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 1:02 p.m., on November 15, 2012.

BEFORE:

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

(225) 216-2036

APPEARANCES

Keith Baker Chairman

Ravelle Jones
Tom Harris
Denise Stafford
Jeff Baker
Shawn Ivey
Ryan Wooten
Perry Theriot
Alex Prochaska
Vince Sagnibene
Tony Savoie
Cy Morin

Melissa Vizinat Andrea Huval Jason Efferson Sherry Milam Rhonda Cook Don Wiley

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EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

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REPORTER'S CERTIFICATE

	DELIGITATION OF PRAIMONNESS AND CONDITIONS OF THE PROPERTY OF
1	CHAIRMAN:
2	We're going to call the meeting to
3	order. Can we take a quick roll call?
4	You guys want to start out there?
5	MR. EFFERSON:
6	Jason Efferson, Motor Fuel Trust
7	Fund.
8	MS. COOK:
9	Rhonda Cook, PPM Consultants.
10	MS. MILAM:
11	Sherry Milam, PPM Consultants.
12	MR. BAKER:
13	Jeff Baker, DEQ Trust Fund.
14	MR. PROCHASKA:
15	Alex Prochaska, DEQ, for Vince
16	Sagnibene.
17	MR. HARRIS:
18	Tom Harris, DEQ, Underground Storage
19	Tank & Remediation Division.
20	MR. IVEY:
21	Shawn Ivey, PPM Consultants.
22	MS. JONES:
23	Ravelle Jones, Chevron.
24.	MR. SAVOIE:
25	Tony Savoie, LOMA.

DEPARTMENT OF ENVIRONMENTAL QUALITY 1 CHAIRMAN: 2 Keith Baker, Louisiana Oil 3 Marketers. MR. WOOTEN: 5 Brian Wooten, Louisiana Oil Marketers. 7 MS. STAFFORD: 8 Denise Stafford, DEQ Financial. 9 MR. MORIN: 10 Cy Morin, DEQ Audit Services MS. VIZINAT: 11 Melissa Vizinat, DEQ Trust Fund. 12 MS. HUVAL: 13 Andrea Huval, DEQ Trust Fund. 14 15 MR. THERIOT: 16 Perry Theriot, DEQ Legal. 17 CHAIRMAN: 18 Has everybody had an opportunity to 19 review the minutes? Any questions? 20 (No response.) 21 CHAIRMAN: 22 If not, can I have a motion to 23 accept? MR. IVEY: 24 25 Motion to accept.

DEPARTMENT OF ENVIRONMENTAL QUALITY

1	MS. JONES:
2	Second.
3	CHAIRMAN:
4	Cy, I'm told you're going to be the
5	one doing the audit status report?
6	MR. MORIN:
7	Yes.
8	CHAIRMAN:
9	All right.
10	MR. MORIN:
11	Okay. For fiscal year 2013, we have
12	planned 13 motor fuel audits. Three of
13	those audits are in progress. We've been
14	out to the facilities. And the findings
15	need to be reviewed and confirmed. Four
16	audits have been scheduled for the month
17	of November and December in total. The
18	remaining six audits will be completed in
19	the second half of the year.
20	We have for fiscal year 2012, we
21	have two audits that remain in progress,
22	which are to be reviewed and confirmed.
23	One of these cases has a potential
24	liability to DEQ. And the other one

potentially has a refund coming to them.

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MS. STAFFORD:

One of these fiscal year 2012 audits was 2 started by the previous motor fuel 3 auditor. And it was picked up by our new current motor fuel auditor. 5 So far, for fiscal year '13, to 6 date, we've collected \$4,000. And for 7 fiscal year 2012, we collected \$36,712.34. And that's it. 8 9 CHAIRMAN: 10 All right. Ms. Denise, you're going 11 to do the financial report?

