STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602
North 5th Street, Baton Rouge, Louisiana,
beginning at 1:07 p.m., on November 15, 2018.

BEFORE:

Mark Lacour Certified Court Reporter In and For the State of Louisiana

APPEARANCES

Johnny Milazzo Chairman

Durwood Franklin
Jeff Baker
Gary Fulton
Cy Morin
Jill Carter
Nick St. Romain
Steve Burnham
Roger Bright, via telephone
Lacey Vitteri
Joe McCartney
Kerry Hill, via telephone
Rhonda Cook
Kristine Stanley
Roger Gingles

Melissa Vizinat Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke

* * * * *

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EXAMINATION:	PAGE ((S)	:

None

EXHIBITS:

None

REPORTER'S PAGE 51 52 REPORTER'S CERTIFICATE

```
* * * * *
 1
 2
         MR. MILAZZO:
             Okay. So I'll step in on Kerry's
 3
         behalf and chair the meeting. So let me
         begin by calling the meeting to order.
 5
              Next on the agenda, I'd like a roll
 7
         call, please.
         MS. CARTER:
               Jill Carter, DEQ Attorney.
 9
         MR. FRANKLIN:
10
11
               Durwood Franklin, DEQ Trust Fund.
12
         MR. BAKER:
13
               Jeff Baker, DEQ Trust Fund.
14
         MR. FULTON:
15
               Gary Fulton, UST Division.
16
         MR. McCARTNEY:
               Joe McCartney, LOMA.
17
18
         MR. BURNHAM:
              Steve Burnham, Engineering Associates.
19
         MR. ST. ROMAIN:
20
21
               Nick St. Romain, LOMA.
22
         MR. MILAZZO:
23
               Johnny Milazzo, LOMA.
         MS. VITTERI:
24
           Lacey Vitteri, Financial Services.
25
```

```
1
         MR. MORIN:
             Cy Morin, DEQ Audit.
 2
 3
         MS. VIZINAT:
 4
           Melissa Vizinat, Trust Fund.
 5
         MS. FALKE:
               Fran Falke, Financial Services.
 6
 7
         MR. BROUSSARD:
 8
               Sam Broussard, UST Division.
 9
         MS. ISAACKS:
10
               Natalie Isaacks, from Louisiana Oil
11
         Marketers.
12
         MR. BLANCHARD:
           Kyle Blanchard, UST Division.
13
14
         MS. VICKIE (INAUDIBLE):
15
               Vickie (inaudible), DEQ Attorney.
16
         MR. TWILLEY:
17
               Clinton Twilley, UST Division.
18
         MR. KEMP:
19
               Trey Kemp, DEQ Trust Fund.
20
         MR. EFFERSON:
21
               Jason Efferson, DEQ Trust Fund.
22
         MS. VIZINAT:
23
             Roger?
24
         MR. BAKER:
25
               Roger?
```

```
MR. BRIGHT:
 1
           Roger Bright, Jones Environmental.
 2
         MR. MILAZZO:
 3
 4
               Anyone else on the phone?
 5
         (No response.)
         MR. MILAZZO:
 6
         Thanks to everyone for being here
 7
 8
         today.
               I'd like to ask you to turn your
 9
         attention now to the August 16, 2018 minutes
10
         of this board. And if I could ask someone
11
         for a motion to please adopt the minutes, if
12
         you had an opportunity to review them.
13
        MR. BURNHAM:
14
15
              Motion to adopt.
         MR. MILAZZO:
16
               Do I have a second?
17
         MR. ST. ROMAIN:
18
          I'll second.
19
         MR. MILAZZO:
20
               Nick seconds. All in favor?
21
         (All indicted "aye".)
22
23
         MILAZZO:
24
               Adopted.
               Okay. Let's go into the financial
25
```

1	services report. Ms. Lacey, we it hand it
2	over to you and instruct us the tab.
3	MS. VITTERI:
4	Okay. It's tab three. If ya'll
5	please turn to tab three.
6	All right. Again, I'm Lacey Vitteri,
7	an accountant in financial services. Today,
8	I'll be discussing the results from the
9	first quarter of fiscal year '19.
10	As of September 30, we've deposited
11	approximately 4.9 million into the fund.
12	Bulk distribution fees are roughly 500,000
13	less than at this time last year. But we
14	still anticipate the year-in total to be
15	around 22 million.
16	Interest is growing, which is great.
17	It is slightly higher than double the amount
18	we received at this time last year.
19	Total claims for reimbursements, as of
20	September 30, were 3.3 million. Almost
21	exactly the same at this point last year.
22	Now, going to the bottom of the page,
23	the total cash in the fund is 111.2 million.
24	Once you deduct the interest and the
25	liability of 78 million, that leaves an

```
unobligated balance of 24.9 million.
 1
 2
                On the second page of this report, it
          includes a projection of the transfer from
 3
          the trust fund to ETF to cover admin
 4
          expenses from both the current fiscal year
 5
 6
          and next fiscal year.
 7
                We expect this year's transfer to be a
          little less than last year. One of the
 8
          reasons is because the indirect cost rate is
 9
10
          lower this year than last year.
               Any questions?
11
          MR. MILAZZO:
12
               Let's go back to, if you don't mind,
13
          on the indirect cost --
14
15
         MS. VITTERI:
16
              Okay.
          MR. MILAZZO:
17
               -- on the expenditure side. Give me
18
          vour definition --
19
20
          MR. HILL:
                Good evening, this is Kerry Hill
21
          calling in. How are ya'll doing?
22
23
          MR. MILAZZO:
              Kerry Hill?
24
          MR. HILL:
25
```

