

ORIGINAL

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 1:03 p.m., on February 14, 2013.

BEFORE:

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

ASSOCIATED REPORTERS, INC.
(225) 216-2036

DEPARTMENT OF ENVIRONMENTAL QUALITY

A P P E A R A N C E S

Keith Baker
Chairman

Durwood Franklin
Ravelle Jones
Tom Harris
Roger Bright
Denise Stafford
Perry Theriot
Jeff Baker
Shawn Ivey
John Milazzo
Cy Morin
Alex Prochaska

Melissa Vizinat
Andrea Huval
Jason Efferson
Shawn King
Kyle Blanchard
Jennifer Boudreaux
Heather Pettus
Vince Sagnibene
Fran Falke
Natalie Isaacks
Gary Fuller

* * * * *

DEPARTMENT OF ENVIRONMENTAL QUALITY

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I N D E X

EXAMINATION:

PAGE (S) :

None

EXHIBITS:

None

REPORTER'S PAGE

21

REPORTER'S CERTIFICATE

22

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CHAIRMAN:

We'll call the meeting to order.
We'll start with the roll call.

MR. THERIOT:

Perry Theriot, LDEQ Legal.

MR. FRANKLIN:

Durwood Franklin, DEQ Trust Fund.

MR. BAKER:

Jeff Baker, DEQ Trust Fund.

MR. PROCHASKA:

Alex Prochaska, DEQ.

MR. HARRIS:

Tom Harris, DEQ Underground Storage
Tanks.

MR. IVEY:

Shawn Ivey, PPM Consultants.

MR. BRIGHT:

Roger Bright, Jones Environmental.

MR. MILAZZO:

John Milazzo, Louisiana Oil
Marketers.

CHAIRMAN:

Keith Baker, Louisiana Oil
Marketers.

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1 **MS. JONES:**

2 Ravelle Jones, Chevron.

3 **MS. STAFFORD:**

4 Denise Stafford, DEQ Financial.

5 **MR. MORIN:**

6 Cy Morin, DEQ Audit.

7 **MS. VIZINAT:**

8 Melissa Vizinat, DEQ Trust Fund.

9 **MS. ISAACKS:**

10 Natalie Isaacks, Louisiana Oil
11 Marketers.

12 **MR. BLANCHARD:**

13 Kyle Blanchard, LDEQ UST Division.

14 **MR. EFFERSON:**

15 Jason Efferson, DEQ Trust Fund.

16 **MR. FULLER:**

17 Gary Fuller, Remediation Services
18 Division.

19 **MR. KING:**

20 Shawn King, Jones Environmental.

21 **MS. PETTUS:**

22 Heather Pettus with SEMS.

23 **MS. BOUDREAUX:**

24 Jennifer Boudreaux, DEQ, UST
25 Division.

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1 MS. FALKE:

2 Fran Falke, DEQ Financial Services
3 Division.

4 MS. HUVAL:

5 Andrea Huval, DEQ Trust Fund.

6 CHAIRMAN:

7 Has everybody had an opportunity to
8 review the minutes? Any questions?

9 (No response.)

10 CHAIRMAN:

11 If not, can I have a motion to
12 accept them?

13 MR. HARRIS:

14 Motion to accept.

15 MS. JONES:

16 I second.

17 CHAIRMAN:

18 All right. The first order of
19 business is to elect a new chairperson
20 for 2013. I open the floor to any
21 nominations?

22 MR. HARRIS:

23 I nominate you, Keith -- Keith Baker
24 for the record.

25 MR. MILAZZO:

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1 Second.

2 **CHAIRMAN:**

3 Okay. Do we need a vote?

4 **MR. HARRIS:**

5 I don't think so.

6 **CHAIRMAN:**

7 All right. Moving on. Denise
8 Financial Services report.

9 **MS. STAFFORD:**

10 If you'll turn to Tab 4 in your
11 packets. We began fiscal year '13 with a
12 balance of \$55,644,214.10. To date, we
13 have warranted funds for expenditures in
14 the amount of \$4,498,505.85. The current
15 obligations for all sites eligible in the
16 system is \$67,698,307, leaving a negative
17 balance after obligations of
18 \$6,937,029.59. The bottom of the page
19 details the expenditure transactions by
20 month for this fiscal year.