13 Yes, sir. If you'll turn to Tab 5 14 in your packet. We transferred 15 \$55,644,214.10 into the motor fuel trust 16 fund from fiscal year '12 into fiscal year '13. To date, we have warranted for 17 payments \$1,477,806.23. That leaves us 18 19 with a current cash balance at the end of September of \$57,542,679.34. Liabilities 20 on current sites in the -- in our system 21 22 are \$64,934,428, leaving us a deficit overall of \$7,391,748.66. The bottom of 23 the sheet details the monthly 24 25 expenditures against the trust fund. Any

- 1 questions for that page?
- 2 (No response.)
- 3 MS. STAFFORD:
- 4 Turn the page. This sheet details
- 5 the interest revenue designated for
- abandoned sites as part of the trust
- fund. The current balance in that
- 8 section of the trust fund is
- 9 \$5,174,113.52. Since the inception of
- this portion of the trust fund, we have
- 11 spent \$1,228,330.60. And the bottom of
- the page details which sites that was
- spent on. Any questions on the interest
- revenue and expenses?
- 15 (No response.)
- 16 MS. STAFFORD:
- Okay. Turn the page again. This is
- the fiscal year '13 projections for the
- amount that will be transferred from the
- 20 motor fuel trust fund to the
- 21 environmental trust fund where trust fund
- 22 -- where UST revenues do not cover UST
- expenses. The current projection is
- 24 \$2,031,720.81. And this is in line with
- the last five previous years. You'll see

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DEPARTMENT OF ENVIRONMENTAL QUALITY . 9 1 those columns out to the side. And they 2 run anywhere from \$2 million to \$2.2 3 million. Any questions? 4 (No response.) MS. STAFFORD: 5 6 That's it. 7 CHAIRMAN: That's it? I'm sorry, Ms. Denise, 9 the legislative audit, do you have any 10 update on that? 11 MS. STAFFORD: 12 Yes, we do. It was sent out. I meant to bring that. I apologize. I was 13 14 supposed to hand that out to ya'll today. I will send it to all of you in an email. 15 16 CHAIRMAN: Okay. MR. SAVOIE: Denise, I don't know if it's -- I don't know who's responsible for the packets. But I know haven't received mine as of today, so --

- 23 MS. STAFFORD:
- 24 Melissa?
- 25 MR. SAVOIE:

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DEPARTMENT OF ENVIRONMENTAL QUALITY I don't know if it went out --MS. VIZINAT: It was mailed. MR. SAVOIE: I mean, I have one. I picked one up in the back. MS. VIZINAT: Oh, okay. MR. SAVOIE: I'm just saying, I didn't know --MS. VIZINAT: I'm sorry. MS. STAFFORD: We'll check that and make sure it's correct. MR. SAVOIE:

Mr. Jeff, trust fund status report.

Yes, sir. If everyone could refer

23 figures of the first quarter of fiscal

All right.

year 2013. During the first quarter, the

25 trust fund received 200 applications,

CHAIRMAN:

MR. JEFF BAKER:

1	totaling \$2,911,537. 256 applications
2	were processed for payment during the
3	fiscal quarter, totaling \$2,910,936. And
4	21 applications were returned with
5	deficiencies. For the sites in the
6	corrective action phase, the liability
7	the outstanding liability of corrective
8	action plan budget and estimate cost to
9	reach closer at the end of September was
10	\$30,553,390. The additional obligation
11	recognized for non-capped sites plus the
12	projected motor fuel trust fund to
13	environmental trust fund transfers, the
14	liability is \$34,008,930. At the end of
15	September 2012, the trust fund had 108
16	pending applications to process, which
17	had requested amounts of \$2,145,582. Of
18	this amount, the requested obligations
19	relating to capped budgets and closure
20	costs was \$1,773,474. If you'll note the
21	legal size page, the last page of your
22	packet, the number of trust fund sites
23	that received a "no further action"
24	status for this period was three. Also,
25	the number of potential trust fund sites

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that were reviewed and made eligible during this period were seven.

Some points of interest, the Department is continuing to work on a revised trust fund reimbursement application form. We have a draft Microsoft Word version that is almost completed. We are also working on a new Excel version of this tool. The new Excel version will have field drop downs with existing unit prices. It will automatically categorize and sum various portions of the application on the part five summary page. We hope to have this completed within the next couple of months. And we'll send both versions out to the board and the work group members for comments and suggestions.

Another point of interest, the report listing the active trust fund sites without current caps has been compiled, along with status descriptions and comments from the LDEQ staff. The Undersecretary is currently reviewing these with the remediation staff. And we

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DEPARTMENT OF ENVIRONMENTAL QUALITY 1 hope to have a list for the board's 2 review soon. 3 MR. SAGNIBENE: Can I say something. I want to make sure I'm satisfied with the explanations 5 on the list before I send them to ya'll. 6 7 And that's the holdup. But it's 8 complete. 9 CHAIRMAN: 10 You should have that before next 11 meeting? 12 MR. SAGNIBENE: 13 Oh, yes. MR. JEFF BAKER: 14 15 And that completes my review. 16 CHAIRMAN: 17 Mr. Perry, third party claims. MR. THERIOT: 18 19 Well, it's another good news. No 20 new third party suits. And so we haven't 21 had a new one since the last meeting. We 22 do have one item, and I don't think we're 23 going to need to go into executive session to discuss it.