1	Yes, sir.
2	MR. MILAZZO:
3	Kerry, welcome. We're on the
4	financial report. Lacey has just presented,
5	and we're in a asking questions if you
6	have any. So
7	MS. VITTERI:
8	Okay. The indirect cost rate is
9	approved by EPA and we use half of
10	whatever's approved by them as our
11	percentage. We calculate it for the
12	motor fuel trust fund.
13	So this year, it's actually 18.01
14	percent lower than it was last year. But
15	that was total. So for the motor fuel,
16	would be half of that. So nine percent.
17	And your indirect is like your
18	overhead cost.
19	MR. MILAZZO:
20	Okay.
21	Any other questions on the financial
22	report?
23	(No response.)
24	MR. MILAZZO:
25	I need a motion to adopt the financial

```
1
          report.
 2
          MR. ST. ROMAIN:
 3
                Motion to adopt the financial report
          as written.
 4
          MR. MILAZZO:
 5
 6
                I need a second.
          MR. McCARTNEY:
 8
                I second it.
          MR. MILAZZO:
 9
               All in favor?
10
          (All indicated "aye".)
11
          MR. MILAZZO:
12
13
                Adopted.
                Let's move to the auditor's status
14
15
          report. And -- Cy.
16
          MR. MORIN:
                Good afternoon. Cy Morin, DEQ Audit.
17
                If you'd turn to tab four, please.
18
          This -- this report represents -- the first
19
          page of this report represents 20 open motor
20
21
          fuel delivery fee audit cases.
                This list, as of November 9, 2018
22
          included two cases that have been assessed
23
          for unpaid late fees and we were awaiting
24
          payments of $132.09 and $2,942.24. Since
25
```

last week, since the 9th, we discovered the
\$2,900 assessment had been paid in full and
we closed the file. We also learned that
the business that was assessed \$132 was sold
at the end of 2016. This morning, the
auditor spoke to a representative of the new
company, who asserted that they would pay
that assessment. So we should see that
soon.

One case resulted in an overpayment of \$4,419.06 and we're awaiting a refund to be issued in order to close the file. The overpayment was due to human input error when calculating fees on the monthly report. We've notified the business of the overpayment and pending refund.

Eight cases are awaiting review.

Pending final review, one with a potential assessment of \$978.33 and seven are potential clean audits with no assessment.

And then the remaining nine cases are still in progress with the results to be determined and finalized.

Do we have any questions on this page? (No response.)

1	MR. MORIN:
2	If not, turn to the second page.
3	The status of of these four cases
4	in legal remain the same. Cases one, three
5	and four are still with the Office of Debt
6	Recovery. And as of November 8, we have not
7	received any payments from ODR on these
8	cases.
9	Case number two continues to make
10	regular monthly payments. The last payment
11	of \$200 was received on October 12. If
12	anything happens with that and they fail to
13	continue to remitting, we'll send it to ODR
14	as well.
15	So as of today, the four cases
16	represent \$104,305.20 in late in
17	delinquent motor fuel delivery fees and late
18	payment penalties, plus the attorney's fees
19	and court cost you see here on the page, for
20	a total of \$116,000.
21	That concludes my update. If you have
22	any questions?
23	MR. MILAZZO:
24	Any questions?
25	(No reapence)

```
1
         MR. MILAZZO:
 2
               Cy, I would think we'd want to have a
         motion to adopt this as well too, correct?
 3
         MR. MORIN:
          Correct.
 6
         MR. MILAZZO:
               Motion to accept the audit report?
         MR. ST. ROMAIN:
 8
             I'll second it.
 9
10
         MR. MILAZZO:
11
               Well, we got a first? Second?
12
         MR. MCCARTNEY:
               I'll second.
13
          MR. ST. ROMAIN:
14
15
            First.
16
          MR. MILAZZO:
17
              Okay. Well, we have a first and a
          second. All in favor?
18
          (All indicated "aye".)
19
20
          MR. MILAZZO:
21
          All right. Cy, I want to say thanks
          again. I -- I know over the years as we've
22
23
          paid more and more attention to this -- and
          it's obviously a lot of tension, so I just
24
25
          wanted to say thanks.
```

```
1
         MR. MORIN:
                You're welcome.
 2
 3
          MR. MILAZZO:
                We just went through it. Absolutely,
 4
          professionally done. And I can't say enough
 5
          about the -- the whole process. So thank
 6
 7
          you guys.
          MR. MORIN:
 8
                You're welcome.
 9
          MR. MILAZZO:
10
                Okay. Trust fund status report, Mr.
11
12
          Jeff Baker.
13
          MR. BAKER:
               Good afternoon. This is Jeff Baker.
14
15
          If you'll turn to tab five in your packets.
          These are the figures from the first quarter
16
          of fiscal year 2019.
17
                If you'll look at the first report,
18
          the report of activities from motor fuel
19
20
          trust fund current activities. It says,
          during the first quarter of fiscal year
21
          2019, the trust fund has received 265
22
          applications, totaling a requested amount of
23
          approximately 4.4 million dollars.
24
                As of the end of September 2018, the
25
```

trust fund had 87 pending applications to process, which had requested amounts, totaling approximately 1.6 million dollars. 213 applications were processed for payment during the fiscal year, totaling approximately 3.4 million dollars. And 39 applications were returned with deficiencies.

