	
		title (3)	
		20:8,13,15	
		today (3)	
	4	8:7;41:3;73:18	
		together (4)	
;		7:19;13:12;28:13;	
,		68:2	
1,	1	tools (1)	
;		22:8	
		top (2)	
		25:4;46:4	
_		topic (1)	
6	1	31:6	
	1	topics (1) 51:20	
	1	total (22)	
	1	8:3,15;11:4,6,10,24;	
)	1	12:14,16;14:24;20:1	6:
,	1	21:3,23;25:22;32:17	. '
	1	45:16;46:20;48:19;	
	1	49:20;50:8,9;53:18;	
		54:20	
	1	totaling (4)	
		42:6;47:20,24;48:2	
	1	towards (1)	
	1	50:24	
	1	toxicology (1) 22:15	
	1	tracked (1)	
		53:17	
	1	traditionally (1)	
		33:11	
	1	training (3)	
		21:4,14;22:22	
	t	transcript (1)	
	١.	76:16	
	t	transcription (1) 76:14	
		76:14 transfer (10)	
,	1	9:3;27:22;28:4;	
		33:11,25;34:9,10;	
		37:15;39:13;50:3	
	t	ransferred (4)	
		35:23;36:1,2;50:5	
	t	ransfers (2)	
		27:15;38:21	
	T	Travel (3)	

50	June 8, 201
	21:4,6,7
	treasury (1)
	55:4
	trickling (1)
	31:14
	trouble (2)
	26:18;41:5
	Trust (44)
	4:24;5:3,22;6:13;
	10:22;16:2,4,6;20:9;
	30:5,6;34:1,1,3;35:21;
7	36:3,5,7,13,14,17;
	47:11,16,19,22;48:8,
	13;49:3,18;50:2,3,6,7,
	15,19,24;52:4;53:2,11;
	54:7,11;57:17;59:16;
	69:22
	try (1)
	10:17*
1	trying (1)
	59:11
1	tuned (1)
1	7:15
	Turn (3)
	41:20;43:13;48:5
	tweaks (1)
1	41:7
1	two (24)
	6:9;10:14;14:19;
1	18:18,24;20:20;21:10;
1	22:11,11;27:1,5,9,11,
	13;30:13,14;31:3
	34:18;37:21;42:5;43:6;
	44:14;51:6,7
	type (3)
	20:17;28:22;69:12
-	20.17,28.22,07.12
	$\mathbf{U}$
	under (8)
	8:16,17,25;10:15;
	11:25;23:25;32:18;
	42:14
1	underground (16)
1	15.0.16.17.00.16.10

under (8)	
8:16,17,25;10:15;	
11:25;23:25;32:18;	
42:14	
underground (16)	
15:9,16,17,20;16:10	).
13,14,15;17:2,7,8,1	
20:9;30:5;35:20;53:	
Unfortunately (1)	2
12:4	
unfunded (1)	
12:6	
uniforms (1)	
22:8	
universe (1)	
52:19	
Unless (1)	
9:16	+
unobligated (1)	
8:14	
unpaid (1)	
46:2	

7:10;11:25;21:11;