CHAIRMAN:

1	Okay.
2	MR. THERIOT:
3	We can discuss it if we want to.
4	You want to hand these out to them?
5	CHAIRMAN:
6	If we do, you know, come into some
7	things, we'll step out.
8	MR. THERIOT:
9	No, we don't need to.
10	CHAIRMAN:
11	Okay.
12	MR. THERIOT:
13	There's no litigation pending. This
14	is simply asking for the trust fund's
15	opinions and guidance on the advise
16	advice on how we should begin treating
17	these.
18	MR. SAGNIBENE:
19	And I suggested that we bring this
20	issue in front of ya'll to get some of
21	ya'll get your input on it, so
22	MR. THERIOT:
23	Traditionally, the trust fund has a
24	in the statute, there's a band on
25	paying reimbursement to a RAC who also

1	owns the station. For obvious reasons,
2	the bar and the statute deals with you
3	know, you don't want the same person who
4	is supposed to keep releases from
5	happening profiting from the release.
6	That's generally the reason for the
7	provision in the statute. We've been
8	getting a we got at least one. And I
9	think there's been some other inquiries
10	so far. And on your piece of paper,
11	you'll see that was handed out some
12	people asking for reimbursement where the
13	response the individual who is asking
14	about this is a minority owner of a RAC
15	with no control over day-to-day
16	operations. Now, I don't know what that
17	means because that the facts
18	concerning that one I completely
19	supplied to us. The RAC goes out and
20	does a phase 2 and on behalf of an
21	owner, and identifies the contaminates
22	soils and groundwater from the UST
23	system. The release was reported on
24	behalf of Owner A. And the site's
25	determined to be eligible. Owner A set

1	aside money for the trust fund deductible
2	amount with a lending institution. The
3	same individuals that own the minority
4	interest also has a non-controlling
5	interest in the UST facility in order to
6	assist the owner with financial problems.
7	We don't know what that means. But co-
8	signing papers or we really don't
9	know. But it does kind of give us pause
10	that the same person, even if they're
11	non-controlling, if they're making
12	arrangements for loaning money to an
13	owner. We don't know how this was done.
14	But the Owner B arranged for Owner A
15	to maintain control and operations of the
16	UST facility. And made provisions for
17	the owner to revert back in due time. I
18	don't know what that means either. But
19	that's what they told us. Okay? The
20	lending institution holds the title to
21	the facility as collateral. So it's been
22	mortgaged. The lending institution wants
23	the RAC to handle the assessment and
24	remediation. We're a little concerned
25	about this. But we wanted to get your

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DEPARTMENT OF ENVIRONMENTAL QUALITY

sense of it. I don't think we have a
definition in our regulations for what
control is, effective control. But I can
think of many scenarios where this could
present a problem.

MR. SAGNIBENE:

And we don't know the ownership ratio either.

MR. THERIOT:

We don't know ownership -- we don't know -- we don't know anything about other than what you see here. Our normal -- they brought it in front of ya'll because my normal interest when I was asked about this was, I would not allow this as a normal practice. And absent additional information, I would not -- my advice would be, look, I don't think we should do this because we don't have enough information available. But the ban and the statute doesn't say how much ownership. It just says that we can't pay a RAC who owns the station. little simplistic view in the statute. It's not real complicated. Business

1 arrangements, of course, we know can take 2 lots of different forms. But the ban is 3 in place because we don't want the same people in charge of preventing a release 5 profiting off of the release. And we 6 wanted ya'll to see if ya'll had any 7 input to give us, if ya'll wanted to. 8 MR. SAVOIE: So the intention, basically, was 9 that you didn't want a RAC that would be 10 11 paid to do the cleanup to have any type 12 of ownership in the facility. Correct? MR. THERIOT: 13 Right. 14 MR. SAVOIE: 15 So in that case, then I would say, 16 if a RAC has any type of ownership then, 17 18 they should step back and another RAC 19 should take over remediation, to me, 20 would be the logical --21 MR. SAGNIBENE:

This was my first one, and I kind of had heartburn about it. That's why I wanted to run it by ya'll.

