STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD

The above-entitled meeting was held at the LSU AgCenter Research and Extension, 8105 Tom Bowman Drive, Alexandria, Louisiana, beginning at 1:04 p.m., on August 15, 2019.

BEFORE:

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

APPEARANCES

Nick St. Romain Chairman

Kerry Hill
Durwood Franklin
Jeff Baker
Gary Fulton
Cy Morin
Roger Bright
Theresa Delafosse
Brandon Williams
Joe McCartney
Nathan McBride
Steve Burnham

Melissa Vizinat Samuel Broussard Tad Loupe Shawn King Rhonda Cook DJ Corbin Todd Perry

* * * * *

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXAMINATION:

3

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None		
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None		
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* * * * *
1
         MR. ST. ROMAIN:
2
               Let's go ahead and call the meeting to
 3
         order, the Q-3 meeting of the Louisiana
 4
         Motor Fuel Underground Storage Tank Trust
 5
          Fund Advisory Board. And we'll do a quick
 6
          roll call. I guess we'll start with
 7
         Melissa.
 8
         MS. VIZINAT:
 9
               Melissa Vizinat, DEQ Trust Fund.
10
          MR. WILLIAMS:
11
                Brandon Williams, DEQ Legal.
12
          MR. FRANKLIN:
13
              Durwood Franklin, DEQ Trust Fund.
14
          MR. BAKER:
15
               Jeff Baker, DEQ Trust Fund.
16
          MR. FULTON:
17
               Gary Fulton, Underground Storage Tank
18
          Division.
19
          MR. BRIGHT:
20
                Roger Bright, Jones Environmental.
21
          MR. BURNHAM:
22
                Steve Burnham, Engineering Associates,
23
          MR. McBRIDE:
24
                Nathan McBride, Louisiana Mid-
25
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1 Continent Oil and Gas Association.
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- MR. McCARTNEY:
- Joe McCartney, Louisiana Oil
- 4 Marketers.
- 5 MR. ST. ROMAIN:
- 6 Nick St. Romain, Louisiana Oil
- 7 Marketer Association.
- MS. DELAFOSSE:
- 9 Theresa Delafosse, Louisiana DEQ
- 10 Management and Finance.
- 11 MR. MORIN:
- 12 Cy Morin, DEQ Audit.
- MR. PERRY:
- 14 Todd Perry, PPM Consultants.
- 15 MS. COOK:
- Rhonda Cook, PPM Consultants.
- MR. BROUSSARD:
- Sam Broussard, DEQ UST Division.
- 19 MR. LOUPE:
- Tad Loupe, UST Division.
- 21 MR. KING:
- 22 Shawn King, Jones Environmental.
- MR. CORBIN:
- 24 DJ Corbin, Jones Environmental.
- MR. ST. ROMAIN:

```
All right. Thank you. And we'll now
 1
          move on to adoption of the June 20th, 2019
 2
          board minutes. Can I get a motion to adopt
 3
          the minutes as written?
 4
          MR. BURNHAM:
 5
              Motion to adopt.
 6
          MR. ST. ROMAIN:
 7
                Got a first from Steve. Can I get a
 8
 9
          second?
          MR. McBRIDE:
10
11
                Second.
          ST. ROMAIN:
12
                Second from Nathan. Thank you.
13
          Minutes are adopted.
14
                Move on to item three, the financial
15
          services report with Theresa.
16
17
          MS. DELAFOSSE:
                I want to apologize before I get
18
          started for my missing voice. Hopefully, I
19
          can still speak loudly enough. I think I
20
          can. So ya'll are lucky.
21
                If you turn to tab three in your
22
          packet, it's the orange tab, we have the
23
         year-end, fiscal year-end 2019 financial
24
          statements. And on the left-hand side,
25
```

also, is the year-end statement from fiscal year 2018, so we can compare the two.

As you see, the total receipts were -were similar. 22.2 million last year versus
23 million for this year. However, we did
have significantly higher receipts in the -for the abandoned tank program for the site
work that -- that they're doing with those
tanks. Last year, it was just under 1.6
million where this year, we had 4.4 million.
Due in large part to a settlement that we
received, but also, our interest earnings
were quite high at over 2.5 million. So
that's great news. That gives us some -some good money to -- to do those -- do that
site work with.

Our claims for reimbursement were quite in line with where they were last year. And our total disbursements were slightly down from 14 million down to 13.9 million, with an increase in the disbursements for abandoned tank. Again, we — we had some tank pulls complete in fiscal year 2019, so that's reflected there in that 101 number, in the abandoned tank column for

fiscal year 2019.

The fourth -- I guess the third section, the other financing uses, that's the transfer from the environmental -- from the motor fuel trust fund to the environmental trust fund at the end of the year. And that was a decrease, as you can see, from last year to this year. I'll go into more detail as to why that decrease occurred in my presentation.

And then I want to draw attention to this second line here. You see the cash sweep payback from House Bill 286. I did mention that at our last board meeting, but now it is reflected in our financial statements, that one and a half million dollars that was transferred into the fund. So we're happy that the administration has made steps towards paying back that -- I think it was approximately seven million dollars that was redirected. So 1.5 down, 5.5 to go.

And then just down at the bottom are the final -- the -- the final numbers for the year. Our cash balance in the fund

without the interest is 112 million dollars.

Total cash balance with the interest of about -- approximately 12 million is 124 million.

And then that current site liability is the number that was provided by the actuary firm. We do hope to have an updated number in the spring, based on our fiscal year 2019 numbers. But we will repeat that number for this quarter and the next two quarters, I believe, because that's the most recent current site liability we have.

So then that bottom line is our equity balance at this time. When we compare the cash balance to the current site liability, we have a negative equity balance of 41 million dollars.

The next page is the detail on the transfer from the motor fuel trust fund to the environmental trust fund. I'm not going to highlight anything on this page, but I will go into more detail in the presentation.

Ya'll let me know if ya'll have any questions at this time, and if not, I will

```
1
          move on up the podium and get started on the
 2
          slides.
          (No response.)
 3
          MS. DELAFOSSE:
 4
                I don't know if I'm going to use it,
 5
          but Jeff brought this handy-dandy laser
 6
          pointer. So I wanted to test it out there.
 7
                I mentioned that the bulk distribution
 8
          fee revenues were fairly steady from '18 to
 9
          '19. You'll see here on this slide the past
10
11
          four years. Again, this has remained
12
          steady. We have our -- our fabulous
          auditors that do some great audits of these
13
          revenues just to make sure we're getting all
14
          the deposits that we need and everyone is
15
          paying accurately. So I think we have a
16
17
          pretty high compliance rate and that shows
          in our consistent collections from year to
18
19
          year.
                There has been some -- obviously, some
20
          major growth in the interest income, which
21
22
          as I mentioned is great news for Gary's
23
          group, to do that abandoned site work
          because we do have a -- quite long -- a long
24
```

list of tanks that need to be pulled and --

and possibly some remediation, depending on what we discover when they're pulled. So we've had some great growth there. Again, the 2.5 million is the interest earnings for fiscal year '19. So I expect we'll continue to have some -- some pretty significant earnings there. So, you know, I guess it's a little disappointing, because in the past, we had, you know, 160 percent change, this year, it was only an 85 percent increase. So, sorry about that.

These are the expenditures by the different functions for the program. The UST Core is Gary's group and the oversight that they do on the remediation with the team leaders. That's the -- again, the -- that's the majority of the total personnel cost.

The enforcement group, ya'll are familiar with them. I -- I hope not. But they make sure that everyone is compliant with our regulations. And that's a -- that's a fairly small amount of the total. But -- and that's -- that's various employees that will charge their time to

this program when they do enforcement for -for tanks.

Motor Fuel Trust Fund is Jeff's section. And they review the applications and make sure they get paid out. I believe Jeff is going to highlight some of their results in his presentation, but I did want to mention they've made some great strides. I hope -- I hope that everyone has noticed in the RAC community. They made some great strides towards turning those applications around faster, to make sure everybody gets reimbursed and timely than ever.

And then the support and indirect, we've -- we've had discussions, again, about this. That's for those -- those folks who don't charge directly to the program, like Perry. He's not here with us today. But Brandon, if he does any work for abandoned tanks, anyone else in legal, like Jill, and then the people in financial services and then the executive level folks, again, like Karyn and Dr. Brown and Roger Gingles, any work that they do doesn't get charged directly to the program. So that

calculation allows us to recapture those costs.

These are the salaries and related benefits information from '18 to '19. There was an increase from '18 to '19 of 5.8 percent. Then the related benefits, there was an increase as well.

The retirement costs are high. As you can see, that bottom -- that top bullet in the little bottom section, our retirement cost in fiscal '19, were just under 38 percent per employee. And we're gonna see an increase, unfortunately, in that amount end of fiscal year '20. Most of that is to pay for the unfunded accrued liability, so paying for the past, to make sure that the retirement system stays solvent and is able to pay those benefits.

These related benefits numbers also include the group benefits and that's elected by the employees. I do believe there's gonna be an increase in those costs in this fiscal year, as well. I think -- they -- they operate on a calendar year, so I think some of those premiums are going to

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increase, both the employee's share and the state's share, beginning of January.

Travel and training. These are some minor costs. We spent 6,800 in fiscal '19. It was an increase, but, again, a fairly --fairly insignificant expenditure category. That's some instate travel, anything overnight. I know Jeff and Gary went recently up to North Louisiana to observe some work and site and they had to stay, because it was a four-hour drive, so they stayed. And -- and those -- those cost go in there.

Our operating services, there was a slight decrease, but they've stayed pretty steady. That includes the list mentioned below, some supplies, dues, our vehicle maintenance, et cetera.