21 If you'll turn the page. This page
22 is an information page for the interest
23 revenue designated for abandoned sites.
24 In the middle of the page, balances with
25 reimbursements, there's a current balance

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1 of the fund -- that's the interest only
2 part -- of \$5,202,963.52. Any questions
3 so far?

4 (No response.)

5 **MS. STAFFORD:**

6 The next page illustrates the
7 expected transfer from the motor fuel
8 trust fund to the environmental trust
9 fund at the end of the fiscal year. By
10 statute, if the UST revenues are not
11 enough to cover the UST expenditures, we
12 are allowed to transfer an amount equal
13 to that difference to the Environmental
14 Trust Fund. Currently, the expectation
15 for this fiscal year is the third column,
16 Program Balance End of Year, which is
17 \$2,034,828.66. This is in line -- the
18 next five columns show the last five
19 years. And you can tell that number's in
20 line with what we've had over the last
21 few years. Any questions?

22 (No response.)

23 **MS. STAFFORD:**

24 Okay.

25 **CHAIRMAN:**

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1 All right. Auditor's status report.

2 MR. MORIN:

3 Yes. Well, since -- since the
4 previous meeting, our audit manager
5 retired. And I'm in the position now.
6 So I'm currently assessing where we stand
7 with all our motor fuel audits.
8 Currently, we have 18 open cases. Of
9 those 18, we have nine cases which are
10 prior to fiscal year '12. Eight of these
11 cases are in legal. They're going
12 through the legal process for
13 collections. One case is set to be
14 closed with no assessment. For fiscal
15 year '12, we have two outstanding cases,
16 both currently at my desk for review.
17 One has a potential assessment and one
18 has a potential credit, pending review.
19 And for the current fiscal year, we have
20 seven audits in progress. Three of these
21 cases are completed and at my desk for
22 review with potential assessment, pending
23 review of a net of \$21,000. We have
24 three in progress at the auditors' desks.
25 And we have one which we've been out to.

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1 We did not get to look at records, so
2 we're trying to reschedule to get out to
3 look at the records for that one. And
4 that's it. Any questions?

5 (No response.)

6 CHAIRMAN:

7 Mr. Baker, Trust Fund.

8 MR. BAKER:

9 Please refer to Tab 6 in your
10 packets. These are the figures of the
11 second quarter of fiscal year 2013.
12 During the second quarter of fiscal year
13 2013, the trust fund received 212
14 applications, totaling \$3,604,172. 169
15 of those applications were processed for
16 payment during the fiscal quarter,
17 totaling \$2,672,730. And 37 applications
18 were returned with deficiencies. For
19 sites in the corrective action phase, the
20 outstanding liability for the corrective
21 action plan budget and estimated costs to
22 reach closure at the end of December 2012
23 was \$31,237,228. The additional
24 obligation recognized for non-capped
25 sites plus the projected motor fuel trust

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1 fund to environmental trust fund transfer
 2 is \$32,487,019. At the end of December
 3 2012, the trust fund had 114 pending
 4 applications to process, which had
 5 requested amounts totaling \$2,263,610.
 6 Of this amount, the estimated requested
 7 obligations relating to capped budgets
 8 and closure costs was \$1,629,045. If you
 9 will note on the legal sized page, the
 10 last page in your packet, the number of
 11 trust fund sites that have receive a no
 12 further action status during this period
 13 was three. The number of potential trust
 14 fund sites that were reviewed and made
 15 eligible during this period were five.

16 I have a couple of points of
 17 interest. The department is continuing
 18 to work on a revised trust fund
 19 reimbursement application. The draft
 20 Microsoft Word version is completed. And
 21 a new Microsoft Excel version has been
 22 completed -- has completed in-house
 23 testing and is nearly ready for beta
 24 testing by a couple of willing RACs. The
 25 goal is for the beta testing to last a

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1 month or so prior to the distribution to
2 the RAC community. The new Excel version
3 will include field drop downs with
4 existing unit prices, and will
5 automatically categorize and sum various
6 portions of the application on the part
7 five summary page. Once the beta testing
8 of the Excel version is completed, it is
9 our intent to send it to the board and
10 the work group members for comments and
11 suggestions.