25 MR. SAVOIE:

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1 That's my gut reaction to. I don't 2 know what everybody else --3 MR. WOOTEN I agree with that. 5 MS. JONES: Yes. 7 MR. SAVOIE: I mean, that way, it makes it nice and clean and --MR. THERIOT: 10 11 Well, that was my initial impression as well is that we don't want these lines 12 blurred because you don't know where 13 they're going to go. 14 15 Okay. That's the only legal --16 (An off-the-record discussion followed.) 17 MR. THERIOT: That's it for the legal report 18 19 today. 20 CHAIRMAN: Do we have any other business? 21 22 (No response.) 23 CHAIRMAN: If none, then adjourn the meeting. 24 THE MEETING ADJOURNED AT 1:17 P.M. 25

_	KEPUKIEK B PAGE
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DEPARTMENT OF ENVIRONMENTAL QUALITY

1 <u>CER</u>TIFICATION

2 I, the undersigned reporter, do hereby 3 certify that the above and foregoing is a true and correct transcription of the 4. 5 stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of the parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana:

22 23

Lori Overland, C.C.R.

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In The Matter Of: DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
November 15, 2012

Associated Reporters Incorporated (225) 216-2036

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In The Matter Of: DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
November 15, 2012

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8			7	REPORTER'S PAGE	20
9			8	REPORTER'S CERTIFICATE	21
10			9		
11			10	* * * * *	
12	The above-entitled meeting was held at		11		
13	the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge,		12		
14	Louisiana, beginning at 1:02 p.m., on November 15, 2012.		14		
15			15		
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19	BEFORE:		19	•	1
20	Lori B. Overland Certified Court Reporter		20		1
21	In and For the State of Louisiana		21		1
22	a a		22		
23			23	38	
24			24		
25	2		25		- 1
1	P	age 2			Page 4
1	APPEARANCES		1	CHAIRMAN:	
2	Keith Baker		2	We're going to call the meeting to	
3	Chairman		3	order. Can we take a quick roll call?	
4	Ravelle Jones Tom Harris		4	You guys want to start out there?	
5	Denise Stafford Jeff Baker		5	MR. EFFERSON:	1
6	Shawn Ivey Ryan Wooten		6	Jason Efferson, Motor Fuel Trust	
	Perry Theriot Alex Prochaska		7	Fund.	
8	Vince Sagnibene Tony Savoie		8	MS. COOK:	
9	Cy Morin		9	Rhonda Cook, PPM Consultants.	1
10	Melissa Vizinat Andrea Huval	- 1	10	MS. MILAM:	
12	Jason Efferson Sherry Milam Phony Cook		11	Sherry Milam, PPM Consultants.	
13	Rhonda Cook Don Wiley		12	MR. BAKER:	
14	* * * *	- 1	13	Jeff Baker, DEQ Trust Fund.	
15	.m. (R. A) A) A)		14	MR. PROCHASKA:	
16		- 1	15 16	Alex Prochaska, DEQ, for Vince Sagnibene.	
17			17	MR. HARRIS:	
18			18	Tom Harris, DEQ, Underground Storage	
19		- 1	19	Tank & Remediation Division.	
20		1	20	MR. IVEY:	
21			21	Shawn Ivey, PPM Consultants.	
22		2	22	MS. JONES:	
23		2	23	Ravelle Jones, Chevron.	
24		2	24	MR. SAVOIE:	
25		2	25	Tony Savoie, LOMA.	
		- 1			

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST DEPARTMENT OF ENVIRONMENTAL QUALITY November 15, 2012