Professional services is a very small category. There was a 26 percent increase, but again, from 950 to 1,200. We have two labs -- well, we have at least two labs on contract and they -- they analyze our samples. That's work that's outsourced that used to be within the department. But any

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time that samples are tested or analyzed
that relate to a trust fund -- or, an
underground storage tank site, then it's
charged out to the program.
```

This is the other charges category. A lot of the more professional services-type vendors, we actually charge to this category now. So we have the tank operator training, the evaluation, the compliance inspections. We're still working with the same vendor in fiscal '20 that we had previously for those. The attorney's fees, that's for the ongoing litigation. They totaled about half a million dollars in fiscal '19. Then our court reporter cost. And then the actuary was 41,000, again, for fiscal '19. We do still have some outstanding work items on that contract. I think we're probably going to amend it to change, I guess, some of the work that they do, but I'm not sure what other changes that would bring. And then some court cost with the 19th JDC. MR. McCARTNEY:

What was the total for those

25 actuaries, do you -- do you know that

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```
1
          number?
 2
          MS. DELAFOSSE:
                That was the total so far for --
 3
 4
          MR. McCARTNEY:
              I'm talking about for --
 5
 6
          MS. DELAFOSSE:
              -- fiscal '19.
          MR. MCCARTNEY:
 8
                -- beginning until now.
 9
          MS. DELAFOSSE:
10
11
                That's it. That's it so far.
          MR. McCARTNEY:
12
13
                41,000?
          MS. DELAFOSSE:
14
              Yes. The contract was around 100,000.
15
16
          MR. BAKER:
                Around 113,000, but there's --
17
          MS. DELAFOSSE:
18
              113,000 was the contract.
19
          MR. BAKER:
20
                -- there's a phase one and a phase
21
          two. Phase one was what they've done so
22
23
          far. Phase two was looking at long-term
         projects, long-term sites, things that we
24
25
         could do to help reduce the cost and things
```

1	of that nature, and some other ancillary
2	things we were gonna get them to work with
3	us on.
4	MS. DELAFOSSE:
5	And they were yes, they were maybe
6	gonna look at the above ground tanks.
7	MR. BAKER:
8	That was another thing
9	MS. DELAFOSSE:
0	We're still gonna have to we're
1	gonna have to meet with them to work out
2	what those things will look like. And,
3	hopefully, we'll have a more of an update
4	as to what their objectives are going to be
5	and what the the rest the remainder
6	of their work will be at our next board
7	meeting in November.
8	This is some information on the
9	abandoned tank work that I mentioned. We
0	did work with two vendors in fiscal year
1	2019 to complete some tank pulls.
2	Expenditures for those two sites were 75.6 -
3	- \$75,600. We're working to get liens
4	placed on the property in the amount equal
5	to our expenditures to make sure and

and that includes the -- what -- the work 1 2 that the vendors did and the work that the 3 agency did as well. So when that property 4 sells, to the extent possible, some revenue 5 will come back to us for that. 6 And then, like I mentioned, they're --7 they're still doing some work on -- on a good many sites, so I think we're going to 8 9 continue to see an up-tick in those 10 expenditures, as the years go by. So we'll

-- you know, we'll definitely spend more in

'20 than we did in '19. I think at some

point, we'll level off, but once we really

get up and running and at full capacity,

we'll see what the full -- the full volume.

looks like.

11

12

16

17

18

19

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21

22

23

24

25

I mentioned previously the attorney general fees. Again, we just have the one - - I believe just one case remaining. And the total recovery is approximately 21 million.

We had a -- a down trend in fiscal year '18 and then a slight up-tick again in '19. We did sign the interagency agreement with the Department of Justice for fiscal

year '20 in the amount of one million

dollars. So the cost should not exceed one

million dollars in fiscal year '20. I would

expect that they'll be in the lower range,

like they've been in recent years and not -
they shouldn't reach the 900,000 area like

they have previously, because it's just the

one case. It's not five, six cases.

Other interagency transfer category, that's any operating cost that we pay to other state agencies. And that's why it includes the rent. We did consolidate within the Galvez Building and we got off a floor and a half. So we will see some changes there because we're not taking up as much space. So we -- I think we had as an agency 700,000 in savings due to that annually. So some of that will trickle down here.

The indirect costs we've discussed.

We have -- we do have the rate available now for fiscal year '20. It stayed in -- in the ballpark of the fiscal year '19 range. It did increase from 60.23 percent to 62.36 percent. And again, we -- we use this

1 amount to calculate the indirect rate. We 2 use the half -- half of the rate here for 3 the trust fund. We began that process in 4 fiscal year '13. 5 We've talked fairly extensively about 6 the grant revenues before. At one point, we 7 had a -- our grant award was higher in 8 fiscal year '19, but some of that was 9 related to the hurricane grants and we weren't able to fully tap into those 10 11 revenues in '19, but hopefully, will be able to in '20. So that -- that's reflected in 12 13 those numbers, those changes. 14 So again, we've had some -- obviously, 15 some decreases from back in the past when we 16 were as high as 3.2 million in fiscal '12, 17 you see the change from '12 to '13 was 1.2 million. You know, we're down a lot closer 18 19 to a million now, but --20 The tank fees, they are \$60 a tank now. And we did collect -- in fiscal year 21 '18, we collected 661,000, which was an 22 23 increase from the previous year of about 24 eight percent. And then in '19, we 25 collected 695,000. I would expect it to

stay, like I mentioned at the top, in that range from 675 to 700. You know, now, I guess everybody had in their head for years and years, it's \$54, it's \$54. Well, now, they're going to know it's \$60. And hopefully, we have great success with everybody paying the right amount and -- and no -- not having to send anybody a bill for \$6.

And then this is the history of the transfer from the motor fuel trust fund to the environmental trust fund to cover the remainder of the program expenditures that cannot be covered with the tank fees and the grant money. I have deducted the attorney general expenses, as we did in the past, from each year. And you see we remained right around five million from '18 to '19, once we take those out.

And there was a decrease, again, like I mentioned, in the federal revenues from '18 to '19 so that did cause a slight increase in the transfer, but again, it was about 24,000 more, so not -- not a large increase.

```
1
                That's all I have. Do ya'll have any
 2
          questions?
 3
          (No response.)
          MS. DELAFOSSE:
 4
                I'll sit and ya'll can ask questions.
 5
 6
          MR. ST. ROMAIN:
 7
                All right. Any -- thank you, Theresa.
 8
          Any other questions for Theresa or comments
 9
          around the financial services report?
10
          (No response.)
11
          MR. ST. ROMAIN:
12
                All right. Well, if not, can I get a
13
          motion and a second to accept the financial
14
          services report, as read, or --
15
          MR. FULTON:
16
                Motion.
17
          MR. ST. ROMAIN:
           All right. Got a motion. Can I get a
18
19
          second?
20
          MR. McCARTNEY:
21
                I'll second it.
22
          MR. ST. ROMAIN:
23
                All right. Thank you Gary and Joe.
24
                We'll move on to the auditor status
25
          report with Cy.
```

1	MR. MORIN:
2	Good afternoon. If you turn to tab
3	four, it's the yellow tab. So this first
4	page of the report details currently 20 open
5	motor fuel delivery fee audits that are not
6	in our legal department.
7	As of August 6, 2019, you'll find
8	three cases are awaiting payment, of a total
9	of approximatelý \$1,300. This this was
10	assessed for unpaid motor fuel delivery fees
11	and unpaid late fees.
12	Eight cases are awaiting review.
13	Pending the final review, these represent
14	one potential assessment of approximately
15	1,200. Of this, approximately 700 \$975
16	has has been received, leaving a balance
17	of around 250.
18	We have one potential credit of
19	\$44.68. And six potential clean audits with
20	no assessment.
21	Six cases are still in progress, with
22	result to be determined and finalized. And
23	one case has been paid in full and is
24	awaiting closure.
25	Since the last meeting, we've added

1	five new cases in for fiscal year '19.
2	One case one case that was clean with no
3	assessment has been removed and closed from
4.	the list. And one case has been removed
5	from the list and referred to legal.
6	So you'll see the case that was
7	referred to legal on the next page.
8	So if there's no questions on this
9	page, we'll go ahead and turn to page two.
10	(No response.)
11	MR. MORIN:
12	So you'll see we have five cases on
13	this this list now. The fifth case is
14	the new case. It's only \$132.09. I do feel
15	like, once they receive a legal letter,
16	we'll probably get payment for this.
17	Although, the business is closed, so it may
18	take a little bit, but I think we'll collect
19	it.
20	The four the four remaining cases
21	are are the same status. Three cases are
22	in ODR. We have not received payments. And
23	case number two on the list, continues to
24	pay \$200 per month payments. The last one
25	was received 7/18/2019, leaving a \$3,500

```
balance. And if payments cease, we will
 1
  2
           refer this case to ODR.
                As you can see, the total of these
          five cases is $103,237.29. That's including
  4
 5
          motor fuel delivery fees and late penalties
          and then you'll see any attorney's fees,
 6
 7
          court cost and judicial interest just
          beneath that, for a total remaining balance
 8
 9
          of approximately $115,000.
10
                And that's it.
11
          MR. ST. ROMAIN:
12
                All right. Thank you, Cy.
13
          MR. MORIN:
14
                You're welcome
15
          MR. ST. ROMAIN:
16
                Can I get a motion and second to
17
          accept the auditor's status report?
18
          MR. BRIGHT:
19
               Motion.
20
          MR. ST. ROMAIN:
21
                All right.
22
          MR. BURNHAM:
23
                Second.
24
          MR. ST. ROMAIN:
25
                Thank you, guys.
```

We'll move on to the trust fund status
report with Jeff Baker.

MR. BAKER:

Good afternoon. We're doing things a little bit differently this time. We've kinda changed some of our reports up. The -- the law does naturally require us to do the -- the obligation determination monthly like it did last year. So, you know, now we have the actuary doing those calculations for us and we're going to continue to do them on an annual basis. We will be -- we will be providing an obligation liability to the board probably in the -- either the late fall or early spring each year, so ya'll will have the numbers you need to make your decisions and your recommendations.

So what we decided to do on the trust fund side is, we wanted to provide ya'll even more information than what we'd given you before. So we kinda revamped some of our reporting and it's included in your packets. What I pull up here on the screen, I know is very difficult to read and I apologize. But I promise, except for one

slide, it's in your packets. Okay? So you

can actually look at those numbers at your

leisure and see what's there.

The first report is a new report.

It's a -- it's a trust fund status overview report. And it kinds goes through and gives you some numbers. Up here at the top, you'll see the trust fund -- these are trust fund eligible sites, okay? It shows you -- we've basically have broken -- and you'll see this trend throughout these reports.

We've broken these into two different categories, sites that are in the corrective action phase and sites that are in the investigation phase.

Right now, we have 143 sites currently in the corrective action phase. And 132 in the investigation phase. And you can see there the average age of those different categories, and the current cost that we've spent on those -- on those sites in those different categories.

Now, below that, you'll see accumulative site closures. And this is going back to the beginning of the program.

1	so, we ve creaned up 140 1 m sorry
2	1,404 sites, totaling about 2,800
3	applications for over 285 million dollars.
4	The next section is the corrective
5	action approved budget summary for the
6	active sites. So this is CAPs that we have
7	right now. So for the sites that are in the
8	corrective action phase, you'll see we have
9	89 million dollars worth of CAP budgets
10	approved. We've spent approximately 71
11	million. And that leaves us with 17.8
12	million dollars remaining in CAP budgets to
13	be spent.
14	The next section down below that are
15	the sites that have been made trust fund
16	eligible in the last three years but have
17	not submitted a request for trust fund
18	reimbursement. At the end of the June
19	30, 2019, we had 26 sites.
20	At the end of June, we had 35 pending
21	applications for a total of 1.2 million
22	dollars, which was actually the lowest we've
23	had in quite some time at the end of a
24	quarter. We were real proud of that.
25	We have a total of 41 certified RACs

right now. 28 of them have active trust fund sites.

The next category down at the bottom, basically gives you the summary of expenditures we've had this year. And, you know, obviously for this quarter, we had --we received 229 applications, totaling about 4.2 million dollars. We had --24 of those applications were returned. 248 of those applications were processed, where we recommended approximately 3.7 million dollars. We disallowed \$154,000 and we had about \$67,000 in deductibles.

The next page is a page we've had pretty much since the beginning of time.

The -- the only difference here is, we've actually wrote it out where you can see the -- the quarter -- you'll see the -- the month by quarter. And one of the -- one of the board members asked us to show the quarters separately to make it easier for ya'll to follow. This -- all the -- most -- the majority of this information on this page was actually shown in the summary overview.