Now, the last board meeting, one of the members asked me to make some tweaks to this report. As I go through my numbers, this is actually quarterly totals. And so, when you look at the report, you don't see those quarterly totals. You see the individual monthly numbers. And that doesn't really effect this one because the - the monthly number is the quarterly total for this quarter. However, we have made some changes for future reports and we're going to have a quarterly total at the end of each quarter. So you'll see some changes to this report next time.

If you'll turn the page. The next page is titled report of cumulative activities for motor fuel trust fund. Under

this tab, this document lists the historical values related to the trust fund and strictly provided for the board's informational purposes. We do tweak it every month. Every -- every month, every quarter, you'll see at the bottom -- and you'll see for fiscal year '19, you'll see the numbers and they correlate over to the first report. So as the year goes on, you'll see those changes.

If you'll turn the page. The next page, you'll see the monthly motor fuel trust fund obligation determination. This worksheet list the various component determinations of the potential obligations of the trust fund as of the end of September 2018.

For sites in the corrective action phase, the outstanding liability of corrective action budget and estimated cost to reach closure at the end of September 2018 was approximately 27.4 million dollars. This total includes the CAP budget remaining amount and the RAC estimated cost to closure amounts.

17 .

If you'll look at your -- there were 1 2 some handouts that were not in the packet. 3 I think they were on your chair when you got here. If you'll look at the summary report 4 5 for the motor fuel trust fund active sites without corrective -- without -- I mean, 6 7 with corrective action, I'm sorry. Corrective action plan summary report for 8 9 motor fuel trust fund active sites. What 10 this is, is, this is a report of each individual site and that amount of money 11 12 that we've spent on it, CAP budget, the 13 whole -- kind of an overview of that site. 14 You'll also notice, it has the first app 15 received and the last app processed date. That was an addition that one of the board 16 17 members asked us to include.

The next section in the obligation report is, the fund obligation recognized for sites without ROG approved CAP budgets. That's approximately 21.8 million dollars. This is determined using a three-year average site closure cost and applying these costs to active trust fund sites without current CAP budgets.

18

19

20

21

22

23

24

25

Again, if you'll look to one of those handouts that was in your chair when you got here, the next one is titled, summary report for motor fuel trust fund active sites without corrective action plans. That again is a -- a summary of all the individual sites included in this, as well as the estimated cost and -- and dates and number of applications processed. Just an overview of each site included in that report.

Going back to our monthly obligation determination page. The fund obligation recognizes 23 sites that have been determined to be trust fund eligible, however, have not submitted reimbursement applications. That amount is 5.9 million dollars approximately.

This is also determined using a threeyear average site closure and applying these costs to sites that have requested eligibility, that have not yet submitted a request for reimbursement from the fund.

The five-year projected fund obligation related to the motor fuel trust fund to environmental trust fund transferred

is 22.9 million -- well, actually,

approximately 23 million dollars. This

estimate uses the three-year average dollars

transferred from the motor fuel trust fund

to the environmental trust fund and

multiplies that average by an estimated five

years.

The total estimated obligated amount is \$78,099,289, which represents the 2.2 million dollar decrease compared to last quarters estimated amount. This reduction was attributed to the reduction of the number of non-CAP sites and also a minor decrease in the -- in the three-year average cost to close estimate.

Now, if you'll turn to page -- to page -- the next page in your packet is titled trust fund sites that had a release granted no further action. There were 11 locations that had -- that -- that we had that -- had no further actions on this year, for the quarter.

Now, if you'll turn to the next page, these are incidents determined eligible for the motor fuel trust fund. This report

shows the number of potential trust fund sites that were reviewed and made eligible during the current fiscal year. That was a total of ten sites, representing 15 active incidents.

Now, for points of interest, Act 150 of the -- the Louisiana Regular Session was implemented effective October -- on August 1st, 2018. This new law allowed the Secretary, after consideration of the recommendation from the board, to change the amount of the fee on an annual basis, but caps the fee at the current rate of \$72 for every withdrawal of 9,000 gallons of bulk fuel of point eight cents per gallon.

The new law requires the board to determine a minimum level of funding by conducting an annual review of receipts and disbursements from the fund, along with the projected amounts expected to be expended for the next fiscal year. Further requiring — it further requires the board to meet at the end of each fiscal year to determine it's recommendation for setting the fee for the next fiscal year.

The new law also negated the language requiring a suspension of the fees collection if the fund balance to current obligation deferential exceeds 40 million dollars. Okay?

As discussed in the last board meeting, the department has been researching actuarial consults to review our fund for the purpose of providing criterial information to assist the board in this assessment. A firm has been selected and we are currently working with the -- working on a contract.

The company that was selected was the Pinnacle Actuarial Services.