		Page 5			Page
1	CHAIRMAN:		1	One of these fiscal year 2012 audits was	
2	Keith Baker, Louisiana Oil		2	started by the previous motor fuel	
3	Marketers.		3	auditor. And it was picked up by our new	
4	MR. WOOTEN:		4	current motor fuel auditor.	
5	Brian Wooten, Louisiana Oil		5	So far, for fiscal year '13, to	
6	Marketers.		6	date, we've collected \$4,000. And for	
7	MS. STAFFORD:		7	fiscal year 2012, we collected	
8	Denise Stafford, DEQ Financial.		8	\$36,712.34. And that's it.	
9	MR. MORIN:		9	CHAIRMAN:	
LO	Cy Morin, DEQ Audit Services		10	All right. Ms. Denise, you're going	
1	MS. VIZINAT:		11	to do the financial report?	
12	Melissa Vizinat, DEQ Trust Fund.	ļ	12	MS. STAFFORD:	
.3	MS. HUVAL:		13	Yes, sir. If you'll turn to Tab 5	
4	Andrea Huval, DEQ Trust Fund.			in your packet. We transferred	
5	MR. THERIOT:		15	\$55,644,214.10 into the motor fuel trust	
.6	Perry Theriot, DEQ Legal.			fund from fiscal year '12 into fiscal	
.7	CHAIRMAN:			year '13. To date, we have warranted for	
18	Has everybody had an opportunity to			payments \$1,477,806.23. That leaves us	
L9	review the minutes? Any questions?			with a current cash balance at the end of	
20	(No response.)		20	September of \$57,542,679.34. Liabilities	
21	CHAIRMAN:			on current sites in the - in our system	
22	If not, can I have a motion to		•	are \$64,934,428, leaving us a deficit	
23	accept?		23	· · · · · · · · · · · · · · · · · · ·	
24	MR. IVEY:		24		
25	Motion to accept.		25	expenditures against the trust fund. Any	
		Page 6	_		Page
		· -g			-
) (0 YO) TO			avertions for that name?	
1	MS. JONES:		1	questions for that page?	
2	Second.		2	(No response.)	
2 3	Second. CHAIRMAN:		2	(No response.) MS. STAFFORD:	
2 3 4	Second. CHAIRMAN: Cy, I'm told you're going to be the		2 3 4	(No response.) MS. STAFFORD: Turn the page. This sheet details	
2 3 4 5	Second. CHAIRMAN: Cy, I'm told you're going to be the one doing the audit status report?		2 3 4 5	(No response.) MS. STAFFORD: Turn the page. This sheet details the interest revenue designated for	
2 3 4 5 6	Second. CHAIRMAN: Cy, I'm told you're going to be the one doing the audit status report? MR. MORIN:	,	2 3 4 5 6	(No response.) MS. STAFFORD: Turn the page. This sheet details the interest revenue designated for abandoned sites as part of the trust	
2 3 4 5 6 7	Second. CHAIRMAN: Cy, I'm told you're going to be the one doing the audit status report? MR. MORIN: Yes.	·	2 3 4 5 6 7	(No response.) MS. STAFFORD: Turn the page. This sheet details the interest revenue designated for abandoned sites as part of the trust fund. The current balance in that	
2 3 4 5 6 7 8	Second. CHAIRMAN: Cy, I'm told you're going to be the one doing the audit status report? MR. MORIN: Yes. CHAIRMAN:	ı	2 3 4 5 6 7 8	(No response.) MS. STAFFORD: Turn the page. This sheet details the interest revenue designated for abandoned sites as part of the trust fund. The current balance in that section of the trust fund is	·
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2 3 4 5 6 7 8 9	Second. CHAIRMAN: Cy, I'm told you're going to be the one doing the audit status report? MR. MORIN: Yes. CHAIRMAN: All right. MR. MORIN:	·	2 3 4 5 6 7 8 9	(No response.) MS. STAFFORD: Turn the page. This sheet details the interest revenue designated for abandoned sites as part of the trust fund. The current balance in that section of the trust fund is \$5,174,113.52. Since the inception of this portion of the trust fund, we have	·
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2 3 4 5 6 7 8 9 10 11	Second. CHAIRMAN: Cy, I'm told you're going to be the one doing the audit status report? MR. MORIN: Yes. CHAIRMAN: All right. MR. MORIN: Okay. For fiscal year 2013, we have planned 13 motor fuel audits. Three of	•	2 3 4 5 6 7 8 9 10 11	(No response.) MS. STAFFORD: Turn the page. This sheet details the interest revenue designated for abandoned sites as part of the trust fund. The current balance in that section of the trust fund is \$5,174,113.52. Since the inception of this portion of the trust fund, we have spent \$1,228,330.60. And the bottom of the page details which sites that was	
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DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST November 15, 2012