1	This next page if you go to the
2	next page is the kinda the summary of
3	of what's happened with the fund since
4	the beginning of time.
5	You'll see at the top, we've processed
6	almost 37,000 applications we received
7	37,000 and we and we processed about the
8	same amount.
9	You'll see the total expenditures.
10	You can see the down at the bottom,
11	you'll see the total expenditures by by
12	fiscal year, and you'll see we grouped '89
13	to to 2009 in one on one one row,
14	just because we ran out of room on the
15	report.
16	But that kinda gives you an idea of
17	the trust fund historically.
18	On the next page, this is kinda a
19	summary of what's going on with our
20	corrective actions sites. You'll see as we
21	showed on the first page, we have 143 of
22	those sites. If you'll look down below
23	that, you'll see the costing categories. Of
24	those 143 sites, we've spent about \$640,000
25	on emergency cost, about 10.6 million

```
1
          dollars in investigation, .7.1 in interim
 2
          monitoring cost and about 8.8 million
 3
          dollars in reporting. And then, we've spent
 4
          a total of 99 million dollars.
 5
                Now, the difference -- if you total up
 6
          that column, it doesn't come up to 99
 7
          million dollars. The difference is the
 8
          corrective actions cost. And also, we
 9
          didn't always keep things -- didn't always
10
          track things in those categories. If these
11
          are older sites, the dollars aren't going to
          totally come up to the same -- to -- you --
12
13
          you're not going to get a dollar to dollar
14
          match there, but it's close. Anything
          before, I think, 2007, we didn't keep track
15
16
          of in these costing categories. So all we
17
          really had was a total reimbursement.
18
                But the majority of that difference is
19
          the corrective action expenditures you
20
          see over here to the right, on this
21
          category, where it shows CAP reimbursement.
22
          So that's where the majority of that
23
          difference is.
24
                So what you see is, we have 17.8
25
         million dollars left in CAP expenditures to
```

be spent. But also, you'll see here, we tried to go through and do something a little bit different. We've never done this before. You see, we have the total current reimbursements, we have the CAP budgeted remaining and then we have the RAC estimated cost beyond approved. So in other words, to get to -- to closure, the RACs estimate how long it's going to take to -- to -- what it's going to take to get to closure. They submit two-year budgets. And this is beyond the two-year point.

So we've got 9.3 million dollars there. And if you total all of that up, we come up to 126 million dollars, is what we're estimating we're going to spend on those 143 sites. If you -- if you average that out, that means we're going to spend an average of \$883,000 to clean up those sites in corrective action plan -- corrective action plans.

Now, compared to our total average, which includes sites that don't make it into corrective action, you see that number right there, we've got \$285,000 is our overall

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

average. So it shows you, if they get to

corrective action, our cost are going to be

much higher.

The next few pages are actually a breakdown of the -- the -- the last page I showed you. You'll see the totals at the top that were included on that previous page. What this is, is this is basically a breakdown of each individual site that go into that corrective action category. So if you have a site there, you can look it up and you can see what you've expended -- what -- what's been expended at that point. See the number of applications. You can see the -- the date the first app was received, the last app was received, total recommended amount. And then, you'll also see the cost categories. We have total emergency investigation, interim monitoring and so on. You'll also see the corrective action budgets, how much has been spent. And you can see the parish and the region that it's in.

And this is just given to ya'll for your information -- informative purposes.

```
1
                Now, if you go -- now, again -- again,
 2
          you'll go to another section. And another
 3
          section is the in -- the sites in the
 4
          investigation phase. And that's again, a
 5
          breakdown of each individual site in the
          investigation section. And you'll -- same
 6
7
          information is -- is on this chart as on the
          previous one. And you'll see the total.
8
          And I'm going to show ya'll those on the --
9
10
          on the next page. But this is just to give
11
          va'll an overview of the sites we have.
```

The next section is -- again, it's an overview, a total of what was on those individual pages for the sites in the investigation. And you can see, we have -- we've spent 158 -- \$157,000 approximately on emergency cost for those 132 sites, about 5.9 million investigation cost, 2.4 in interim monitoring, 2.6 in report cost and about 789,000 on interim corrective actions. We have about 112,000 pending. If you total all that up, it comes up to 11. -- 11.1 million, and the average cost, right now, of \$84,000. Now, I want to caution ya'll, that's right now. That's where we are at

1	the end of June 2019, that's the
2	expenditures on these sites. All of these
3	sites are still being investigated, could go
4	into corrective action, may not. But that's
5	kinda where we are on these sites right now.
6	If anybody has got any questions, stop
7	me as we go. I know I'm throwing a lot of
8	data at you, but again, it's in your in -
9	- it's on it's in your packets, so just
10	take a look at that. You can't you can't
11	see it on the screen. I know it's kinda
12	small.
13	Now, this is a new report. Actually,
14	I'm kinda excited about presenting the data
15	like this. Theresa is laughing at me over
16	here.
17	MS. DELAFOSSE:
18	Yes. He was excited about it.
19	MR. BAKER:
20	What we tried to do is, again, we're
21	trying to give ya'll more information. And
22	what we tried to do is we tried to break the
23	data we have into two different directions,
24	the corrective action sites and the
25	investigation sites. And then we tried to -

1 - to group it by the region. So here, you 2 can look at the region and you can see how 3 many sites are in Acadia Region. This is a 4 -- a DEQ Region, the Acadia Region. You can 5 see we have 24 sites in that region that are 6 in the corrective action phase and we have 7 39 sites in the investigation phase, with a 8 total of 63 sites. Under the corrective action phase, you'll see, we've spent almost 9 10 20 million dollars on those 24 sites and their average age is 14 and a half years. 11 12 In the investigation, we've spent 3.3 13 million and their average age is 4.4. And if you look at the total, we've got -- we've 14 spent a total of 23.3 million, with an 15 16 average age of 8.3. So you can look in the 17 -- in each -- in each individual region and 18 kinda get a feel for where we're spending 19 our money throughout the state and what's -what's going on. 20 21 If you go to the next page, this one is the same data, but it's grouped a little 22 23 differently. What I did was, is I grouped

the data with sites that are less than two

years old, two to five years old, five to

24

ten years old and greater than ten years old.

Now, the -- the way we calculate the age is, we basically take the -- the time difference between the first application received and the report date. So we're not actually going back to when the incident occurred. We're actually looking at when the trust fund has been paying out on these sites.

And recognize that some of these ages can be a little bit confusing too, because some of these sites have multiple incidents and if we're cleaning one incident and don't clean the first one up before we get to the next one, then the time span can get stretched out over time, so --

But if you'll see here -- so, if you look in the corrective action phase, you kinda see what you'd expect, the site count increases as you go in time. So, you know, we really only have a couple of sites, three in the corrective action phase, that are less than two years old, but we have 91 that are greater than ten, which is kinda what

1	you'd expect.
2	MS. DELAFOSSE:
3	And and I when Jeff sent these
4	to me a few weeks back, I pointed out too
5	that greater than ten, the average site age
6	is 17 and a half years. So that's you
7	know, they're not even just 10, 11, 12.
8	That's some old those those sites have
9	been out there quite quite some time,
10	those 91 sites.
11	MR. BAKER:
12	That's right. So and if you'll
13	look at the investigation phase, you'll see
14	the inverse. You'll see that we have 65
15	sites that are less than two years. And as
16	you stretch out the ten, we've only got
17	we have 19 sites that are greater than ten
18	that are still being investigated.
19	And then you can see the total count,
20	where you see we have 110 sites that are
21	greater than ten years that we've spent
22	about as you would expect, we've spent a
23	lot of money on those sites. And our
24	average age is 17.2.
25	Anybody have any questions about that?

```
1
          (No response.)
 2
          MR. BAKER:
 3
                Now, this one is kinda telling a tale
 4
          about the trust fund. This is our metrics.
 5
          It kinda shows you what we've done over the
 6
          last five years, the applications we've
 7
          received and then the average -- our average
 8
          process time. As you can see, we kinda had
 9
          a problem in '16 and '17. We -- we had a
10
          flood locally that kinda impacted us and we
          also had some -- some new staff that we were
11
12
          training and it -- it -- it kinda -- it had
13
          an impact on us, but we're working to
          improve that and we had some -- we had great
14
          improvement last year and we -- we're doing
15
16
          some things this year we think will even
17
          improve it more. It kinda gives you an idea
18
          of the cost per application and the total
19
          reimbursement for each year.
20
                Anybody have any questions about that
21
          one?
22
          (No response.)
23
          MR. BAKER:
24
                The next page -- again, this is a new
25
          -- new chart. What we tried to do is by --
```

1	by each fiscal year, over the last five
2	years, we tried to show the total
3	expenditures out of the trust fund for these
4	reporting categories, emergency,
5	investigation, air monitoring and so on.
6	And then down below, we've listed the
7	percentages of the total. So you can see on
8	an average over the last five years, we
9	spent .3 percent on emergency work, 14 and a
10	half percent on investigation, 6.3 percent
11	on interim monitoring, nine and a half on
12	reporting and 69 and a half on corrective
13	action, which is what you would expect based
14	upon the numbers we seen earlier in in
15	this report.
16	Anybody got any questions about that
17	one?
18	(No response.)
19	MR. BAKER:
20	Now, this is a report that some of the
21	board members have asked me about. It's
22	dealing with sites that we have made
23	eligible for the trust fund. And we we
24	always do a compliance review when we make
25	them eligible. And that depend that

```
1
          that relates to whatever the deductible is
 2
          gonna be. And going from 2011 to now, what
 3
          you'll see, we -- what we did was, we listed
          the sites that were in compliance, ones that
 4
 5
          were out of compliance and others. Others
          are ones that we made eligible in that year,
 6
          but actually they were older incidents that
 8
          the deductible question related to
 9
          compliance didn't apply. So that's why we
10
          have a separate category for that. And then
11
          you see the total incidents. And then you
12
          see the percentage of in compliance and out
13
          of compliance.
14
                Now, I want you to notice, back in
15
          2011, 2012, our out of compliance sites were
16
          about 70 percent, on average. But if you
17
          look at 2018 and 2019, we're closer to 35
18
          percent. That's a pretty distinct
19
          difference. And I think the work that Sam
20
          has done with the compliance inspections, I
21
          think that tells the tale that that's being
22
          very successful.
23
                Any questions on this?
24
          (No response.)
25
          MR. BAKER:
```