unrelated (1) 42:7

June 8, 2017	The second second second second	MOTORFU	ELS UNDERGROUND S	TORAGE TANK TRUST
up (14)	wash (1)	49:8,14;54:1;55:1;	100 (1)	42:11;45:6;47:18,21;
23:25;27:17;28:7,20;	38:11	62:5,6,7;65:20;66:1;	24:6	48:14;51:18
29:19;30:14;32:6;	water (1)	75:6	102 (1)	2018 (1)
37:22;38:6;55:3;57:19;	37:1	ya'll's (1)	51:25	32:1
63:20;67:9;70:13	way (12)	41:3	106 (1)	215 (1)
update (5)	13:6;25:23;40:9;	year (69)	8:25	47:20
28:19;45:21;50:23;	49:5,12;53:20;65:20;	8:20;9:5,8,14;10:4,8,		
			11,000 (1)	22 (3)
51:25;62:14	67:8,14;70:17,19;74:2	12,15,16;11:23;12:1,	21:17	25:11;48:3;50:21
updates (1)	web (2)	11,14;13:14;21:3,17,	115 (1)	23 (1)
51:2	51:16;52:8	22,23;22:13;23:8,15,	52:15	4:11
upgrade (1)	website (1)	17,18,20,22,23;24:8,9;	12 (1)	23.3 (1)
18:10	56:5	27:18;28:11,12,15,17;	42:10	8:14
upstairs (1)	week (3)	29:5,8;30:6,11;31:14,	12,000 (1)	23rd (1)
62:6	51:6,7,16	16;32:1,14,18;33:3,4;	38:3	6:19
use (3)	weeks (2)	34:12,12;37:7,8,14,20;	13 (1)	24 (1)
29:14,15;30:3	52:23;55:24	38:20;39:12;43:2;	30:11	56:3
used (12)	weighed (1)	47:18;49:1,21;50:1,5,	14 (1)	25 (2)
13:20;28:18;42:7;	26:10	17,20;52:1;55:5,6,7;	20:19	25:16;31:17
* 53:11;54:11,16;56:8, ,	welcome (1)	59:1;61:8;64:24;69:9,	140,000 (1)	26 (2)
12;57:4,17,18;76:11	44:13	15	22:22	8:16;41:24
uses (1)	weren't (2)	years (12)	1434b (1)	26th (1)
50:4	30:2;60:21	11:17;30:13,14;	76:5	45:6
using (3)	what's (8)	33:18,20;34:6,14,14,	149 (1)	272 (1)
49:1,21;52:17	7:16;15:6,7;20:22;	22;50:8;60:19;68:21	47:22	47:25
UST (6)				
	23:12;44:19;61:8;67:5	year's (1)	14th (1)	28 (2)
5:24;14:2,5;15:12,	whenever (1)	28:18	45:5	41:23;76:4
14;22:21	8:10	yesterday (1)	15 (1)	2
usually (1)	whichever (1)	51:7	50:17	3
69 <del>:</del> 7	10:6		160 (1)	
*7	whole (8)	Z	52:15	3.3 (1)
V	17:4,6,7;32:24,25,		17 (1)	32:20
	25;46:23;55:5	zero (6)	50:20	3/31 (2)
various (1)	who's (1)	38:17;64:11,14,23;	18 (1)	21:20;22:19
48:12	60:5	66:10;67:16	42:17	3/31/2017 (1)
vast (1)	within (1)	1	19 (2)	9:1
12:20	10.0	0 1,	11:11;49:17	30 (2)
vendor (1)	without (2)		1998 (1)	57:9;58:5
22:24	48:24;49:3	0 (1)	18:9	30.43 (1)
vendors (1)	wonderful (1)	37:3	1st (2)	30:12
22:12	60:6	004 (2)	33:6;64:24	30:2195.4C2 (1)
verified (1)	word (1)	18:20,22	,-	33:24
76:18	28:24	008 (8)	2	30th (1)
version (3)	words (2)	17:1;18:1,4,15,17;		33:5
51:12,13,14	Words (2)	1/.1.10.1.4.13.1/.		
31.12,13,14			2 201 700 (1)	
	76:15,17	35:17;37:3,11	2,291,700 (1)	330,000 (1)
VITTERI (2)	76:15, <b>17</b> work (11)	35:1 <b>7;37:3,</b> 11	11:24	330,000 (1) 55:7
VITTERI (2) 5:25;6:1	76:15,17 work (11) 14:4,9,14;16:20;		11:24 2:20 (1)	330,000 (1) 55:7 35.8 (1)
VITTERI (2) 5:25;6:1 VIZINAT (2)	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13;	35:1 <b>7;37:3</b> ,11 <b>1</b>	11:24 2:20 (1) 75:7	330,000 (1) 55:7 35.8 (1) 12:8
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16	35:17;37:3,11 1 1 (1)	11:24 2:20 (1) 75:7 20 (2)	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1)
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1)	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2)	35:17;37:3,11 1 1 (1) 51:17	11:24 2:20 (1) 75:7 20 (2) 25:10,16	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17	35:17;37:3,11 1 1 (1)	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1)	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1)
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1)	35:17;37:3,11 1 1 (1) 51:17	11:24 2:20 (1) 75:7 20 (2) 25:10,16	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17	35:17;37:3,11 1 1 (1) 51:17 1.1 (1) 23:24	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1)	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1)	35:17;37:3,11 1 1 (1) 51:17 1.1 (1)	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1)
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25	35:17;37:3,11 1 1 (1) 51:17 1.1 (1) 23:24 1.38 (1) 13:13	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1)	35:17;37:3,11 1 1 (1) 51:17 1.1 (1) 23:24 1.38 (1)	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1)	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11 voucher (1)	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1) 48:11 writing (1)	35:17;37:3,11 1 1 (1) 51:17 1.1 (1) 23:24 1.38 (1) 13:13 1.45 (1) 13:9 1.6 (1)	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7 2014 (2) 23:8;33:19	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1) 48:11	35:17;37:3,11 1 1 (1) 51:17 1.1 (1) 23:24 1.38 (1) 13:13 1.45 (1) 13:9 1.6 (1)	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7 2014 (2) 23:8;33:19 2015 (2)	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18 4 4/30 (1) 20:17
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11 voucher (1) 24:10	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1) 48:11 writing (1) 42:21	35:17;37:3,11  1  1  1  1  1  1  1  1  1  1  1  1	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7 2014 (2) 23:8;33:19 2015 (2) 33:19;45:5	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18 4 4/30 (1) 20:17 46 (2)
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11 voucher (1)	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1) 48:11 writing (1)	35:17;37:3,11  1  1  1  1  1  1  1  1  1  1  1  1	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7 2014 (2) 23:8;33:19 2015 (2) 33:19;45:5 2016 (4)	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18  4  4/30 (1) 20:17 46 (2) 13:5;14:22
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11 voucher (1) 24:10  W	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1) 48:11 writing (1) 42:21	35:17;37:3,11  1  1  1  1  1  1  1  1  1  1  1  1	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7 2014 (2) 23:8;33:19 2015 (2) 33:19;45:5 2016 (4) 23:20;33:19;38:20;	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18  4  4/30 (1) 20:17 46 (2) 13:5;14:22 47 (2)
VITTERI (2) 5:25;6:1 VIZINAT (2) 4:23,24 volunteered (1) 8:6 vote (4) 64:6;66:1,5,10 voted (1) 68:11 voucher (1) 24:10  W wait (2)	76:15,17 work (11) 14:4,9,14;16:20; 22:13,14;23:3,3;28:13; 29:2;56:16 working (2) 51:12;55:17 works (1) 69:25 worksheet (1) 48:11 writing (1) 42:21	35:17;37:3,11  1 (1) 51:17 1.1 (1) 23:24 1.38 (1) 13:13 1.45 (1) 13:9 1.6 (1) 32:19 1.8 (1) 32:15 10 (1)	11:24 2:20 (1) 75:7 20 (2) 25:10,16 2012 (1) 32:15 2013 (1) 30:7 2014 (2) 23:8;33:19 2015 (2) 33:19;45:5 2016 (4) 23:20;33:19;38:20; 52:1	330,000 (1) 55:7 35.8 (1) 12:8 37.2 (1) 12:12 381.90 (1) 45:18  4  4/30 (1) 20:17 46 (2) 13:5;14:22 47 (2) 13:3;14:22
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