		Page 9	T		er 15, 20 Page 1
1	those columns out to the side. And they		١.	4-4-1: #2 011 527 - 2561:4:	_
2	run anywhere from \$2 million to \$2.2		1	G to be color to the first	
3	million. Any questions?		2	Processes see Paymont carmb	
			3		
4	(No response.) MS. STAFFORD:		4		
5			5		
6	That's it.		6	,,,,,	
7	CHAIRMAN:		7	and a service of the control of	
8	That's it? I'm sorry, Ms. Denise,		8	and the property of the proper	
9	the legislative audit, do you have any		9	reach closer at the end of September was	
10	update on that?		10	\$30,553,390. The additional obligation	
L1 -	MS. STAFFORD:		11	recognized for non-capped sites plus the	
12	Yes, we do. It was sent out. I		12	projected motor fuel trust fund to	
L3	meant to bring that. I apologize. I was		13	environmental trust fund transfers, the	
14	supposed to hand that out to ya'll today.		14	liability is \$34,008,930. At the end of	
L5	I will send it to all of you in an email.		15	September 2012, the trust fund had 108	
L 6	CHAIRMAN:		16	pending applications to process, which	
١7	Okay.		17	had requested amounts of \$2,145,582. Of	
18	MR. SAVOIE:		18	this amount, the requested obligations	
L 9	Denise, I don't know if it's - I		19	relating to capped budgets and closure	
20	don't know who's responsible for the		20	costs was \$1,773,474. If you'll note the	
!1	packets. But I know haven't received		21	legal size page, the last page of your	
2	mine as of today, so		22	packet, the number of trust fund sites	
3	MS. STAFFORD:		23	that received a "no further action"	
4	Melissa?		24	status for this period was three. Also,	
5	MR. SAVOIE:		25	the number of potential trust fund sites	
_		Page 10	-		Page 12
1	I don't know if it went out		1	that were reviewed and made eligible	
2	MS. VIZINAT:		2	during this period were seven.	
3	It was mailed.		3	Some points of interest, the	
4	MR. SAVOIE:		4	Department is continuing to work on a	
5	I mean, I have one. I picked one up		5	revised trust fund reimbursement	
6	in the back.		_	application form. We have a draft	
7	MS. VIZINAT:		7	Microsoft Word version that is almost	
	Oh, okay.		_	completed. We are also working on a new	
8	MR. SAVOIE:		8	Excel version of this tool. The new	
9		Ī	9		
0	I'm just saying, I didn't know - MS. VIZINAT:	1	10	Excel version will have field drop downs	
l -	<u>-</u>	1	11	with existing unit prices. It will	
2	I'm sorry.	- 1	12	automatically categorize and sum various	
3	MS. STAFFORD:	1	13	portions of the application on the part	
1.	We'll check that and make sure it's	Į	14	five summary page. We hope to have this	
5	correct.		15	completed within the next couple of	
5	MR. SAVOIE:		16	months. And we'll send both versions out	
7	All right.		17	to the board and the work group members	
3	CHAIRMAN:		18	for comments and suggestions.	
	Mr. Jeff, trust fund status report.		19	Another point of interest, the	
	MR. JEFF BAKER:	:	20	report listing the active trust fund	
)	Yes, sir. If everyone could refer	[:	21	sites without current caps has been	
)	Yes, sir. If everyone could refer to Tab 6 in your packets. These are the		22	compiled, along with status descriptions	
	Yes, sir. If everyone could refer to Tab 6 in your packets. These are the figures of the first quarter of fiscal]:	22 23	compiled, along with status descriptions and comments from the LDEQ staff. The	
)	Yes, sir. If everyone could refer to Tab 6 in your packets. These are the	:	22 23	compiled, along with status descriptions	