1	Okay. Now, the next one, this is a
2	report that we we have been providing for
3	a while. This is the sites that we've
4	that Gary's group has NFA'd. We we keep
5	a running total. But this is for the entire
6	year. We we NFA'd or, Gary's group
7	NFA'd 42 sites that were trust fund sites
8	this year. The average cost of those was
9	\$274,000. And we list each one of them for
10	your review.
11	If you'll go to the next page. This
12	page is a list of sites that were determined
13	to be eligible. And it list the the AI
14	and it list the incident number and the
15	eligibility date. During this fiscal year,
16	we had 45 sites that were made eligible,
17	which reflected 54 separate incidents.
18	Anybody have any questions on these
19	reports?
20	(No response.)
21	MR. BAKER:
22	Now, the next one is actually not in
23	your packets. This is one that Theresa
24	asked me yesterday if there was anything
25	else that I wanted her to add to hers. And

```
1
          I came up with this. And she said, "Well, I
          don't think that fits mine." I said, "But I
 2
          like it. So we're going to" -- "going to do
 3
 4
          it."
 5
                And it's kinda --
 6
          MS. DELAFOSSE:
 7
                It's a true story.
 8
          MR. BAKER:
 9
                It's a true story.
                So I'm -- I'm -- again, I'm sorry the
10
11
          numbers are so small. But what this is,
12
          this is the average reimbursed amount by
          agency interest, in other words, site, by AI
13
14
          number, processed in a fiscal year. So what
15
          you're seeing is, is this -- you've got
16
          fiscal years. And this is the number of
17
          AI's that we paid out on, so the trust fund
          paid for. So in 2010, we paid out on 451
18
          sites. Okay? And in 2019, we paid out on
19
          260. Okay? Then you see the average
20
         reimbursement by the site and you see the
21
22
         average -- that's total reimbursement -- and
         then you see the average corrective action
23
24
         cost reimbursement by site. And as you can
```

see, those numbers are growing. Back in

25

```
1
          2010, our average reimbursement -- our total
 2
          reimbursement per site was 35 -- 34.6
 3
          million dollars -- 34.6 thousand dollars per
 4
          -- per site. And in 2019, it was
 5
          approximately 54,000. So you can see there
 6
          was growth there. And again, for the
 7
          average CAP, you can see the numbers went
 8
          from 43,000 up to 78,000.
 9
                So as you look at those numbers, you
10
          know, it kinda gives you an idea of what
11
          we're looking at.
12
          MS. DELAFOSSE:
13
                And they're on the graph to the right
14
          too. So you can see the gray line at the
15
          top is the CAP --
16
          MR. BAKER:
17
              Total.
18
          MS. DELAFOSSE:
19
               -- right? Yes.
20
          MR. BAKER:
21
                No. That's total.
22
          MS. DELAFOSSE:
23
                Oh, total. Sorry.
24
          MR. BAKER:
25
              No. You're right. That's CAP.
```

```
1
          That's CAP.
 2
          MS. DELAFOSSE:
 3
                Say that again.
 4
          MR. BAKER:
 5
                That's -- you've got total -- total
 6
          average. And then this is for the sites
 7
          with CAP.
 8
                So not all sites have CAP, have
 9
          corrective actions. So that CAP number can
10
          be high.
11
                So -- so do ya'll -- so ya'll kinda
          get an idea -- the idea is that our cost are
12
13
          increasing, you know. And the next
14
          questions I know is why. You know, you can
          break that up to a lot of different things.
15
          We're not -- we're moving more and more
16
17
          sites in to the corrective action.
18
          gonna bring a lot of those cost up.
19
          Percentage-wise, I think, our sites in
          corrective action now are higher than they
20
21
          were back in 2010. Also, the cost of
22
          cleaning these sites up are going up. I
          know when I started around 2012, the average
23
24
          system was running 85 to $95,000. Now, it
25
         can run 130 to 150,000. So for similar
```

```
1
          system -- RAC's ya'll -- I mean, am I in the
 2
          ballpark?
 3
          MR. BRIGHT:
 4
                Yes.
 5
          MR. BAKER:
 6
                So, you know, these -- these are
 7
          things that are driving the cost up. So we
          wanted to kinda give ya'll a picture of what
 8
 9
          we were looking at.
10
                Anybody have any questions about that?
11
          (No response.)
12
          MR. BAKER:
13
                And that's -- that's it for me. So
14
          does anybody have any overall questions?
15
          (No response.)
          MR. BAKER:
16
17
              Well, thank ya'll.
18
          MR. ST. ROMAIN:
19
                All right. Thank you, Jeff. Thanks
20
          for the extensive report. And a lot of data
          there, good data, different breakdowns,
21
22
          different ways, so I appreciate that.
23
          MR. BAKER:
24
                Hey, I'm a data nerd. I know.
25
          MR. ST. ROMAIN:
```

```
It looks like a lot -- a lot of work
 1
 2
          went into that.
 3
                Can we get a -- a first and second to
 4
          accept the trust fund status report?
 5
          MR. FULTON:
 6
                Motion to accept.
 7
          MR. MCCARTNEY:
 8
                Second.
 9
          MR. ST. ROMAIN:
10
                All right. Thank you.
11
                With that, we'll move on to third
12
          party claim status. I see it says Perry
13
          Theriot, but I don't see Perry here, so --
14
          MR. WILLIAMS:
15
                No. Perry is not here. My name is
          Brandon Williams. I'm -- I work with Perry.
16
17
          I'm regional counsel out of our Pineville
18
          office --
19
          MR. ST. ROMAIN:
20
                Okay.
21
          MR. WILLIAMS:
22
                -- so it was shorter drive for me than
23
          -- than it was for Perry today.
24
                But Perry asked me just to report to
25
          ya'll, that there has been no new third
```

```
1
          party suits since the last meeting and --
          and no new settlements. So if anybody has
 3
          any specific questions they'd like me to
 4
          take back to him, I'd be more than happy to
 5
          do so.
          MR. ST. ROMAIN:
 6
 7
                Any questions from anyone on third
          party claims?
 8
 9
          (No response.)
          MR. ST. ROMAIN:
10
11
               All right. Well, we'll move on. Can
12
          we get a first and second to accept that
13
          report?
14
          MR. MCBRIDE:
15
                Move.
16
          MR. ST. ROMAIN:
                Thank you, Nathan.
17
18
          MR. HILL:
19
                Second.
          MR. ST. ROMAIN:
20
21
                All right. Thank you, Kerry.
                With that, we'll move on to other
22
23
          business. Does anybody have any other
24
          business to bring up?
25
          (No response.)
```

```
1
          MR. ST. ROMAIN:
 2
                Oh, and I -- I'll just -- I'll just
 3
          add in on the other business, was just, I
 4
          wanted to recognize the decision of Dr.
 5
          Brown for the motor fuel delivery fee to
 6
          remain at .008 for this fiscal year. I just
 7
          wanted -- in case anybody hadn't got the
          memo, that's -- that's where it ended up.
 8
 9
                Any questions around that?
10
          (No response.)
11
          MR. ST. ROMAIN:
12
                All right.
13
          MS. DELAFOSSE:
14
                And I was gonna say, relevant to that,
15
          we are going to meet with the actuarial firm
16
          to discuss what deliverables we have in the
17
          current contract. And hopefully, we can
18
          adjust those a little to make sure we
          include an updated valuation number with the
19
20
          2019 numbers. Like Jeff mentioned, I -- I
21
          don't -- we could probably have that for
22
          November. Because again, it's not a whole
23
          lot. I mean, they did it through fiscal
          '18. So it's not -- they're not reinventing
24
25
          the wheel or, you know, analyzing our data
```

```
1
          from square one.
 2
                So hopefully, that's something we can
 3
          work with them and get that amended and --
 4
          and definitely have it for February, if not
 5
          for November. So hopefully, we'll have
 6
          better information earlier so we can, you
 7
          know, use the -- the authority that was
 8
          given to the board to make a recommendation
 9
          to Dr. Brown with -- with a fuller picture
10
          and, you know, more better information, and
11
          more complete information and timely
12
          information. So --
13
          MR. ST. ROMAIN:
14
                Okay. That'll be great.
15
                All right. Thank you. Any -- any
16
          other business or questions?
17
          (No response.)
18
          MR. ST. ROMAIN:
                All right. With that, I guess, we'll
19
20
          move to close the meeting. The -- the next
21
          meeting is November 14th and that's back in
22
          Baton Rouge at the DEQ office. So can we
23
          get a motion to adjourn?
24
          MR. HILL:
25
                I make a motion to adjourn.
```

1	MR.	ST. ROMAIN:
2		Thank you, Kerry.
3	MR.	McCARTNEY:
4		I'll second.
5	MR.	ST. ROMAIN:
6		All right, Joe.
7		Thank you, guys. I appreciate it.
8		THE MEETING ADJOURNED AT 1:48 P.M.
0		

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21	herein, nor am I otherwise interested in the outcome
22	of this matter.
23	- CUCCUROL
! 4	Lori Overland C.C.R.
5	# 97083

In The Matter Of:

STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING August 15, 2019

Associated Reporters, Inc.

2431 South Acadian Thruway

Suite 550

Baton Rouge, La. 70808

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In The Matter Of:

STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING August 15, 2019

Associated Reporters, Inc.

2431 South Acadian Thruway

Suite 550

Baton Rouge, La. 70808

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

August 15, 2019

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7		6	None
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1		10	* * * *
2		11	
3	The above-entitled meeting was held at the LSU AgCenter Research and Extension, 8105 Tom	12	
4	Bowman Drive, Alexandria, Louisiana, beginning at 1:04 p.m., on August 15, 2019.	13	
5		14	
6		15	
7		16	
8		17	
9	BEFORE:	18	
0	Lori B. Overland Certified Court Reporter	19	
1	In and For the State of Louisiana	20	
2		21	
3		22	
4		23	
5		24	
		25	
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1	APPEARANCES		
2		1	****
3	Nick St. Romain Chairman	2	MR. ST. ROMAIN:
4	Kerry Hill	3	Let's go ahead and call the meeting to
5	Durwood Franklin Jeff Baker	4	order, the Q-3 meeting of the Louisiana
5	Gary Fulton Cy Morin	5	Motor Fuel Underground Storage Tank Trust
7	Roger Bright Theresa Delafosse	6	Fund Advisory Board. And we'll do a quick
3	Brandon Williams Joe McCartney	7	roll call. I guess we'll start with
9	Nathan McBride Steve Burnham	8	Melissa.
)	Melissa Vizinat	9	MS. VIZINAT: Melissa Vizinat, DEO Trust Fund
L	Samuel Broussard Tad Loupe	10	Melissa Vizinat, DEQ Trust Fund. MR. WILLIAMS:
2	Shawn King Rhonda Cook	12	Brandon Williams, DEQ Legal.
3	DJ Corbin	13	MR. FRANKLIN:
1		14	Durwood Franklin, DEQ Trust Fund.
5	* * * * *	15	MR. BAKER:
5		16	Jeff Baker, DEQ Trust Fund.
,		17	MR. FULTON:
3		18	Gary Fulton, Underground Storage Tank
		19	Division.
)		20	MR. BRIGHT:
		21	Roger Bright, Jones Environmental.
)		£ 1	or o
)		22	
9 1 1 2		22	MR. BURNHAM:
L			