12 Another point of interest is per
13 statute, the board is required annually
14 to review and recommend modifications to
15 the current financial responsibility
16 requirements for an incident's trust fund
17 eligibility. The financial
18 responsibility requirement currently is
19 \$5,000 if the site is in compliance, and
20 \$10,000 if the site is out of compliance
21 at the time of the release. Based upon
22 the current financial status of the fund
23 and its obligations, the department does
24 not have any recommendations for
25 modifications to the financial

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1 responsibility requirement at this time.
2 Another -- also per statute, the
3 board is required to annually review and
4 make recommendations for changes to the
5 trust fund cost control guidance
6 document. The most recent cost control
7 guidance document was adopted on April
8 1st of 2012 with the board's approval.
9 Our goal is to begin work group meetings
10 with the board members and stakeholders
11 in the next couple of months for the
12 purpose of reviewing the current guidance
13 document in determining what
14 modifications may be required. Any
15 potential modifications would then be
16 provided to the board for their review
17 and approval. Feedback on the existing
18 guidance document has been positive, and
19 at this time, the department recommends
20 the existing guidance document be
21 approved until the work groups have met
22 and can determine what potential
23 modifications are needed. Are there any
24 questions?
25 **MR. MILAZZO:**

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1 I do, if you don't mind. And bear
2 with me because --

3 MR. BAKER:

4 Absolutely.

5 MR. MILAZZO:

6 -- some -- not so much the language,
7 is new, but just understanding how it's
8 formatted. On the no further action --

9 MR. BAKER:

10 Yes, sir.

11 MR. MILAZZO:

12 -- list that is submitted -- and I
13 guess this is closure through 12/31.
14 When I look at the second page of your
15 packet six, I see active sites at 346.
16 And sites closed is three. Where does
17 this -- these NFAs fall in respect to
18 this?

19 MR. BAKER:

20 Well, that would be the three sites
21 that were closed during that quarter.

22 MR. MILAZZO:

23 Okay.

24 MR. BAKER:

25 Those three sites were closed in the

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1 quarter -- the second quarter of 2013.

2 MR. MILAZZO:

3 Okay.

4 MR. BAKER:

5 The packet has seven, but that was
6 from the beginning of 2013.

7 MR. MILAZZO:

8 But this information is through
9 December --

10 MR. BAKER:

11 It's for that quarter.

12 MR. MILAZZO:

13 For that quarter?

14 MR. BAKER:

15 Yes, sir.

16 MR. MILAZZO:

17 Okay. And would you be -- not to
18 bore everybody here. But would you be
19 the contact person just for me to kind of
20 catch up maybe a little bit more,
21 orientation --

22 MR. BAKER:

23 Sure.

24 MR. MILAZZO:

25 -- if you don't mind?

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1 MR. BAKER:

2 Not a problem.

3 MR. MILAZZO:

4 Okay. Thanks.

5 MR. BAKER:

6 Be happy to.

7 MR. MILAZZO:

8 That's all I have.

9 CHAIRMAN:

10 Any other questions?

11 (No response.)

12 CHAIRMAN:

13 If not, Perry, would you update us
14 on third party claims.

15 MR. THERIOT:

16 I'm happy to report that we've had
17 no new ones, though we have had some
18 awareness that we may have one coming in.
19 We received a report of a lawsuit filed
20 against a tank owner. There's some
21 confusion as to where the release comes
22 from. It may come from a regulated site,
23 an eligible site, or it may come from an
24 old site that is ineligible. We don't
25 yet have enough facts to make that

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1 determination. But we may have a new
2 suit coming in. So it would be the first
3 one in quite some time, unless it comes
4 from an ineligible site, in which case,
5 we don't cover it. But -- so we have
6 some facts. We know we may have one new
7 one. We were able to -- we're in the
8 tentative settlement mode in one of our
9 older existing settlements. The judge
10 granted a summary judgment, wherein we
11 limited the liability of the fund to the
12 \$1 million federal cap. And we were able
13 to settle with the plaintiffs for a
14 portion of what was left. Ninety percent
15 of the fund had been used up on
16 remediation. We always try to put the
17 remediation in front of the third party
18 claim, if possible, because it doesn't do
19 a lot of good to give people money if
20 their property is then not cleaned up.
21 But -- so we don't have any new ones yet,
22 but I do think we have one.