The initial report will include an evaluation of the current and future claim reserves, a projection of the future claim liabilities and the cash flow scenario based upon various fee options. Based upon the expected time frame, we expect this report will be ready for the board prior to the February meeting, hopefully, sometime mid-January. So we'll -- we're -- we're going to try to get that to ya'll in ample time

1	before the meeting so that ya'll can take a
2	look at it and be able to digest it.
3	A subsequent review in the latter part
4	of fiscal year 2019, this review will
5	consider analysis of high cost and long term
6	site claims and program operation
7	considerations and their impacts, which
8	would include deductibles, long programs and
9	the impact of the potential of including
LO	AST's into the fund. The associated report
L1	for this study will be completed and
L2	hopefully available by the end of this
L3	fiscal year.
L4	I can take a breath now. That pretty
15	that finishes up what I have. So if
16	anybody has any questions?
17	MR. BURNHAM:
18	Jeff, would you go back to the 40
19	million number? What does that represent?
20	MR. BAKER:
21	What that means is that the law up to
22	this point said that if our bank balance was
23	40 million dollars more than our obligation,
24	then we had to stop collecting the fee.
) E	MD DIIDNUAM.

```
1
                Okav.
 2
          MR. BAKER:
 3
                However, the law now has been changed
          to where the board can recommend to the
          Secretary a rate -- a fee rate which will
          obviously change that balance. So instead
 6
          of using that as a mechanism to control
 8
          that, the board and the Secretary can now
 9
          control the fee to control that that balance
10
          is where we want it to be.
11
          MR. BURNHAM:
12
              What is the balance at which the
13
          legislature can potentially snatch money
14
          from the trust fund?
          MR. BAKER:
15
16
              I can't answer that.
17
          MR. BURNHAM:
18
                Any -- didn't -- didn't that happen at
19
          some point, a year or two ago?
20
          MR. BAKER:
                Lacey -- they -- they did take some.
21
22
          MS. VITTERI:
23
               Yes.
24
          MR. BURNHAM:
25
                So that -- that's not based on a magic
```

```
1
          number?
 2
          MR. BAKER:
 3
                No. No.
          MR. BURNHAM:
 4
 5
              Okav.
 6
          MR. BAKER:
 7
                There is no magic number.
          MR. BURNHAM:
 8
 9
         Okay.
          MR. ST. ROMAIN:
10
                It's not a protected fund.
11
          MR. BAKER:
12
13
                Well, it is. It is a dedicated fund.
14
          However, the legislature -- the law does
15
          allow a certain percentage under emergency
          considerations that they can go into the
16
          dedicated funds and do that. But it -- it's
17
18
          happened one time that I know of, maybe
          twice. Maybe twice. I know we also had
19
20
          some money that was over in the escrow
          account with the AG's office and I think
21
22
          there were some funds moved at that point.
23
          MR. FULTON:
24
                There are some restrictions on it.
25
          But I'm not sure of all of the restrictions,
```