Aug	gust 15, 2019 M	ото	R FUELS UNDERGROUND STORAGE TANK TRUST
	Page 5	T	Page 7
1	Continent Oil and Gas Association.	1	also, is the year-end statement from fiscal
2	MR. McCARTNEY:	2	year 2018, so we can compare the two.
3	Joe McCartney, Louisiana Oil	3	As you see, the total receipts were
4	Marketers.	4	were similar. 22.2 million last year versus
5	MR. ST. ROMAIN:	5	23 million for this year. However, we did
6	Nick St. Romain, Louisiana Oil	6	have significantly higher receipts in the
7	Marketer Association.	7	for the abandoned tank program for the site
8	MS. DELAFOSSE:	8	work that that they're doing with those
9	Theresa Delafosse, Louisiana DEQ	9	tanks. Last year, it was just under 1.6
10	Management and Finance.	10	million where this year, we had 4.4 million.
11	MR. MORIN:	11	Due in large part to a settlement that we
12	Cy Morin, DEQ Audit.	12	received, but also, our interest earnings
13	MR. PERRY:	13	were quite high at over 2.5 million. So
14	Todd Perry, PPM Consultants.	14	that's great news. That gives us some
15	MS. COOK:	15	some good money to to do those do that
16	Rhonda Cook, PPM Consultants.	16	site work with.
17	MR. BROUSSARD:	17	Our claims for reimbursement were
18	Sam Broussard, DEQ UST Division.	18	quite in line with where they were last
19	MR. LOUPE:	19	year. And our total disbursements were
20	Tad Loupe, UST Division.	20	slightly down from 14 million down to 13.9
21	MR. KING:	21	million, with an increase in the
22	Shawn King, Jones Environmental.	22	disbursements for abandoned tank. Again, we
23	MR. CORBIN:	23	we had some tank pulls complete in fiscal
24	DJ Corbin, Jones Environmental.	24	year 2019, so that's reflected there in that
25	MR. ST. ROMAIN:	25	101 number, in the abandoned tank column for
	Page 6		Page 8
1	All right. Thank you. And we'll now	1	fiscal year 2019.
2	move on to adoption of the June 20th, 2019	2	The fourth I guess the third
3	board minutes. Can I get a motion to adopt	3	section, the other financing uses, that's
4	the minutes as written?	4	the transfer from the environmental from
5	MR. BURNHAM:	5	the motor fuel trust fund to the
6	Motion to adopt.	6	environmental trust fund at the end of the
7	MR. ST. ROMAIN:	7	year. And that was a decrease, as you can
8	Got a first from Steve. Can I get a	8	see, from last year to this year. I'll go
9	second?	9	into more detail as to why that decrease
10	MR. McBRIDE:	10	occurred in my presentation.
11	Second.	11	And then I want to draw attention to
12	ST. ROMAIN:	12	this second line here. You see the cash
13	Second from Nathan. Thank you.	13	sweep payback from House Bill 286. I did
14	Minutes are adopted.	14	mention that at our last board meeting, but
15	Move on to item three, the financial	15	now it is reflected in our financial
16	services report with Theresa.	16	statements, that one and a half million
17	MS. DELAFOSSE:	17	dollars that was transferred into the fund.
18	I want to apologize before I get	18	So we're happy that the administration has
19	started for my missing voice. Hopefully, I	19	made steps towards paying back that I
20	can still speak loudly enough. I think I	20	think it was approximately seven million
21	can. So ya'll are lucky.	21	dollars that was redirected. So 1.5 down,
22	If you turn to tab three in your	22	5.5 to go.
23	packet, it's the orange tab, we have the	23	And then just down at the bottom are
24	year-end, fiscal year-end 2019 financial	24	the final the the final numbers for
25	statements. And on the left-hand side,	25	the year. Our cash balance in the fund
		1	

Page 9

without the interest is 112 million dollars. 1

- 2 Total cash balance with the interest of
- about -- approximately 12 million is 124 3

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And then that current site liability

is the number that was provided by the

actuary firm. We do hope to have an updated 7

number in the spring, based on our fiscal

year 2019 numbers. But we will repeat that 9

number for this quarter and the next two 10

quarters, I believe, because that's the most 11

recent current site liability we have. 12

So then that bottom line is our equity 13 14 balance at this time. When we compare the

15 cash balance to the current site liability,

we have a negative equity balance of 41 16

17 million dollars.

The next page is the detail on the 18

transfer from the motor fuel trust fund to

20 the environmental trust fund. I'm not going

to highlight anything on this page, but I 21

22 will go into more detail in the

23 presentation.

24 Ya'll let me know if ya'll have any

questions at this time, and if not, I will 25

and possibly some remediation, depending on 1

Page 11

Page 12

what we discover when they're pulled. So 2

3 we've had some great growth there. Again,

the 2.5 million is the interest earnings for 4

5 fiscal year '19. So I expect we'll continue

6 to have some -- some pretty significant

7 earnings there. So, you know, I guess it's

8 a little disappointing, because in the past,

we had, you know, 160 percent change, this 9 10

year, it was only an 85 percent increase. 11

So, sorry about that.

These are the expenditures by the 12 13 different functions for the program. The

UST Core is Gary's group and the oversight 14

15 that they do on the remediation with the

16 team leaders. That's the -- again, the --

that's the majority of the total personnel 17

18

19

20

The enforcement group, ya'll are familiar with them. I -- I hope not. But

21 they make sure that everyone is compliant

22 with our regulations. And that's a -

that's a fairly small amount of the total. 23

But -- and that's -- that's various 24

employees that will charge their time to 25

Page 10

move on up the podium and get started on the slides.

(No response.) 3

MS. DELAFOSSE: 4

I don't know if I'm going to use it, but Jeff brought this handy-dandy laser pointer. So I wanted to test it out there.

I mentioned that the bulk distribution fee revenues were fairly steady from '18 to '19. You'll see here on this slide the past four years. Again, this has remained steady. We have our -- our fabulous auditors that do some great audits of these

revenues just to make sure we're getting all the deposits that we need and everyone is paying accurately. So I think we have a

pretty high compliance rate and that shows in our consistent collections from year to

year.

There has been some -- obviously, some major growth in the interest income, which as I mentioned is great news for Gary's group, to do that abandoned site work

because we do have a -- quite long -- a long 24 list of tanks that need to be pulled and --25

this program when they do enforcement for --1 for tanks. 2

3 Motor Fuel Trust Fund is Jeff's 4 section. And they review the applications

5 and make sure they get paid out. I believe Jeff is going to highlight some of their 6

results in his presentation, but I did want 7

8 to mention they've made some great strides.

9 I hope -- I hope that everyone has noticed 10

in the RAC community. They made some great strides towards turning those applications 11

around faster, to make sure everybody gets 12 13 reimbursed and timely than ever.

14 And then the support and indirect, 15 we've -- we've had discussions, again, about 16 this. That's for those -- those folks who

don't charge directly to the program, like 17 18

Perry. He's not here with us today. But Brandon, if he does any work for abandoned 19

20 tanks, anyone else in legal, like Jill, and

then the people in financial services and 21 then the executive level folks, again, like 22

23 Karyn and Dr. Brown and Roger Gingles, any

24 work that they do doesn't get charged

25 directly to the program. So that

Page 13 Page 15 calculation allows us to recapture those time that samples are tested or analyzed 1 2 costs. that relate to a trust fund -- or, an 2 These are the salaries and related underground storage tank site, then it's 3 3 4 benefits information from '18 to '19. There 4 charged out to the program. was an increase from '18 to '19 of 5.8 This is the other charges category. A 5 5 percent. Then the related benefits, there 6 lot of the more professional services-type 6 was an increase as well. vendors, we actually charge to this category 7 7 The retirement costs are high. As you now. So we have the tank operator training, 8 8 can see, that bottom -- that top bullet in the evaluation, the compliance inspections. 9 9 the little bottom section, our retirement We're still working with the same vendor in 10 10 cost in fiscal '19, were just under 38 fiscal '20 that we had previously for those. 11 11 percent per employee. And we're gonna see The attorney's fees, that's for the ongoing 12 12 an increase, unfortunately, in that amount litigation. They totaled about half a 13 13 end of fiscal year '20. Most of that is to million dollars in fiscal '19. Then our 14 14 pay for the unfunded accrued liability, so 15 15 court reporter cost. And then the actuary paying for the past, to make sure that the was 41,000, again, for fiscal '19. We do 16 16 retirement system stays solvent and is able 17 17 still have some outstanding work items on to pay those benefits. that contract. I think we're probably going 18 18 These related benefits numbers also 19 to amend it to change, I guess, some of the 19 include the group benefits and that's 20 20 work that they do, but I'm not sure what elected by the employees. I do believe 21 21 other changes that would bring. And then there's gonna be an increase in those costs some court cost with the 19th JDC. 22 22 in this fiscal year, as well. I think --23 MR. McCARTNEY: 23 they -- they operate on a calendar year, so What was the total for those 24 24 25 I think some of those premiums are going to 25 actuaries, do you -- do you know that Page 14 Page 16 1 increase, both the employee's share and the 1 number? state's share, beginning of January. MS. DELAFOSSE: 2 2 Travel and training. These are some That was the total so far for --3 3 minor costs. We spent 6,800 in fiscal '19. MR. McCARTNEY: 4 4 It was an increase, but, again, a fairly --5 5 I'm talking about for -fairly insignificant expenditure category. MS. DELAFOSSE: 6 6 That's some instate travel, anything 7 7 -- fiscal '19. overnight. I know Jeff and Gary went MR. McCARTNEY: 8 8 9 recently up to North Louisiana to observe 9 -- beginning until now. some work and site and they had to stay, MS. DELAFOSSE: 10 10 because it was a four-hour drive, so they 11 That's it. That's it so far. 11 stayed. And -- and those -- those cost go MR. McCARTNEY: 12 12 in there. 13 13 41,000? 14 Our operating services, there was a 14 MS. DELAFOSSE: slight decrease, but they've stayed pretty 15 Yes. The contract was around 100,000. 15 steady. That includes the list mentioned MR. BAKER: 16 16 below, some supplies, dues, our vehicle Around 113,000, but there's --17 17 maintenance, et cetera. MS. DELAFOSSE: 18 18 Professional services is a very small 19 19 113,000 was the contract. category. There was a 26 percent increase, MR. BAKER: 20 20 but again, from 950 to 1,200. We have two -- there's a phase one and a phase 21 21 labs -- well, we have at least two labs on two. Phase one was what they've done so 22 22 far. Phase two was looking at long-term contract and they -- they analyze our 23 23 samples. That's work that's outsourced that 24 projects, long-term sites, things that we 24 could do to help reduce the cost and things used to be within the department. But any 25 25

Page 17

of that nature, and some other ancillary

- 2 things we were gonna get them to work with
- 3 us on.
- MS. DELAFOSSE: 4

And they were -- yes, they were maybe 5

- gonna look at the above ground tanks. 6
- MR. BAKER: 7
- That was another thing --8
- 9 MS. DELAFOSSE:

10 We're still gonna have to -- we're

- gonna have to meet with them to work out 11 12
- what those things will look like. And,
- 13 hopefully, we'll have a -- more of an update
- as to what their objectives are going to be 14
- and what the -- the rest -- the remainder 15
- of their work will be at our next board 16
- 17 meeting in November.
- This is some information on the 18
- 19 abandoned tank work that I mentioned. We
- 20 did work with two vendors in fiscal year
- 21 2019 to complete some tank pulls.
- Expenditures for those two sites were 75.6 -22
- 23 - \$75,600. We're working to get liens
- placed on the property in the amount equal 24
- 25 to our expenditures to make sure -- and --

- year '20 in the amount of one million 1
- dollars. So the cost should not exceed one 2
- million dollars in fiscal year '20. I would
- 4 expect that they'll be in the lower range,
- like they've been in recent years and not --5
- 6 they shouldn't reach the 900,000 area like 7 they have previously, because it's just the
- 8 one case. It's not five, six cases.
- Other interagency transfer category, 9
- 10 that's any operating cost that we pay to
- 11 other state agencies. And that's why it
- 12 includes the rent. We did consolidate
- within the Galvez Building and we got off a 13
- 14 floor and a half. So we will see some
- changes there because we're not taking up as 15
- much space. So we -- I think we had as an 16
- agency 700,000 in savings due to that 17
- 18 annually. So some of that will trickle down
- 19 here.