23 There is one more legal item other
24 than the third party claim. We are
25 working on some clarification language

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1 that will be put into a potpourri on --
2 in the state register. The -- we're
3 going to clarify for everyone to see how
4 we calculated the unobligated balance
5 that rolls over each month that we're
6 required to report to the legislature.
7 And we're -- under the existing statute,
8 we're required to stop collecting the fee
9 if we get a \$20 million surplus. We've
10 been asked to take a look at how --
11 putting out there how we calculate that
12 amount that Denise spoke about earlier.
13 We have a -- we follow the statute as we
14 see it on our outstanding obligations for
15 investigations and cleanup actions at
16 eligible sites that we're aware of. And
17 we use -- and those who -- you know,
18 those that haven't had a complete
19 investigation yet, we use an estimated
20 cost that is based on the past
21 performance of all the sites we do clean
22 up. So we'll be getting that together.
23 And of course, we'll show it to the board
24 before we go out with it.

25 **CHAIRMAN:**

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1 Moving on. Any other business?

2 MS. STAFFORD:

3 Yes. Perry said most of what I was
4 going to say. But I would like to add
5 that one of the -- the main reason we're
6 going out on the potpourri notice, in the
7 fiscal year '11 audit from the
8 legislative auditors, it was one of their
9 recommendations that we publish
10 clarification. So it's a follow through
11 from an audit recommendation.

12 And I also wanted to let ya'll know
13 that the fiscal year '12 audit is taking
14 place right now. They are almost
15 finished. They started in January. To
16 date, they have no findings to note. We
17 will -- it still has to go up the chain
18 of command in the legislative auditor's
19 office, but it looks clean so far.

20 CHAIRMAN:

21 Any --

22 MS. ISAACKS:

23 I just wanted to ask if the
24 department was aware of any legislation
25 or had any intentions of filing any

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1. legislation this up coming session?

2. **MR. SAGNIBENE:**

3. Vince Sagnibene, Undersecretary.
4. No. I want to stay as far away from that
5. as I can.

6. **MS. ISAACKS:**

7. Okay. Thank you.

8. **CHAIRMAN:**

9. Any --

10. **MR. MILAZZO:**

11. I do. And it may be a more
12. technical reference here. Simply because
13. I wasn't here to be a part of the minutes
14. of the last meeting and the discussion,
15. I'd prefer to abstain from the vote of
16. the minutes, simply because I can't
17. validate that that's a reflection of that
18. meeting. So just for record keeping
19. purposes only.

20. **CHAIRMAN:**

21. Any other?

22. (No response.)

23. **CHAIRMAN:**

24. All right. Well, adjourned.

25. **THE MEETING ADJOURNED AT 1:20 P.M.**

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R E P O R T E R ' S P A G E

I, Lori B. Overland, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record

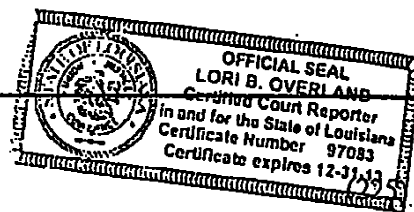
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Lori Overland, C.C.R.

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C E R T I F I C A T I O N

I, Lori B. Overland, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the above referenced individual to whom oath was administered, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing pages, that this testimony was reported by me in the stenomask reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.



Lori Overland C.C.R.



In The Matter Of:
*MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
FUND ADVISORY BOARD*

*DEPARTMENT OF ENVIRONMENTAL QUALITY
February 14, 2013*

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**MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
FUND ADVISORY BOARD**

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In The Matter Of:
*MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
FUND ADVISORY BOARD*

*DEPARTMENT OF ENVIRONMENTAL QUALITY
February 14, 2013*

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4 STATE OF LOUISIANA
5 DEPARTMENT OF ENVIRONMENTAL QUALITY
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9
10
11
12
13 The above-entitled meeting was held at
14 the LDEQ, Galvez Building, Conference
15 Center, 602 North 5th Street, Baton Rouge,
16 Louisiana, beginning at 1:03 p.m., on
17 February 14, 2013.
18
19
20 BEFORE:
21 Lori B. Overland
22 Certified Court Reporter
23 In and For the State of
24 Louisiana
25

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1 APPEARANCES
2
3 Keith Baker
4 Chairman
5
6 Durwood Franklin
7 Ravelle Jones
8 Tom Harris
9 Roger Bright
10 Denise Stafford
11 Perry Theriot
12 Jeff Baker
13 Shawn Ivey
14 John Milazzo
15 Cy Morin
16 Alex Prochaska
17
18 Melissa Vizinat
19 Andrea Huval
20 Jason Efferson
21 Shawn King
22 Kyle Blanchard
23 Jennifer Boudreaux
24 Heather Pettus
25 Vince Sagnibene
Fran Falke
Natalie Isaacks
Gary Fuller