25 trust fund received 200 applications,

25 these with the remediation staff. And we

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		Page 13			Page
1	hope to have a list for the board's		1	owns the station. For obvious reasons,	
2	review soon.		2	the bar and the statute deals with - you	
3	MR. SAGNIBENE:		3	know, you don't want the same person who	
1	Can I say something. I want to make		4	is supposed to keep releases from	
5	sure I'm satisfied with the explanations		5	happening profiting from the release.	
6	on the list before I send them to ya'll.		6	That's generally the reason for the	
7	And that's the holdup. But it's		7	provision in the statute. We've been	
В	complete.		8	getting a - we got at least one. And I	
9	CHAIRMAN:		9	think there's been some other inquiries	
0	You should have that before next		10	so far. And on your piece of paper,	
L	meeting?		11	you'll see that was handed out some	
2	MR. SAGNIBENE:		12	people asking for reimbursement where the	
3	Oh, yes.		13	response - the individual who is asking	
1	MR. JEFF BAKER:		14	about this is a minority owner of a RAC	
5	And that completes my review.		15	with no control over day-to-day	
6	CHAIRMAN:		16	operations. Now, I don't know what that	
7	Mr. Perry, third party claims.		17	means because that - the facts	
В	MR. THERIOT:		18	concerning that one I completely	
9	Well, it's another good news. No		19	supplied to us. The RAC goes out and	
0	new third party suits. And so we haven't		20	does a phase 2 and on behalf of an	
1	had a new one since the last meeting. We		21	owner, and identifies the contaminates	
2	do have one item, and I don't think we're		22	soils and groundwater from the UST	
3	going to need to go into executive		23	system. The release was reported on	
4	session to discuss it.		24	behalf of Owner A. And the site's	
5	CHARMAN:		25	determined to be eligible. Owner A set	
		Page 14			Page
1	Okay.		1	aside money for the trust fund deductible	
2	MR. THERIOT:		2	amount with a lending institution. The	
3	We can discuss it if we want to.		3	same individuals that own the minority	
4	You want to hand these out to them?		4	interest also has a non-controlling	
5	CHAIRMAN:		5	interest in the UST facility in order to	
6	If we do, you know, come into some		6	assist the owner with financial problems.	
7	things, we'll step out.		7	We don't know what that means. But co-	
8	MR. THERIOT:		8	signing papers or - we really don't	
9	No, we don't need to.		9	know. But it does kind of give us pause	
0	CHAIRMAN:		10	that the same person, even if they're	
i	Okay.		11	non-controlling, if they're making	
2	MR. THERIOT:		12	arrangements for loaning money to an	
3	There's no litigation pending. This		13	owner. We don't know how this was done.	
4	is simply asking for the trust fund's		14	But the - Owner B arranged for Owner A	
5	opinions and guidance on the advise -		15	to maintain control and operations of the	
5	advice on how we should begin treating		16	UST facility. And made provisions for	
7	these.		17	the owner to revert back in due time. I	
	MR. SAGNIBENE:		18	don't know what that means either. But	
В	And I suggested that we bring this		19	that's what they told us. Okay? The	
			20	lending institution holds the title to	
9	issue in front of ya'll to get some of			-	
9	· · · · · · · · · · · · · · · · · · ·		21	the facility as collateral. So it's been	
9 D	issue in front of ya'll to get some of		21 22		
9 0 1 2	issue in front of ya'll to get some of ya'll - get your input on it, so			mortgaged. The lending institution wants the RAC to handle the assessment and	
8 9 0 1 2 3	issue in front of ya'll to get some of ya'll - get your input on it, so MR. THERIOT:		22	mortgaged. The lending institution wants	

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				November 15, 201
Γ		Page 17		Page 19
1	sense of it. I don't think we have a		1	That's my gut reaction to. I don't
2	definition in our regulations for what		2	
3			3	
4			4	I agree with that.
5	present a problem.		5	
6	MR. SAGNIBENE:		6	Yes.
7	And we don't know the ownership		7	MR. SAVOIE:
8	ratio either.		8	I mean, that way, it makes it nice
9	MR. THERIOT:		9	
10	We don't know ownership - we don't		10	MR. THERIOT:
11	know - we don't know anything about		11	Well, that was my initial impression
12	other than what you see here. Our normal		12	as well is that we don't want these lines
13	- they brought it in front of ya'll		13	blurred because you don't know where
14	because my normal interest when I was		14	they're going to go.
15	asked about this was, I would not allow		15	Okay. That's the only legal -
16	this as a normal practice. And absent		16	(An off-the-record discussion followed.)
17	additional information, I would not - my		17	MR. THERIOT:
18	advice would be, look, I don't think we		18	That's it for the legal report
19	should do this because we don't have		19	today.
20	enough information available. But the		20	CHAIRMAN:
21	ban and the statute doesn't say how much		21	Do we have any other business?
22	ownership. It just says that we can't		22	(No response.)
23	pay a RAC who owns the station. It's a		23	CHAIRMAN:
24	little simplistic view in the statute.		24	If none, then adjourn the meeting.
25	It's not real complicated. Business		25	THE MEETING ADJOURNED AT 1:17 P.M.
 		Page 18		Page 20
1	arrangements, of course, we know can take		1	REPORTER'S PAGE
2	lots of different forms. But the ban is		2	I, Lori B. Overland, Certified Court
3	in place because we don't want the same			Reporter, in and for the State of Louisiana,
4	people in charge of preventing a release			the officer, as defined in Rule 28 of the
5	profiting off of the release. And we		ı	Federal Rules of Civil Procedure and/or
6	wanted ya'll to see if ya'll had any		6	Article 1434(b) of the Louisiana code of
7	input to give us, if ya'll wanted to.			Civil Procedure, before whom this sworn
8	MR. SAVOIE:	·		testimony was taken, do hereby state on the
9	So the intention, basically, was	i		Record
10	that you didn't want a RAC that would be		10	That due to the interaction in the
11	paid to do the cleanup to have any type		11	spontaneous discourse of this proceeding,
12	of ownership in the facility. Correct?		12	dashes () have been used to indicate
13	MR. THERIOT:	ĺ	13	pauses, changes in thought, and/or talk
14	Right.	i	14	overs; that same is the proper method for a
15	MR. SAVOIE:			Court Reporters's transcription of
16	So in that case, then I would say,	1	16	proceeding, and that the dashes () do not
17	if a RAC has any type of ownership then,			indicated that words or phrases have been
18	they should step back and another RAC	l		left out of this transcript;
19	should take over remediation, to me,			That any words and/or names which could
20	would be the logical			not be verified through reference material
21	MR. SAGNIBENE:			have been denoted with the phrase
22	This was my first one, and I kind of		22 '	'(inaudible)."
23	had heartburn about it. That's why I		23	
24	wanted to run it by ya'll.		24	Lori Overland, C.C.R.
25	MR. SAVOIE:		25	# 97083
		- (