20

5

14

- The indirect costs we've discussed.
- We have -- we do have the rate available now 21
- for fiscal year '20. It stayed in -- in the 22
- ballpark of the fiscal year '19 range. It 23
- did increase from 60.23 percent to 62.36 24
- 25 percent. And again, we -- we use this

Page 18

Page 20

Page 19

- and that includes the -- what -- the work 1
- that the vendors did and the work that the 2
- agency did as well. So when that property 3
- sells, to the extent possible, some revenue 4
- will come back to us for that. 5
 - And then, like I mentioned, they're --
- 7 they're still doing some work on -- on a
 - good many sites, so I think we're going to
- continue to see an up-tick in those 9
- 10 expenditures, as the years go by. So we'll
- -- you know, we'll definitely spend more in 11
- '20 than we did in '19. I think at some 12
- 13 point, we'll level off, but once we really
- 14
- get up and running and at full capacity,
- we'll see what the full -- the full volume 15
- looks like. 16

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- I mentioned previously the attorney general fees. Again, we just have the one -
- 19 - I believe just one case remaining. And
- 20 the total recovery is approximately 21
- million. 21
 - We had a -- a down trend in fiscal
- 23 year '18 and then a slight up-tick again in
- '19. We did sign the interagency agreement 25 with the Department of Justice for fiscal

- amount to calculate the indirect rate. We
- 2 use the half -- half of the rate here for
- 3 the trust fund. We began that process in
- 4 fiscal year '13.
 - We've talked fairly extensively about
- the grant revenues before. At one point, we 6
- 7 had a -- our grant award was higher in
- fiscal year '19, but some of that was 8
- related to the hurricane grants and we 9
- 10 weren't able to fully tap into those
- revenues in '19, but hopefully, will be able 11
- to in '20. So that -- that's reflected in 12
- 13 those numbers, those changes.
 - So again, we've had some -- obviously,
- 15 some decreases from back in the past when we 16 were as high as 3.2 million in fiscal '12.
- you see the change from '12 to '13 was 1.2 17
- million. You know, we're down a lot closer 18
- 19 to a million now, but --
- The tank fees, they are \$60 a tank 20
- 21 now. And we did collect -- in fiscal year
- 22 '18, we collected 661,000, which was an increase from the previous year of about 23
- 24 eight percent. And then in '19, we
- 25 collected 695,000. I would expect it to

August 15, 2019 Page 21 stay, like I mentioned at the top, in that MR. MORIN: 1 1 range from 675 to 700. You know, now, I 2 Good afternoon. If you turn to tab 2 guess everybody had in their head for years four, it's the yellow tab. So this first 3 3 and years, it's \$54, it's \$54. Well, now, page of the report details currently 20 open 4 4 they're going to know it's \$60. And motor fuel delivery fee audits that are not 5 5 hopefully, we have great success with in our legal department. 6 6 everybody paying the right amount and -- and As of August 6, 2019, you'll find 7 7 no -- not having to send anybody a bill for three cases are awaiting payment, of a total 8 8 of approximately \$1,300. This -- this was 9 9 assessed for unpaid motor fuel delivery fees 10 And then this is the history of the 10 transfer from the motor fuel trust fund to and unpaid late fees. 11 11 the environmental trust fund to cover the 12 12 remainder of the program expenditures that 13 13 cannot be covered with the tank fees and the 14 14 grant money. I have deducted the attorney 15 15 16 general expenses, as we did in the past, 16 from each year. And you see we remained of around 250. 17 17 right around five million from '18 to '19, 18 18 once we take those out. 19 19 And there was a decrease, again, like no assessment. 20 20 21 I mentioned, in the federal revenues from 21 '18 to '19 so that did cause a slight 22 22 increase in the transfer, but again, it was 23 23 awaiting closure. about 24,000 more, so not -- not a large 24 24 increase. 25 25 Page 22 That's all I have. Do ya'll have any 1 questions? 2

Eight cases are awaiting review. Pending the final review, these represent one potential assessment of approximately 1,200. Of this, approximately 700 -- \$975 has -- has been received, leaving a balance We have one potential credit of \$44.68. And six potential clean audits with Six cases are still in progress, with result to be determined and finalized. And one case has been paid in full and is Since the last meeting, we've added Page 24

(No response.) 3 MS. DELAFOSSE: 4 I'll sit and ya'll can ask questions. 5 MR. ST. ROMAIN: 6 All right. Any -- thank you, Theresa. 7 Any other questions for Theresa or comments 8 around the financial services report? 9 (No response.) 10 MR. ST. ROMAIN: 11 All right. Well, if not, can I get a 12 motion and a second to accept the financial 13 services report, as read, or --14 15 MR. FULTON: Motion. 16 MR. ST. ROMAIN: 17 All right. Got a motion. Can I get a 18 19 second? MR. McCARTNEY: 20 21 I'll second it. MR. ST. ROMAIN: 22 All right. Thank you Gary and Joe. 23 We'll move on to the auditor status 24 report with Cy.

five new cases in -- for fiscal year '19. One case -- one case that was clean with no assessment has been removed and closed from 3 the list. And one case has been removed 4 from the list and referred to legal. 5 So you'll see the case that was 6 referred to legal on the next page. 7 So if there's no questions on this 8 page, we'll go ahead and turn to page two. 9 (No response.) 10 MR. MORIN: 11 So you'll see we have five cases on 12 this -- this list now. The fifth case is 13 the new case. It's only \$132.09. I do feel 14 like, once they receive a legal letter, 15 we'll probably get payment for this. 16 Although, the business is closed, so it may 17 take a little bit, but I think we'll collect 18 19 The four -- the four remaining cases 20 are -- are the same status. Three cases are 21 in ODR. We have not received payments. And 22 case number two on the list, continues to 23

pay \$200 per month payments. The last one

was received 7/18/2019, leaving a \$3,500

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M	OTOR FUELS UNDERGROUND STORAGE TANK T	RUST	Augus	t 15, 2019
	Page	25		Page 27
1	balance. And if payments cease, we will	1	slide, it's in your packets. Okay? So you	
2	refer this case to ODR.	2		
3	As you can see, the total of these	3		
4	five cases is \$103,237.29. That's including	4		
5	motor fuel delivery fees and late penalties	5		
6	and then you'll see any attorney's fees,	6		
7	court cost and judicial interest just	7		
8	beneath that, for a total remaining balance	8	you'll see the trust fund these are trust	
9	of approximately \$115,000.	9	fund eligible sites, okay? It shows you	
10	And that's it.	10	we've basically have broken and you'll	ATTE
11	MR. ST. ROMAIN:	11	see this trend throughout these reports.	
12	All right. Thank you, Cy.	12	We've broken these into two different	7
13	MR. MORIN:	13	categories, sites that are in the corrective	
14	You're welcome.	14	action phase and sites that are in the	
15	MR. ST. ROMAIN:	15	investigation phase.	5 5 6
16	Can I get a motion and second to	16	Right now, we have 143 sites currently	
17	accept the auditor's status report?	17	in the corrective action phase. And 132 in	
18	MR. BRIGHT:	18	the investigation phase. And you can see	
19	Motion.	19	there the average age of those different	
20	MR. ST. ROMAIN:	20	categories, and the current cost that we've	
21	All right.	21	spent on those on those sites in those	
22	MR. BURNHAM:	22	different categories.	
23	Second.	23	Now, below that, you'll see	
24	MR. ST. ROMAIN:	24	accumulative site closures. And this is	
25	Thank you, guys.	25	going back to the beginning of the program.	
	Page 2	6		Page 28
1	We'll move on to the trust fund status	1	So, we've cleaned up 140 I'm sorry	
2	report with Jeff Baker.	2	1,404 sites, totaling about 2,800	
3	MR. BAKER:	3	applications for over 285 million dollars.	
4	Good afternoon. We're doing things a	4	The next section is the corrective	924
5	little bit differently this time. We've	5	action approved budget summary for the	
6	kinda changed some of our reports up. The -	6	active sites. So this is CAPs that we have	
7	- the law does naturally require us to do	7	right now. So for the sites that are in the	
8	the the obligation determination monthly	8	corrective action phase, you'll see we have	
9	like it did last year. So, you know, now we	9	89 million dollars worth of CAP budgets	
10	have the actuary doing those calculations	10	approved. We've spent approximately 71	
11	for us and we're going to continue to do	11	million. And that leaves us with 17.8	
12	them on an annual basis. We will be we	12	million dollars remaining in CAP budgets to	
13	will be providing an obligation liability to	13	be spent.	
14	the board probably in the either the late	14	The next section down below that are	
15	fall or early spring each year, so ya'll	15	the sites that have been made trust fund	
16	will have the numbers you need to make your	16	eligible in the last three years but have	
17	decisions and your recommendations.	17	not submitted a request for trust fund	
18	So what we decided to do on the trust	18	reimbursement. At the end of the June	
20	fund side is, we wanted to provide ya'll	19	30, 2019, we had 26 sites.	
21	even more information than what we'd given	20	At the end of June, we had 35 pending	
22	you before. So we kinda revamped some of our reporting and it's included in your	21	applications for a total of 1.2 million	
23	packets. What I pull up here on the screen,	22	dollars, which was actually the lowest we've	
4	I know is very difficult to read and I	23	had in quite some time at the end of a	
25	apologize. But I promise, except for one	24	quarter. We were real proud of that.	-

25 apologize. But I promise, except for one

25

We have a total of 41 certified RACs

Page 29

right now. 28 of them have active trust 1

2 fund sites.

3 The next category down at the bottom,

basically gives you the summary of 4

expenditures we've had this year. And, you 5

know, obviously for this quarter, we had --6

we received 229 applications, totaling about 7

4.2 million dollars. We had -- 24 of those 8

applications were returned. 248 of those 9

applications were processed, where we 10

recommended approximately 3.7 million 11 12 dollars. We disallowed \$154,000 and we had

about \$67,000 in deductibles. 13

> The next page is a page we've had pretty much since the beginning of time.

The -- the only difference here is, we've actually wrote it out where you can see the

-- the quarter -- you'll see the -- the

month by quarter. And one of the -- one of 19

the board members asked us to show the 20

21 quarters separately to make it easier for

ya'll to follow. This -- all the -- most --22 the majority of this information on this 23

page was actually shown in the summary 24

25 overview.