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1 INDEX
2
3 EXAMINATION: PAGE(S):
4 None
5
6 EXHIBITS:
7 None
8
9 REPORTER'S PAGE 21
10 REPORTER'S CERTIFICATE 22
11
12 *****
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1 *****
2 CHAIRMAN:
3 We'll call the meeting to order.
4 We'll start with the roll call.
5 MR. THERIOT:
6 Perry Theriot, LDEQ Legal.
7 MR. FRANKLIN:
8 Durwood Franklin, DEQ Trust Fund.
9 MR. BAKER:
10 Jeff Baker, DEQ Trust Fund.
11 MR. PROCHASKA:
12 Alex Prochaska, DEQ.
13 MR. HARRIS:
14 Tom Harris, DEQ Underground Storage
15 Tanks.
16 MR. IVEY:
17 Shawn Ivey, PPM Consultants.
18 MR. BRIGHT:
19 Roger Bright, Jones Environmental.
20 MR. MILAZZO:
21 John Milazzo, Louisiana Oil
22 Marketers.
23 CHAIRMAN:
24 Keith Baker, Louisiana Oil
25 Marketers.

DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
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1 MS. JONES:
2 Ravelle Jones, Chevron.
3 MS. STAFFORD:
4 Denise Stafford, DEQ Financial.
5 MR. MORIN:
6 Cy Morin, DEQ Audit.
7 MS. VIZINAT:
8 Melissa Vizinat, DEQ Trust Fund.
9 MS. ISAACKS:
10 Natalie Isaacks, Louisiana Oil
11 Marketers.
12 MR. BLANCHARD:
13 Kyle Blanchard, LDEQ UST Division.
14 MR. EFFERSON:
15 Jason Efferson, DEQ Trust Fund.
16 MR. FULLER:
17 Gary Fuller, Remediation Services
18 Division.
19 MR. KING:
20 Shawn King, Jones Environmental.
21 MS. PETTUS:
22 Heather Pettus with SEMS.
23 MS. BOUDREAUX:
24 Jennifer Boudreaux, DEQ, UST
25 Division.

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1 Second.
2 CHAIRMAN:
3 Okay. Do we need a vote?
4 MR. HARRIS:
5 I don't think so.
6 CHAIRMAN:
7 All right. Moving on. Denise
8 Financial Services report.
9 MS. STAFFORD:
10 If you'll turn to Tab 4 in your
11 packets. We began fiscal year '13 with a
12 balance of \$55,644,214.10. To date, we
13 have warranted funds for expenditures in
14 the amount of \$4,498,505.85. The current
15 obligations for all sites eligible in the
16 system is \$67,698,307, leaving a negative
17 balance after obligations of
18 \$6,937,029.59. The bottom of the page
19 details the expenditure transactions by
20 month for this fiscal year.
21 If you'll turn the page. This page
22 is an information page for the interest
23 revenue designated for abandoned sites.
24 In the middle of the page, balances with
25 reimbursements, there's a current balance

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1 MS. FALKE:
2 Fran Falke, DEQ Financial Services
3 Division.
4 MS. HUVAL:
5 Andrea Huval, DEQ Trust Fund.
6 CHAIRMAN:
7 Has everybody had an opportunity to
8 review the minutes? Any questions?
9 (No response.)
10 CHAIRMAN:
11 If not, can I have a motion to
12 accept them?
13 MR. HARRIS:
14 Motion to accept.
15 MS. JONES:
16 I second.
17 CHAIRMAN:
18 All right. The first order of
19 business is to elect a new chairperson
20 for 2013. I open the floor to any
21 nominations?
22 MR. HARRIS:
23 I nominate you, Keith - Keith Baker
24 for the record.
25 MR. MILAZZO:

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1 of the fund - that's the interest only
2 part - of \$5,202,963.52. Any questions
3 so far?
4 (No response.)
5 MS. STAFFORD:
6 The next page illustrates the
7 expected transfer from the motor fuel
8 trust fund to the environmental trust
9 fund at the end of the fiscal year. By
10 statute, if the UST revenues are not
11 enough to cover the UST expenditures, we
12 are allowed to transfer an amount equal
13 to that difference to the Environmental
14 Trust Fund. Currently, the expectation
15 for this fiscal year is the third column,
16 Program Balance End of Year, which is
17 \$2,034,828.66. This is in line - the
18 next five columns show the last five
19 years. And you can tell that number's in
20 line with what we've had over the last
21 few years. Any questions?
22 (No response.)
23 MS. STAFFORD:
24 Okay.
25 CHAIRMAN:

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1 All right. Auditor's status report.
 2 MR. MORIN:
 3 Yes. Well, since - since the
 4 previous meeting, our audit manager
 5 retired. And I'm in the position now.
 6 So I'm currently assessing where we stand
 7 with all our motor fuel audits.
 8 Currently, we have 18 open cases. Of
 9 those 18, we have nine cases which are
 10 prior to fiscal year '12. Eight of these
 11 cases are in legal. They're going
 12 through the legal process for
 13 collections. One case is set to be
 14 closed with no assessment. For fiscal
 15 year '12, we have two outstanding cases,
 16 both currently at my desk for review.
 17 One has a potential assessment and one
 18 has a potential credit, pending review.
 19 And for the current fiscal year, we have
 20 seven audits in progress. Three of these
 21 cases are completed and at my desk for
 22 review with potential assessment, pending
 23 review of a net of \$21,000. We have
 24 three in progress at the auditors' desks.
 25 And we have one which we've been out to.

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1 We did not get to look at records, so
 2 we're trying to reschedule to get out to
 3 look at the records for that one. And
 4 that's it. Any questions?
 5 (No response.)
 6 CHAIRMAN:
 7 Mr. Baker, Trust Fund.
 8 MR. BAKER:
 9 Please refer to Tab 6 in your
 10 packets. These are the figures of the
 11 second quarter of fiscal year 2013.
 12 During the second quarter of fiscal year
 13 2013, the trust fund received 212
 14 applications, totaling \$3,604,172. 169
 15 of those applications were processed for
 16 payment during the fiscal quarter,
 17 totaling \$2,672,730. And 37 applications
 18 were returned with deficiencies. For
 19 sites in the corrective action phase, the
 20 outstanding liability for the corrective
 21 action plan budget and estimated costs to
 22 reach closure at the end of December 2012
 23 was \$31,237,228. The additional
 24 obligation recognized for non-capped
 25 sites plus the projected motor fuel trust

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1 fund to environmental trust fund transfer
 2 is \$32,487,019. At the end of December
 3 2012, the trust fund had 114 pending
 4 applications to process, which had
 5 requested amounts totaling \$2,263,610.
 6 Of this amount, the estimated requested
 7 obligations relating to capped budgets
 8 and closure costs was \$1,629,045. If you
 9 will note on the legal sized page, the
 10 last page in your packet, the number of
 11 trust fund sites that have receive a no
 12 further action status during this period
 13 was three. The number of potential trust
 14 fund sites that were reviewed and made
 15 eligible during this period were five.
 16 I have a couple of points of
 17 interest. The department is continuing
 18 to work on a revised trust fund
 19 reimbursement application. The draft
 20 Microsoft Word version is completed. And
 21 a new Microsoft Excel version has been
 22 completed - has completed in-house
 23 testing and is nearly ready for beta
 24 testing by a couple of willing RACs. The
 25 goal is for the beta testing to last a

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1 month or so prior to the distribution to
 2 the RAC community. The new Excel version
 3 will include field drop downs with
 4 existing unit prices, and will
 5 automatically categorize and sum various
 6 portions of the application on the part
 7 five summary page. Once the beta testing
 8 of the Excel version is completed, it is
 9 our intent to send it to the board and
 10 the work group members for comments and
 11 suggestions.
 12 Another point of interest is per
 13 statute, the board is required annually
 14 to review and recommend modifications to
 15 the current financial responsibility
 16 requirements for an incident's trust fund
 17 eligibility. The financial
 18 responsibility requirement currently is
 19 \$5,000 if the site is in compliance, and
 20 \$10,000 if the site is out of compliance
 21 at the time of the release. Based upon
 22 the current financial status of the fund
 23 and its obligations, the department does
 24 not have any recommendations for
 25 modifications to the financial