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST DEPARTMENT OF ENVIRONMENTAL QUALITY November 15, 2012

Page 21
CERTIFICATION
I, the undersigned reporter, do hereby
certify that the above and foregoing is a
true and correct transcription of the
stenomask tape of the proceedings had
herein, taken down by me and transcribed
under my supervision, to the best of my
ability and understanding, at the time and
place hereinbefore noted, in the above
entitled cause.
I further certify that the witness was
duly sworn by me in my capacity as a
Certified Court Reporter pursuant to the
provisions of R.S. 37:2551 et seq. in and
for the state of Louisiana; that I am not of
counsel nor related to any of the counsel of
any of the parties, nor in the employ of any
of the parties, and that I have no interest
in the outcome of this action.
I further certify that my license is in
good standing as a court reporter in and for
the state of Louisiana.
Lori Overland, C.C.R.
97083

_ _	8:17	bar (1)	10:14	couple (1)
\$	against (1)	15:2	Chevron (1)	12:15
	 7:25	basically (1)	4:23	course (1)
\$1,228,330.60 (1)	agree (1)	18:9	Civil (2)	18:1
8:11	19:4	begin (1)	20:5,7	Court (2)
	Alex (1)	14:16	claims (1)	20:2,15
\$1,477,806.23 (1)	4:15	1		
7:18		behalf (2)	13:17	cover (I)
31,773,474 (1)	allow (1)	15:20,24	clean (1)	8:22
11:20	17:15	blurred (1)	19:9	current (6)
72 (1)	almost (1)	19:13	cleanup (1)	7:4,19,21;8:7,23;
9:2	12:7	board (1)	18:11	12:21
2,031,720.81 (1)	along (1)	12:17	closer (1)	currently (1)
8:24	12:22	board's (1)	11:9	12:24
	amount (3)	13:1	closure (1)	1
2,145,582 (1)				Cy (2)
11:17	8:19;11:18;16:2	both (1)	11:19	5:10;6:4
2,910,936 (1)	amounts (1)	12:16	co- (1)	
11:3	11:17	bottom (2)	16:7	D
2,911,537 (1)	and/or (3)	7:23;8:11	code (1)	
11:1	20:5,13,19	Brian (1)	20:6	dashes (2)
	Andrea (1)	5:5	collateral (1)	20:12,16
2.2 (1)	5:14			
9:2		bring (2)	16:21	date (2)
30,553,390 (1)	apologize (1)	9:13;14:19	collected (2)	7:6,17
11:10	9:13	brought (1)	7:6,7	day-to-day (1)
34,008,930 (1)	application (2)	17:13	columns (1)	15:15
11:14	12:6,13	budget (1)	9:1	deals (1)
	applications (4)	11:8	coming (1)	15:2
36,712.34 (1)		1		
7:8	10:25;11:1,4,16	budgets (1)	6:25	December (1)
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