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dollars in investigation, 7.1 in interim 1

monitoring cost and about 8.8 million 2

dollars in reporting. And then, we've spent 3

a total of 99 million dollars. 4

Now, the difference -- if you total up 5

that column, it doesn't come up to 99 6

million dollars. The difference is the 7

8 corrective actions cost. And also, we

didn't always keep things -- didn't always 9

track things in those categories. If these 10

are older sites, the dollars aren't going to 11

totally come up to the same -- to -- you --12

you're not going to get a dollar to dollar 13

match there, but it's close. Anything 14

before, I think, 2007, we didn't keep track 15

of in these costing categories. So all we 16 17

really had was a total reimbursement.

But the majority of that difference is

the corrective action expenditures you 19 see over here to the right, on this

20 category, where it shows CAP reimbursement. 21

So that's where the majority of that 22

difference is. 23

So what you see is, we have 17.8 24

million dollars left in CAP expenditures to 25

Page 30

18

Page 32

Page 31

This next page -- if you go to the next page -- is the -- kinda the summary of -- of what's happened with the fund since the beginning of time.

You'll see at the top, we've processed almost 37,000 applications -- we received 37,000 and we -- and we processed about the same amount.

You'll see the total expenditures. You can see the -- down at the bottom, you'll see the total expenditures by -- by fiscal year, and you'll see we grouped '89 to -- to 2009 in one -- on one -- one row, just because we ran out of room on the report.

But that kinda gives you an idea of the trust fund historically.

On the next page, this is kinda a 18 summary of what's going on with our 19 corrective actions sites. You'll see as we showed on the first page, we have 143 of those sites. If you'll look down below 22 that, you'll see the costing categories. Of those 143 sites, we've spent about \$640,000 on emergency cost, about 10.6 million

be spent. But also, you'll see here, we 1

tried to go through and do something a

little bit different. We've never done this 3

before. You see, we have the total current 4

reimbursements, we have the CAP budgeted 5

remaining and then we have the RAC estimated 6

cost beyond approved. So in other words, to 7

get to -- to closure, the RACs estimate how 8

long it's going to take to -- to -- what 9

it's going to take to get to closure. They 10

submit two-year budgets. And this is beyond 11

the two-year point. 12

So we've got 9.3 million dollars

there. And if you total all of that up, we 14

come up to 126 million dollars, is what 15

we're estimating we're going to spend on 16

those 143 sites. If you -- if you average 17

that out, that means we're going to spend an 18

average of \$883,000 to clean up those sites 19

in corrective action plan -- corrective 20

action plans. 21

> Now, compared to our total average, which includes sites that don't make it into

23 corrective action, you see that number right 24

there, we've got \$285,000 is our overall

22

25

13

Page 33

average. So it shows you, if they get to

2 corrective action, our cost are going to be 3

much higher.

The next few pages are actually a 4 breakdown of the -- the last page I 5

showed you. You'll see the totals at the

top that were included on that previous 7

page. What this is, is this is basically a 8

breakdown of each individual site that go 9

into that corrective action category. So if 10 11 you have a site there, you can look it up

and you can see what you've expended -- what 12

-- what's been expended at that point. See 13

the number of applications. You can see the 14

15 -- the date the first app was received, the

last app was received, total recommended 16

17 amount. And then, you'll also see the cost

categories. We have total emergency 18

19 investigation, interim monitoring and so on.

You'll also see the corrective action 20

21 budgets, how much has been spent. And you

can see the parish and the region that it's 22

23

1

2

11

24 And this is just given to ya'll for

25 your information -- informative purposes.

the end of June 2019, that's the 1

> expenditures on these sites. All of these 2

Page 35

Page 36

sites are still being investigated, could go 3

into corrective action, may not. But that's 4

kinda where we are on these sites right now. 5

6 If anybody has got any questions, stop 7 me as we go. I know I'm throwing a lot of

data at you, but again, it's in your -- in -8

- it's on -- it's in your packets, so just 9

take a look at that. You can't -- you can't 10

11 see it on the screen. I know it's kinda

small. 12

13

14

17

19

Now, this is a new report. Actually, I'm kinda excited about presenting the data

like this. Theresa is laughing at me over 15

16 here.

MS. DELAFOSSE:

Yes. He was excited about it. 18

MR. BAKER:

What we tried to do is, again, we're 20 21

trying to give ya'll more information. And what we tried to do is we tried to break the 22

data we have into two different directions, 23

24 the corrective action sites and the

investigation sites. And then we tried to -25

Page 34

Now, if you go -- now, again -- again, you'll go to another section. And another

3 section is the in -- the sites in the

investigation phase. And that's again, a 4

breakdown of each individual site in the 5 6

investigation section. And you'll -- same 7 information is -- is on this chart as on the

previous one. And you'll see the total.

And I'm going to show ya'll those on the --9 10

on the next page. But this is just to give

ya'll an overview of the sites we have. The next section is -- again, it's an 12

overview, a total of what was on those 13 14 individual pages for the sites in the

15 investigation. And you can see, we have --

we've spent 158 -- \$157,000 approximately on 16

emergency cost for those 132 sites, about 17

5.9 million investigation cost, 2.4 in 18

interim monitoring, 2.6 in report cost and 19

20 about 789,000 on interim corrective actions. We have about 112,000 pending. If you total 21

all that up, it comes up to 11. -- 11.1 22

million, and the average cost, right now, of 23

24 \$84,000. Now, I want to caution ya'll, that's right now. That's where we are at 1 - to group it by the region. So here, you

can look at the region and you can see how 2 3 many sites are in Acadia Region. This is a

-- a DEQ Region, the Acadia Region. You can

see we have 24 sites in that region that are 5

in the corrective action phase and we have 6

39 sites in the investigation phase, with a 7

8 total of 63 sites. Under the corrective

action phase, you'll see, we've spent almost 9 20 million dollars on those 24 sites and 10

11 their average age is 14 and a half years.

12 In the investigation, we've spent 3.3

13 million and their average age is 4.4. And

if you look at the total, we've got -- we've 14

15 spent a total of 23.3 million, with an

16 average age of 8.3. So you can look in the 17 -- in each -- in each individual region and

18 kinda get a feel for where we're spending 19 our money throughout the state and what's --

what's going on.

If you go to the next page, this one is the same data, but it's grouped a little differently. What I did was, is I grouped the data with sites that are less than two years old, two to five years old, five to

Min-U-Script®

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Page 37 Page 39 ten years old and greater than ten years (No response.) 1 1 MR. BAKER: old. 2 2 Now, the -- the way we calculate the Now, this one is kinda telling a tale 3 3 age is, we basically take the -- the time about the trust fund. This is our metrics. 4 4 difference between the first application It kinda shows you what we've done over the 5 5 received and the report date. So we're not last five years, the applications we've 6 6 actually going back to when the incident received and then the average -- our average 7 7 occurred. We're actually looking at when process time. As you can see, we kinda had 8 the trust fund has been paying out on these a problem in '16 and '17. We -- we had a 9 9 flood locally that kinda impacted us and we 10 10 11 And recognize that some of these ages also had some -- some new staff that we were 11 can be a little bit confusing too, because training and it -- it -- it kinda -- it had 12 12 some of these sites have multiple incidents an impact on us, but we're working to 13 13 and if we're cleaning one incident and don't improve that and we had some -- we had great 14 14 clean the first one up before we get to the improvement last year and we -- we're doing 15 15 16 next one, then the time span can get some things this year we think will even 16 17 stretched out over time, so --17 improve it more. It kinda gives you an idea But if you'll see here -- so, if you of the cost per application and the total 18 18 look in the corrective action phase, you 19 reimbursement for each year. 19 kinda see what you'd expect, the site count 20 Anybody have any questions about that 20 increases as you go in time. So, you know, 21 21 one? we really only have a couple of sites, three (No response.) 22 22 23 in the corrective action phase, that are 23 MR. BAKER: less than two years old, but we have 91 that 24 24 The next page -- again, this is a new are greater than ten, which is kinda what 25 -- new chart. What we tried to do is by --25 Page 38 Page 40 by each fiscal year, over the last five you'd expect. 1 1 MS. DELAFOSSE: years, we tried to show the total 2 2 3 And -- and I -- when Jeff sent these 3 expenditures out of the trust fund for these to me a few weeks back, I pointed out too reporting categories, emergency, 4 4 5 that greater than ten, the average site age 5 investigation, air monitoring and so on. is 17 and a half years. So that's -- you And then down below, we've listed the 6 6 percentages of the total. So you can see on 7 know, they're not even just 10, 11, 12. 7 That's some old -- those -- those sites have an average over the last five years, we 8 8 spent .3 percent on emergency work, 14 and a 9 been out there quite -- quite some time, 9 those 91 sites. half percent on investigation, 6.3 percent 10 10 11 MR. BAKER: 11 on interim monitoring, nine and a half on reporting and 69 and a half on corrective That's right. So -- and if you'll 12 12 action, which is what you would expect based look at the investigation phase, you'll see 13 13 the inverse. You'll see that we have 65 upon the numbers we seen earlier in -- in 14 14 15 sites that are less than two years. And as 15 this report. you stretch out the ten, we've only got --Anybody got any questions about that 16 16 we have 19 sites that are greater than ten 17 17 one? (No response.) that are still being investigated. 18 18 MR. BAKER: 19 And then you can see the total count, 19 where you see we have 110 sites that are 20 Now, this is a report that some of the 20 board members have asked me about. It's greater than ten years that we've spent 21 21 dealing with sites that we have made about -- as you would expect, we've spent a 22 22 eligible for the trust fund. And we -- we 23 lot of money on those sites. And our 23 average age is 17.2. always do a compliance review when we make 24 24 them eligible. And that depend -- that --25 Anybody have any questions about that?

	The state of the s		August 15, 2	201
	Page 4	1	Page	43
1	that relates to whatever the deductible is	1	I came up with this. And she said, "Well, I	
2	gonna be. And going from 2011 to now, what	2		
3		3		
4		4	it."	
5		5		
6		6	MS. DELAFOSSE:	
7		7		
8		8	MR. BAKER:	
9	compliance didn't apply. So that's why we	9	It's a true story.	
10	have a separate category for that. And then	10	So I'm I'm again, I'm sorry the	
11	you see the total incidents. And then you	11	numbers are so small. But what this is,	
12	see the percentage of in compliance and out	12	this is the average reimbursed amount by	
13	of compliance.	13	agency interest, in other words, site, by AI	
14	Now, I want you to notice, back in	14	number processed in a fiscal year. So what	
15	2011, 2012, our out of compliance sites were	15	number, processed in a fiscal year. So what you're seeing is, is this you've got	
16	about 70 percent, on average. But if you	16	fiscal years. And this is the number of	
17	look at 2018 and 2019, we're closer to 35	17	Al's that we paid out on so the trust for d	
18	percent. That's a pretty distinct	18	Al's that we paid out on, so the trust fund	
19	difference. And I think the work that Sam	19	paid for. So in 2010, we paid out on 451	
20	has done with the compliance inspections, I	20	sites. Okay? And in 2019, we paid out on	
21	think that tells the tale that that's being	21	260. Okay? Then you see the average	
22	very successful.	22	reimbursement by the site and you see the	
23	Any questions on this?	23	average that's total reimbursement and	
24	(No response.)	24	then you see the average corrective action	
25	MR. BAKER:	25	cost reimbursement by site. And as you can see, those numbers are growing. Back in	
	D 40			
	Page 42		Page	44
1	Okay. Now, the next one, this is a	1	2010, our average reimbursement our total	
2	report that we we have been providing for	2	reimbursement per site was 35 34.6	
3	a while. This is the sites that we've	3	million dollars 34.6 thousand dollars per	
4	that Gary's group has NFA'd. We we keep	4	per site. And in 2019, it was	
5	a running total. But this is for the entire	5	approximately 54,000. So you can see there	
6	year. We we NFA'd or, Gary's group	6	was growth there. And again, for the	
7	NFA'd 42 sites that were trust fund sites	7	average CAP, you can see the numbers went	
8	this year. The average cost of those was	8	from 43,000 up to 78,000.	
9	\$274,000. And we list each one of them for	9	So as you look at those numbers, you	
10	your review.	10	know, it kinda gives you an idea of what	
11	If you'll go to the next page. This	11	we're looking at.	
12	page is a list of sites that were determined	12	MS. DELAFOSSE:	
13	to be eligible. And it list the the AI	13	And they're on the graph to the right	10
14	and it list the incident number and the	14	too. So you can see the gray line at the	
15	eligibility date. During this fiscal year,	15	top is the CAP	
16	we had 45 sites that were made eligible,	16	MR. BAKER:	
17	which reflected 54 separate incidents.	17	Total.	
18	Anybody have any questions on these	18	MS. DELAFOSSE:	
19	reports?	19	right? Yes.	
20	(No response.) MR RAKER:	20	MR. BAKER:	
21	IVIN DAKER'		NI COLL	

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22

25

MR. BAKER:

Now, the next one is actually not in

your packets. This is one that Theresa

asked me yesterday if there was anything

else that I wanted her to add to hers. And

21

23

24

No. That's total.