1	but they have to declare the emergency, five
2	or six or
3	MR. BAKER:
4	Yes. It's not five percent of the
5	entire balance. It's five percent of the
6	operating budget.
7	MR. BURNHAM:
8	Got you.
9	MR. McCARTNEY:
10	That request from the AG's office,
11	that was suppose to
12	MR. BAKER:
13	That was that was from lawsuits
14	that were in the escrow account that were
15	waiting to be moved back over to the trust
16	fund.
17	MR. MILAZZO:
18	So and Perry is not here, but in
19	respect to that, I know there was some
20	concern because the money in the AG's office
21	is in a kinda protected space at the moment.
22	And there was some consideration of this
23	board to really leave the funds there at the
24	moment, until there's more clarity of the
25	raid on on the trust fund I do think

```
1
          it's appropriate to say you guys, with the
 2
          help of Louisiana Oil Marketers and pressure
 3
          on -- you know, on legislature --
          legislatures that, you know, we -- there's
 4
 5
          been a great job of protecting those funds.
 6
          So I quess we're all subjected to
 7
          conditions. But in the past, you know,
          considering the amount of money that was
 8
 9
          coming away, or out of a lot of funds, as we
10
          know of today, we came out really well.
          MR. BURNHAM:
11
12
                Yes.
          MR. MILAZZO:
13
14
                And so, if there is money, at least as
15
          I last recall, still sitting in the AG's
16
          office, a recent consideration where that
17
          plans -- am I right about that?
          MR. BAKER:
18
19
                If I'm not mistaken -- Lacey, please
20
          correct me if I'm wrong. I believe a
          majority of the remaining funds has been
21
22
          transferred back into the environment --
23
          into the motor fuel trust fund; is that
24
          correct?
25
          MS. VITTERI:
```

```
1
                There's seven million, I think, still
 2
          left.
 3
          MR. MILAZZO:
 4
                I would, maybe in a future meeting,
 5
          maybe put that on the agenda as an update
 6
          and be some input as to perhaps where is it
 7
          and what's the likelihood of seeing that
          transfer.
 8
                But -- so, you know, you look at, you
 9
          know 111 -- 111 million dollars as you
10
11
          report, and the 78 million, as you just
12
          finished in your status report, Jeff, it's
13
          fair to say that everything that's been
14
          approved that we know, that has a budget, is
15
          in this 78 million dollars of obligation, as
16
          we know it today. Is that fair to say?
17
          MR. BAKER:
18
               Yes, sir. Yes, sir.
19
          MR. MILAZZO:
20
                Okay. And really, the unencumbered
21
          amount sitting at about 24 million dollars
22
          today.
23
          MR. BAKER:
24
               Right.
25
          MR. MILAZZO:
```

```
1
                It's still considered to be pretty
 2
          healthy. So the one question that I -- when
 3
          you talk about change in the fee structure,
 4
          and -- and now that that's been changed
 5
          legislatively, is it the fee on the per tank
 6
          basis or does it carry into the fee on the
 7
          per gallon basis, as well? How much
 8
          latitude? Because there's two components of
          the fee, right?
 9
10
          MR. BAKER:
11
                Well, it -- it ends -- we -- we list
12
          it as $72 per 9,000 gallons, but it really
13
          ends up being paid pretty much on a per
14
          gallon basis. I mean, so when they report
15
          it to us, it goes by the number of gallons.
16
          MR. MILAZZO:
17
                Okav.
18
          MR. BAKER:
19
                And so I'm assume -- assuming that
20
          that's not going to change. It would be --
21
          so you'd be making some tweaks -- I'm not
22
          sure how legal --
23
          MR. FULTON:
24
                Yes. So there's two components,
25
          right, the annual fee and the -- the CPG,
```

```
1
          right?
 2
          MS. ISAACKS:
 3
                It's per gallon, is what I recall.
 4
          MR. FULTON:
                But it's a good question.
 6
          MR. ST. ROMAIN:
 7
               You're referring to the tank fee and
 8
          the delivery --
 9
          MR. MILAZZO:
10
                There's a registration -- an annual
          registration fee. Does that fee have any
11
12
          latitude for change or is it just the cents
13
          per gallon?
14
          MR. BAKER:
15
              No. That's set.
16
          MR. MILAZZO:
17
              Okay. Good. All right.
18
          MR. BAKER:
19
                No. The fee that we're talking about
          is strictly the delivery fee. I'm sorry. I
20
21
          misunderstood what you asked.
22
          MR. MILAZZO:
23
                Okay. So any other questions
24
          regarding that?
25
          MR. ST. ROMAIN:
```

```
1
                And that recommended fee change would
 2
          happen at the February meeting; is that
 3
          correct?
          MR. BAKER:
 4
 5
                Yes. I think the intention is that we
          would -- that information will be provided
 6
 7
          to the board in January, ya'll would have
          that, we could discuss it at the February
 8
 9
          meeting. The recommendation would then go
10
          from the board to the Secretary. The
11
          Secretary would make a decision. Then that
12
          would give us several months to inform the
          stakeholders, prior to July 1, it's taken
13
14
          effect, the new fee take effect, which would
15
          be in effect for at least a year, from July
          1 to June 30.
16
          MR. ST. ROMAIN:
17
18
                Okay. Then you also mentioned -- go
19
          ahead.
20
          MR. McCARTNEY:
                Then you got Pinnacle -- as far as
21
22
          January and the year-end work, is that all
23
          the same thing?
         MR. BAKER:
24
                Yes, sir. It's -- it's -- it's a
25
```

```
1
          phase one and a phase two.
 2
          MR. ST. ROMAIN:
 3
              You said phase two would be before the
 4
          end of fiscal year 2018?
 5
          MR. BAKER:
                That's the intention.
 6
          MR. ST. ROMAIN:
 8
                To try and have a recommendation
 9
          before July of that as well?
10
          MR. BAKER:
11
                Well, that -- I mean, there -- this is
12
          going to be for more of informational
13
          purposes to the board. It won't really be a
14
          -- a recommendation related to the fee.
15
          That would be in the phase one aspect, ready
16
          for January. That would be more of ways
17
          that we could improve the program, some
18
          recommendations to the board, along those
19
          lines, aspects of the different programs, if
20
          you make -- if you'd implement this program,
21
          how it would effect the fund and things of
22
          that nature.
23
          MR. ST. ROMAIN:
24
              Right.
25
          MR. BAKER:
```

```
1
                Yes.
 2
          MR. MILAZZO:
 3
                Any other comments or questions?
 4
          (No response.)
 5
          MR. MILAZZO:
 6
                Could I get a motion to accept the
 7
          status report?
 8
          MR. BURNHAM:
 9
                Motion to accept.
          MR. McCARTNEY:
10
                Second.
11
12
          MR. MILAZZO:
13
                All in favor?
14
          (All indicated "aye".)
15
          MR. MILAZZO:
16
                So adopted.
17
                Okay. Third party claims. And I
18
          quess, Perry?
          MS. CARTER:
19
20
                Jill Carter. And there are no new
21
          updates on the third party claims at this
22
          time.
23
          MR. MILAZZO:
24
                Any comments or -- about it?
25
          (No response.)
```