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1 responsibility requirement at this time.
 2 Another - also per statute, the
 3 board is required to annually review and
 4 make recommendations for changes to the
 5 trust fund cost control guidance
 6 document. The most recent cost control
 7 guidance document was adopted on April
 8 1st of 2012 with the board's approval.
 9 Our goal is to begin work group meetings
 10 with the board members and stakeholders
 11 in the next couple of months for the
 12 purpose of reviewing the current guidance
 13 document in determining what
 14 modifications may be required. Any
 15 potential modifications would then be
 16 provided to the board for their review
 17 and approval. Feedback on the existing
 18 guidance document has been positive, and
 19 at this time, the department recommends
 20 the existing guidance document be
 21 approved until the work groups have met
 22 and can determine what potential
 23 modifications are needed. Are there any
 24 questions?
 25 MR. MILAZZO:

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1 quarter -- the second quarter of 2013.
 2 MR. MILAZZO:
 3 Okay.
 4 MR. BAKER:
 5 The packet has seven, but that was
 6 from the beginning of 2013.
 7 MR. MILAZZO:
 8 But this information is through
 9 December -
 10 MR. BAKER:
 11 It's for that quarter.
 12 MR. MILAZZO:
 13 For that quarter?
 14 MR. BAKER:
 15 Yes, sir.
 16 MR. MILAZZO:
 17 Okay. And would you be - not to
 18 bore everybody here. But would you be
 19 the contact person just for me to kind of
 20 catch up maybe a little bit more,
 21 orientation -
 22 MR. BAKER:
 23 Sure.
 24 MR. MILAZZO:
 25 -- if you don't mind?

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1 I do, if you don't mind. And bear
 2 with me because --
 3 MR. BAKER:
 4 Absolutely.
 5 MR. MILAZZO:
 6 -- some -- not so much the language,
 7 is new, but just understanding how it's
 8 formatted. On the no further action -
 9 MR. BAKER:
 10 Yes, sir.
 11 MR. MILAZZO:
 12 -- list that is submitted - and I
 13 guess this is closure through 12/31.
 14 When I look at the second page of your
 15 packet six, I see active sites at 346.
 16 And sites closed is three. Where does
 17 this - these NFAs fall in respect to
 18 this?
 19 MR. BAKER:
 20 Well, that would be the three sites
 21 that were closed during that quarter.
 22 MR. MILAZZO:
 23 Okay.
 24 MR. BAKER:
 25 Those three sites were closed in the

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1 MR. BAKER:
 2 Not a problem.
 3 MR. MILAZZO:
 4 Okay. Thanks.
 5 MR. BAKER:
 6 Be happy to.
 7 MR. MILAZZO:
 8 That's all I have.
 9 CHAIRMAN:
 10 Any other questions?
 11 (No response.)
 12 CHAIRMAN:
 13 If not, Perry, would you update us
 14 on third party claims.
 15 MR. THERIOT:
 16 I'm happy to report that we've had
 17 no new ones, though we have had some
 18 awareness that we may have one coming in.
 19 We received a report of a lawsuit filed
 20 against a tank owner. There's some
 21 confusion as to where the release comes
 22 from. It may come from a regulated site,
 23 an eligible site, or it may come from an
 24 old site that is ineligible. We don't
 25 yet have enough facts to make that

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1 determination. But we may have a new
 2 suit coming in. So it would be the first
 3 one in quite some time, unless it comes
 4 from an ineligible site, in which case,
 5 we don't cover it. But - so we have
 6 some facts. We know we may have one new
 7 one. We were able to - we're in the
 8 tentative settlement mode in one of our
 9 older existing settlements. The judge
 10 granted a summary judgment, wherein we
 11 limited the liability of the fund to the
 12 \$1 million federal cap. And we were able
 13 to settle with the plaintiffs for a
 14 portion of what was left. Ninety percent
 15 of the fund had been used up on
 16 remediation. We always try to put the
 17 remediation in front of the third party
 18 claim, if possible, because it doesn't do
 19 a lot of good to give people money if
 20 their property is then not cleaned up.
 21 But - so we don't have any new ones yet,
 22 but I do think we have one.
 23 There is one more legal item other
 24 than the third party claim. We are
 25 working on some clarification language