Oh, total. Sorry.

No. You're right. That's CAP.

22 MS. DELAFOSSE:

MR. BAKER:

Aug	gust 15, 2019 Me	OTO	R FUELS UNDERGROUND STORAGE TAN	K TRUST
	Page 45			Page 47
1	That's CAP.	1	It looks like a lot a lot of work	
2	MS. DELAFOSSE:	2	went into that.	
3	Say that again.	3	Can we get a a first and second to	
4	MR. BAKER:	4	accept the trust fund status report?	
5	That's you've got total total	5	MR. FULTON:	
6	average. And then this is for the sites	6	Motion to accept.	
7	with CAP.	7	MR. McCARTNEY:	
8	So not all sites have CAP, have	8	Second.	
9	corrective actions. So that CAP number can	9	MR. ST. ROMAIN:	
10	be high.	10	All right. Thank you.	
11	So so do ya'll so ya'll kinda	11	With that, we'll move on to third	
12	get an idea the idea is that our cost are	12	party claim status. I see it says Perry	
13	increasing, you know. And the next	13	Theriot, but I don't see Perry here, so	
14	questions I know is why. You know, you can	14	MR. WILLIAMS:	
15	break that up to a lot of different things.	15	No. Perry is not here. My name is	
16	We're not we're moving more and more	16	Brandon Williams. I'm I work with Perry	
17	sites in to the corrective action. That's	17	I'm regional counsel out of our Pineville	
18	gonna bring a lot of those cost up.	18	office	
19	Percentage-wise, I think, our sites in	19	MR. ST. ROMAIN:	
20	corrective action now are higher than they	20	Okay.	w 201
21	were back in 2010. Also, the cost of	21	MR. WILLIAMS:	
22	cleaning these sites up are going up. I	22	so it was shorter drive for me than	
23	know when I started around 2012, the average	23	than it was for Perry today.	Table 1
24	system was running 85 to \$95,000. Now, it	24	But Perry asked me just to report to	
25	can run 130 to 150,000. So for similar	25	ya'll, that there has been no new third	7-30
	Page 46			Page 48
1	system RAC's ya'll I mean, am I in the	1	party suits since the last meeting and	
2	ballpark?	2	and no new settlements. So if anybody has	
3	MR. BRIGHT:	3	any specific questions they'd like me to	
4	Yes.	4	take back to him, I'd be more than happy to	
5	MR. BAKER:	5	do so.	
6	So, you know, these these are	6	MR. ST. ROMAIN:	
7	things that are driving the cost up. So we	7	Any questions from anyone on third	
8	wanted to kinda give ya'll a picture of what	8	party claims?	
9	we were looking at.	9	(No response.)	
10	Anybody have any questions about that?	10	MR. ST. ROMAIN:	
11	(No response.)	11	All right. Well, we'll move on. Can	
12	MR. BAKER:	12	we get a first and second to accept that	
13	And that's that's it for me. So	13	report?	
14	does anybody have any overall questions?	14	MR. McBRIDE:	
15	(No response.)	15	Move.	
16	MR. BAKER:	16	MR. ST. ROMAIN:	
17	Well, thank ya'll.	17	Thank you, Nathan.	
18	MR. ST. ROMAIN:	18	MR. HILL: Second.	
19	All right. Thank you, Jeff. Thanks	19	MR. ST. ROMAIN:	
20	for the extensive report. And a lot of data	20	All right. Thank you, Kerry.	
21	there, good data, different breakdowns, different ways, so I appreciate that.	21	With that, we'll move on to other	
22	MR. BAKER:	22	business. Does anybody have any other	J- J- 3
24	Hey, I'm a data nerd. I know.	24	business to bring up?	
25	MR. ST. ROMAIN:	25	(No response.)	
	TAKE OF A COURT MALE		(respective.)	

STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY FUND ADVISORY BOARD MEETING MOTOR FUELS UNDERGROUND STORAGE TANK TRUST August 15, 2019

	Page 45	9	Page
1	MR. ST. ROMAIN:		1 MR. ST. ROMAIN:
2	Oh, and I I'll just I'll just		Thank you, Kerry.
3	add in on the other business, was just, I		MR. McCARTNEY:
4	wanted to recognize the decision of Dr.		4 I'll second.
5	Brown for the motor fuel delivery fee to		5 MR. ST. ROMAIN:
6	remain at .008 for this fiscal year. I just		All right, Joe.
7	wanted in case anybody hadn't got the		Thank you, guys. I appreciate it.
8	memo, that's that's where it ended up.	1	
9	Any questions around that?	1	
10	(No response.)	10	
11	MR. ST. ROMAIN:	11	
12	All right.	12	
13	MS. DELAFOSSE:	13	
14	And I was gonna say, relevant to that,	14	
15	we are going to meet with the actuarial firm	15	
16	to discuss what deliverables we have in the	16	
17	current contract. And hopefully, we can	17	
18	adjust those a little to make sure we	18	
19	include an updated valuation number with the	19	
20	2019 numbers. Like Jeff mentioned, I I	20	
21	don't we could probably have that for	21	
22	November. Because again, it's not a whole	22	
23	lot. I mean, they did it through fiscal	23	
24	'18. So it's not they're not reinventing	24	
25	the wheel or, you know, analyzing our data	25	
	Page 50		Page 5
1	from square one.	1	REPORTER'S PAGE
2	So hopefully, that's something we can	2	I, Lori B. Overland, Certified Court
3	work with them and get that amended and	3	Reporter, in and for the State of Louisiana, the
4	and definitely have it for February, if not	4	officer, as defined in Rule 28 of the Federal
5	for November. So hopefully, we'll have	5	Rules of Civil Procedure and/or Article 1434(b)
6	better information earlier so we can, you	6	of the Louisiana code of Civil Procedure, before
7	know, use the the authority that was	7	whom this sworn testimony was taken, do hereby
8	given to the board to make a recommendation	8	state on the Record
9	to Dr. Brown with with a fuller picture	9	That due to the interaction in the
0	and, you know, more better information, and	10	spontaneous discourse of this proceeding, dashes
1	more complete information and timely	11	() have been used to indicate pauses, changes
	information. So		in thought and/or talls that
2		12	in thought, and/or talk overs; that same is the
2	MR. ST. ROMAIN:	12	in thought, and/or talk overs; that same is the proper method for a Court Reporters's
	MR. ST. ROMAIN: Okay. That'll be great.	13	proper method for a Court Reporters's
3 4 5	MR. ST. ROMAIN: Okay. That'll be great. All right. Thank you. Any any	13 14	proper method for a Court Reporters's transcription of proceeding, and that the dashes
3 4 5 6	MR. ST. ROMAIN: Okay. That'll be great. All right. Thank you. Any any other business or questions?	13 14 15	proper method for a Court Reporters's transcription of proceeding, and that the dashes () do not indicated that words or phrases have
3 4 5 6 7	MR. ST. ROMAIN: Okay. That'll be great. All right. Thank you. Any any other business or questions? (No response.)	13 14 15	proper method for a Court Reporters's transcription of proceeding, and that the dashes () do not indicated that words or phrases have been left out of this transcript;
3 4 5 6 7 8	MR. ST. ROMAIN: Okay. That'll be great. All right. Thank you. Any any other business or questions? (No response.) MR. ST. ROMAIN:	13 14 15 16	proper method for a Court Reporters's transcription of proceeding, and that the dashes () do not indicated that words or phrases have been left out of this transcript; That any words and/or names which could not
3 4 5 6 7 8	MR. ST. ROMAIN: Okay. That'll be great. All right. Thank you. Any any other business or questions? (No response.) MR. ST. ROMAIN: All right. With that, I guess, we'll	13 14 15 16 17 18	proper method for a Court Reporters's transcription of proceeding, and that the dashes () do not indicated that words or phrases have been left out of this transcript; That any words and/or names which could not be verified through reference material have been
3 4 5 6 7 8	MR. ST. ROMAIN: Okay. That'll be great. All right. Thank you. Any any other business or questions? (No response.) MR. ST. ROMAIN: All right. With that, I guess, we'll move to close the meeting. The the next	13 14 15 16 17 18	proper method for a Court Reporters's transcription of proceeding, and that the dashes () do not indicated that words or phrases have been left out of this transcript; That any words and/or names which could not
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FUND ADVISORY BOARD MEETINGSTATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY August 15, 2019 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

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1	CERTIFICA	TION	
2	I, Lori B. Overland, Certified Co	ourt Reporter in	
3	and for the State of Louisiana, as	the officer	
4	before whom this testimony was take	en, do hereby	
5	certify that the above referenced in	ndividual to whom	
6	oath was administered, after having	been duly sworn	
7	by me upon authority of R.S. 37:2554	1, did testify as	
8	hereinbefore set forth in the forego	ping pages, that	
9	this testimony was reported by me in	n the stenomask	
10	reporting method, was prepared and to	ranscribed by me	
11	or under my personal direction and s	supervision, and	
12	is a true and correct transcript to	the best of my	
13	ability and understanding; that the	transcript has	
14	been prepared in compliance with tra	enscript format	
15	guidelines required by statute or by	by rules of the	
16	board, that I have acted in complian	ance with the	
17	prohibition on contractual relations	phips, as defined	
18	by Louisiana Code of Civil Procedure	e Article 1434	
19	and in rules and advisory opinions	of the board;	
20	that I am not related to counsel or	to the parties	
21	herein, nor am I otherwise interested	ed in the outcome	
22	of this matter.	The second secon	
23			
24	Lori Over	orland C.C.R.	
25		# 97083	
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