1	MR. MILAZZO:
2	Okay. Well, let's move into other
3	business.
4	Consideration for tentative dates for
5	board meetings in 2019. Jeff, do you want
6	to take this?
7	MR. BAKER:
8	I can. This was these are these
9	are similar dates to what we have right now.
10	We just tried to follow that same protocol.
11	I did touch base with Natalie and to make
12	sure that there weren't any conflicts with
13	the LOMSA schedule. And this seemed to work
14	out for everybody.
15	MR. MILAZZO:
16	Anyone here have any conflicts that
17	you know of?
18	(No response.)
19	MR. MILAZZO:
20	So is this something we should, you
21	know, just accept today and with the
22	understanding as we get closer, things could
23	change a little bit?
24	MR. BAKER:
2.5	They they can I mean but what

```
1
          I would say is, I vote we approve the dates
 2
          and -- and then what we will do is, we'll go
 3
          ahead and put them on the calendar and the -
 4
          - the venue may change. I know last year,
 5
          we did do one in Alexandria -- or this year,
 6
          we did one in Alexandria. And so, you know,
 7
          we -- we'd like to do that again at least
          once or twice. It worked out well. And I
 8
          think it gave everybody that's in North
 9
10
          Louisiana a chance to kinda not travel quite
          so far.
11
12
          MR. MILAZZO:
13
                Okay.
14
          MR. BAKER:
15
                So --
          MR. MILAZZO:
16
17
                So why don't we -- can I get a motion
          to accept the dates as proposed, please?
18
          MR. BURNHAM:
19
20
                Motion to accept the dates as
21
          proposed.
22
          MR. MILAZZO:
23
                Second?
24
          MR. ST. ROMAIN:
                I'll second.
25
```

1	MR. MILAZZO:
2	All in favor?
3	(All indicted "aye".)
4	MR. MILAZZO:
5	Is anybody opposed to them?
6	(No response.)
7	MR. MILAZZO:
8	Okay. Scheduled.
9	Okay. Jeff had sent out kinda of a
10	pre-read on this RAC request for review and
11	the trust fund reimbursement determination,
12	perhaps maybe making a maybe a one time
13	consideration. But, Jeff, I I'll ask you
L4	to kinda head the discussion, and then,
15	perhaps we get into some really good
16	discussion about what they're asking.
17	MR. BAKER:
18	Well, basically an overview is, one of
19	our RACs has an office in Shreveport and
20	they also have one in Lafayette. And the
21	office in Shreveport, according to the RAC,
22	doesn't have the personnel available to do
23	typical fieldwork, okay? And they have a
24	site in Monroe, and they have requested

reimbursement of mileage from their

25

8

9

10

11

12

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19

20

21

22

23

24

25

Lafayette office to Monroe. And we -- and
the trust fund denied it, because they had a
closer office in Shreveport, which is
according to our guidance document and our
protocol. And that's been in place for a
number of years.

And the RAC contested it. We went back and forth. And it -- it was a very professional discussion. However, in the end, we basically agreed to disagree. And the -- the RAC asked where do they go from there, and I said, "Well, you can appeal it to the board." And so that -- I don't believe they were able to attend today. They told me they -- they weren't sure. But what they did do was, they sent -- they asked if they could send their written request. So that's what the letter was that I forwarded to ya'll yesterday. And -- and then we tried to give you, in our email, a little bit of the historical perspective of what the -- the mileage is. You know, most people, when they see mileage, they look at a -- you know, whatever the IRS rate is at the time, or the state rate, you know. And

I think when we originally came up with this rate, it was 51 cents a mile. I think now it's 54 and a half cents a mile. Well, the trust fund, a number of years ago, included that rate, but they also included the estimates of personnel time. So they take an engineer or geologist rate and they apply that to an average mile per hour at 50 miles per hour to come up with a dollar per mile then, and they add that to the -- the -- the IRS rate and they came up with \$1.95. And that was back around 2011/2012. Now, in 2017, we had a fee increase with our new version of the guidance document, and we increased that to \$2.

So that was basically -- that kinda gives you a backup of -- of where -- why the mileage -- why the mileage rate seems so high.

Historically, the trust fund has followed this -- this guidance. And the reason we do it is, because it's very difficult for us to keep track of who has what in what office. So this -- this month, this quarter, you may have somebody in that

office that can do the work, next month, you
may not. And it's really not reasonable for
the trust fund to keep -- to be asked to
keep track of that. So we just look to see,
do you have an office available closer and
we go -- we use the closest office to
calculate your mileage.

Now, in this case, like I said, the RAC has submitted this letter to the board and asked for their consideration. The trust fund staff, as we looked at this, we do strongly recommend leaving the trust fund guidance language as it is, because it has served us well. It -- I believe it has saved the trust fund quite a bit of money.

Now, as for how you want to handle this particular case, I'll leave that to the board. We've tried to lay it all out for you as to what the situation is. We did -- you know, we do -- if you do decide to allow it, we would strongly recommend that we put some caveats on there that the RAC has to inform us immediately if they change staff, if something happens, because there's no way in the world we could know. We can't keep

1	track at all.
2	MR. BURNHAM:
3	Did I interpret the email you had sent
4	us correctly, that the trust fund staff is
5	recommending approval of the mileage as a
6	but not a change of the trust fund?
7	MR. BAKER:
8	Yes. We we strongly recommend not
9	changing the guidance document. We think
10	it's good the way it is.
11	MR. BURNHAM:
12	But do you have a recommendation on
13	whether to approve this request or not?
14	MR. BAKER:
15	Yes. I mean, we don't we don't
16	feel strongly we we don't like opening
17	Pandora boxes to be honest with you, but we
18	understand the situation and if the board
19	approves, we we wouldn't argue.
20	MR. McCARTNEY:
21	How are you going to keep that from
22	being progressively getting worse?
23	MR. BAKER:
24	That's the concern. That is the
25	concern.