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1 that will be put into a potpourri on -
 2 in the state register. The - we're
 3 going to clarify for everyone to see how
 4 we calculated the unobligated balance
 5 that rolls over each month that we're
 6 required to report to the legislature.
 7 And we're -- under the existing statute,
 8 we're required to stop collecting the fee
 9 if we get a \$20 million surplus. We've
 10 been asked to take a look at how --
 11 putting out there how we calculate that
 12 amount that Denise spoke about earlier.
 13 We have a - we follow the statute as we
 14 see it on our outstanding obligations for
 15 investigations and cleanup actions at
 16 eligible sites that we're aware of. And
 17 we use - and those who - you know,
 18 those that haven't had a complete
 19 investigation yet, we use an estimated
 20 cost that is based on the past
 21 performance of all the sites we do clean
 22 up. So we'll be getting that together.
 23 And of course, we'll show it to the board
 24 before we go out with it.
 25 CHAIRMAN:

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1 Moving on. Any other business?
 2 MS. STAFFORD:
 3 Yes. Perry said most of what I was
 4 going to say. But I would like to add
 5 that one of the - the main reason we're
 6 going out on the potpourri notice, in the
 7 fiscal year '11 audit from the
 8 legislative auditors, it was one of their
 9 recommendations that we publish
 10 clarification. So it's a follow through
 11 from an audit recommendation.
 12 And I also wanted to let ya'll know
 13 that the fiscal year '12 audit is taking
 14 place right now. They are almost
 15 finished. They started in January. To
 16 date, they have no findings to note. We
 17 will - it still has to go up the chain
 18 of command in the legislative auditor's
 19 office, but it looks clean so far.
 20 CHAIRMAN:
 21 Any --
 22 MS. ISAACKS:
 23 I just wanted to ask if the
 24 department was aware of any legislation
 25 or had any intentions of filing any

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1 legislation this up coming session?
 2 MR. SAGNIBENE:
 3 Vince Sagnibene, Undersecretary.
 4 No. I want to stay as far away from that
 5 as I can.
 6 MS. ISAACKS:
 7 Okay. Thank you.
 8 CHAIRMAN:
 9 Any --
 10 MR. MILAZZO:
 11 I do. And it may be a more
 12 technical reference here. Simply because
 13 I wasn't here to be a part of the minutes
 14 of the last meeting and the discussion,
 15 I'd prefer to abstain from the vote of
 16 the minutes, simply because I can't
 17 validate that that's a reflection of that
 18 meeting. So just for record keeping
 19 purposes only.
 20 CHAIRMAN:
 21 Any other?
 22 (No response.)
 23 CHAIRMAN:
 24 All right. Well, adjourned.
 25 TH E MEETING ADJOURNED AT 1:20 P.M.

1 R REPORTER'S PAGE
2 I, Lori B. Overland, Certified Court
3 Reporter, in and for the State of Louisiana,
4 the officer, as defined in Rule 28 of the
5 Federal Rules of Civil Procedure and/or
6 Article 1434(b) of the Louisiana code of
7 Civil Procedure, before whom this sworn
8 testimony was taken, do hereby state on the
9 Record

10 That due to the interaction in the
11 spontaneous discourse of this proceeding,
12 dashes (--) have been used to indicate
13 pauses, changes in thought, and/or talk
14 overs; that same is the proper method for a
15 Court Reporters's transcription of
16 proceeding, and that the dashes (--) do not
17 indicated that words or phrases have been
18 left out of this transcript;

19 That any words and/or names which could
20 not be verified through reference material
21 have been denoted with the phrase
22 "(inaudible)."
23

24 _____
Lori Overland, C.C.R.
25 # 97083

C E R T I F I C A T I O N

1 I, Lori B. Overland, Certified Court Reporter in
2 and for the State of Louisiana, as the officer
3 before whom this testimony was taken, do hereby
4 certify that the above referenced individual to whom
5 oath was administered, after having been duly sworn
6 by me upon authority of R.S. 37:2554, did testify as
7 hereinbefore set forth in the foregoing pages, that
8 this testimony was reported by me in the stenomask
9 reporting method, was prepared and transcribed by me
10 or under my personal direction and supervision, and
11 is a true and correct transcript to the best of my
12 ability and understanding; that the transcript has
13 been prepared in compliance with transcript format
14 guidelines required by statute or by rules of the
15 board, that I have acted in compliance with the
16 prohibition on contractual relationships, as defined
17 by Louisiana Code of Civil Procedure Article 1434
18 and in rules and advisory opinions of the board;
19 that I am not related to counsel or to the parties
20 herein, nor am I otherwise interested in the outcome
21 of this matter.
22

23 _____
24 Lori Overland C.C.R.
25 # 97083

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