1 MR. MILAZZO:

2 So -- so let me chime in, since I read 3 this earlier today. And I thank you for articulating it as well as you did. And, 4 5 you know, we sit here -- you know, we -- we 6 pay the fee, collect the fee, and at the 7 same time, I think we have responsibility, 8 in particular, we as members of this board, 9 you know, and -- and even our own 10 association to make sure we're responsible 11 members of this -- this trust fund. I've 12 really struggled, Jeff, to be honest with 13 you. Someone, they understand the guidance 14 documents, they understand the cost 15 structure. And, you know, if you agree to 16 take on a job, you ought to understand the ins and outs. And, you know, I know in my 17 18 own business, you know, I -- just because I 19 decide to relocate, you know, my customer 20 doesn't forgive me. I don't just get to 21 pile on additional cost. And this is real 22 troubling for me. And I got friends in the 23 room, friends in this business. And I -- I 24 don't mean to make any enemy with anybody, 25 but -- but we all have responsibility and --

1 and I think when we start making exceptions, 2 I don't know where you stop making 3 exceptions. And that's kinda -- you know, 4 well, I can't get there and unfortunately, 5 he's 400 miles away and -- and, I mean, the 6 rules are the rules. In fact, I -- I think 7 it ought to be simple by saying in no case 8 can you ever request mileage greater than 9 this number. That way, people, the RACs in 10 the world, will begin to look at this and 11 say, "Does this make sense for me 500 miles 12 away?" And we're -- we're not responsible 13 to this trust fund if we just say, you know, 14 you can come in from Missouri if you want to 15 and do the work. I -- I just think the 16 rules are the rules today and -- and they 17 ought to adhere to it and, you know, if --18 if it doesn't make sense, then maybe he 19 needs to consider selling off to another 20 action -- response action contractor. MR. BAKER: 21 Well, and you're -- you're --22 23 MR. MILAZZO: 24 And I don't mean to be harsh about it, but our responsibility here is pretty 25

1 serious. 2 MR. BAKER: 3 Well, and your point is well made. 4 There is -- you know, typically, if you 5 wanted to hire -- and the example I use is a 6 contractor, or a plumber, somebody, and 7 you're in Shreveport and you want to hire 8 somebody in New Orleans, you know, you --9 you may be the best plumber in the -- in the 10 state, and you say to him, can you come up 11 here? And he's gonna say, yes, I can, but 12 it's -- I'm gonna charge you this mileage 13 and this hotel rate, whatnot, to do the job. 14 And -- and you're gonna have to make a 15 decision, is it worth that to do that? With 16 the trust fund, that's really not the case. 17 Owners and responsible parties can hire 18 anybody in the state, and the one who pays 19 the mileage is the trust fund. And so, it's 20 -- it's been -- you know, we -- we have some 21 that we've paid several -- several hundred 22 miles, round trip. 23 MR. McCARTNEY:

So this hasn't been enforced, I mean -

25 -

24

1 MR. BAKER:

Well, there's nothing to enforce. We can't -- there's nothing we can do about it as the trust fund. I mean --

5 MR. MILAZZO:

is this though, you know, what they had historically done, there's an office here in Shreveport and a job in Monroe. And so the trust fund says, as guidance, we're going to use the closest one and that's how you're going to be reimbursed. Historically, that's been okay. That's why I think there needs to be a cap anyway. So this guy decides, whoever it is, you know, well, now my office is out of New Orleans, even though I still have an office in Shreveport, but the right guy doesn't live there anymore -- MR. McCARTNEY:

That's just like if somebody called me, needs a load of fuel in New Orleans, then sure. I've got an office in New Orleans. I just don't have a truck down there.

25 MR. MILAZZO:

DEPARTMENT OF ENVIRONMENTAL QUALITY

```
1
                But if you told them -- if everything
 2
          was up front, he may say that's too much
 3
          money, right? I just think we're --
 4
          MR. ST. ROMAIN:
 5
                He may find a contractor closer.
          MR. MILAZZO:
 7
                Find a contractor closer.
 8
                I think the responsible thing for us
 9
          is to have some sensor responsibility that
10
          we don't need to be sending people all over
11
          the state, $2 a mile, and overnight and all
12
          this other stuff when it could be more in
13
          favor of the trust fund to do things that
14
          would have less impact to the fund.
15
          MR. McCARTNEY:
16
                I think --
          MR. MILAZZO:
17
18
                I'm just one voice here.
19
          MR. McCARTNEY:
20
                -- it's proper, because you called the
21
          contractor, he knows how he's gonna be
22
          reimbursed. He knows it proposes all this.
23
          MR. ST. ROMAIN:
                He knew that when he took the job.
24
25
          MR. McCARTNEY:
```

```
1
                He -- he accepted the job.
 2
          MR. MILAZZO:
 3
                He knew it when he took the job.
 4
          MR. MCCARTNEY:
                He knows the guidelines. He can make
 6
          the call whether he can break even eating
 7
          that mileage et cetera.
 8
          MR. MILAZZO:
 9
                So let me say -- any comments from
10
          those on the phone?
11
          MR. BRIGHT:
12
                Yes. This is Roger with Jones
13
          Environmental. I -- I agree with what
14
          you're saying, Mr. Milazzo. I -- I think
15
          it's dangerous to -- to offer an exception
16
          to a rule that's worked well. As -- as a
17
          RAC -- and we have multiple offices
18
          throughout the state, and I could make a
19
          thousand arguments as to why someone in New
20
          Orleans is not qualified to do a job there
21
          and I need to send somebody from Shreveport.
22
          I think ultimately we'll -- we'll open up
23
          that box and we'll pay a lot more money out
24
          of the trust fund. So I think the right
25
          thing to do is leave the rules as they are
```

```
1
          with no exception.
 2
          MR. MILAZZO:
 3
                Thank you.
 4
          MR. BRIGHT:
 5
                Yes, sir.
 6
          MR. MILAZZO:
 7
                I don't want to stop a good
 8
          discussion. Any other comments from
 9
          anybody?
10
          MR. BURNHAM:
11
                I just want to say to the -- to the
12
          benefit of the consultant, I do understand.
13
          I -- I take the for instance if -- if I was
14
          to start an office in New Orleans to sell
15
          widgets and it had nothing to do with UST,
16
          right now, I get paid to drive to New
17
          Orleans, if we have a site in New Orleans,
18
          and to drive back. And would -- would the
19
          opening of an office to sell widgets exclude
20
          me from that? And the answer is yes. And I
21
          think that's what this consultant was trying
22
          to point out. I think he was saying his
23
          office closer doesn't do UST work. Is that
24
          correct, or -- I'd be interested to know
25
          where the report came out of. I'm sure
```

```
1
          there have been some reports that have been
 2
          written on the project. I'd be interested
 3
          to know, did those reports come out of that
 4
          closer office, or did they come out of this,
 5
          you know, further office that he's saying he
 6
          MR. BAKER:
 8
                I'd have to -- I'd have to research
 9
          that.
10
          MR. BURNHAM:
11
                Yes.
12
          MR. BRIGHT:
13
                And -- and see what the letter -- what
14
          the letter is saying, that I've got here on
15
          my desk, is that he doesn't have the
16
          qualified personnel to do the sampling or
17
          operations made to the system in the
18
          Shreveport office. Qualified versus trained
19
          and versus decisions for business --
20
          MR. BURNHAM:
21
                Yes. I -- I -- I'm not disagreeing
22
          but I did want to point out that there --
23
          you know, there -- there could be times.
24
          But if they do UST work out of that office,
25
          the fact that they don't have the perfect
```

```
1
          guy to go do that is -- is irrelevant, I
 2
          think. And -- and there's many times where
 3
          an engineering firm has to send some --
          someone who's more qualified then they
 4
 5
          needed to be to do it --
 6
          MR. BRIGHT:
 7
                Right.
 8
          MR. BURNHAM:
 9
                -- but they're gonna get the rate that
10
          the trust fund pays for the right guy to do
11
          it, the least qualified -- or the one with
12
          the least qualifications. So I'm not
          arguing. I'm just -- wanted to bring it up
13
14
          from the RACs --
15
          MR. MILAZZO:
16
                No. I mean, we -- we want a good
17
          discussion because we're gonna take action
18
          on it.
19
          MR. BURNHAM:
20
                Yes.
21
          MR. MILAZZO:
22
                Any other comments?
23
          (No response.)
24
          MR. MILAZZO:
25
                So let's see if we can --
```

```
1
          MR. ST. ROMAIN:
 2
          I think I can get it.
 3
          MR. MILAZZO:
 4
             You're ready?
 5
          MR. ST. ROMAIN:
           I think so. I'd like to make a motion
 6
 7
          to not have any amendments or exceptions to
 8
          the current cost control guidance document,
          as currently written. Is that sufficient?
10
          MR. MILAZZO:
11
            Pretty clear.
12
          MR. BAKER:
13
             Can I ask a question? As it relates
14
         to this issue?
15
         MR. ST. ROMAIN:
16
               And as it relates to this issue.
17
         MR. BAKER:
18
          Okay.
19
         MR. MILAZZO:
20
               Do I have a second?
21
         MR. McCARTNEY:
22
               I second.
23
         MR. MILAZZO:
24
           All in favor?
25
          (All indicted "aye".)
```

```
1
          MR. MILAZZO:
 2
                 Anyone opposed?
 3
           (No response.)
 4
          MR. MILAZZO:
 5
                 It's adopted that we make no exception
 6
          as requested by this response action
 7
          contractor.
 8
          MR. BAKER:
 9
                 Thank ya'll.
10
          MR. MILAZZO:
11
                 Thank you. Thank you, Nick.
12
                 Is there any other business?
13
          (No response.)
14
          MR. MILAZZO:
15
                 Can I get a motion to adjourn?
16
          MR. BURNHAM:
17
                Motion to adjourn.
18
          MR. ST. ROMAIN:
19
                Second.
20
          MR. MILAZZO:
21
                All in favor?
22
          (All indicted "aye".)
23
          MR. MILAZZO:
24
                Let's get ready for Thanksgiving.
25
               THE MEETING ADJOURNED AT 1:48 P.M.
```

1	REPORTER'S PAGE
2	I, Mark Lacour, Certified Court Reporter, in
3	and for the State of Louisiana, the officer, as
4	defined in Rule 28 of the Federal Rules of Civil
5	Procedure and/or Article 1434(b) of the
6	Louisiana code of Civil Procedure, before whom
7	this sworn testimony was taken, do hereby state
8	on the Record
9	That due to the interaction in the
10	spontaneous discourse of this proceeding, dashes
11	() have been used to indicate pauses, changes
12	in thought, and/or talk overs; that same is the
13	proper method for a Court Reporters's
14	transcription of proceeding, and that the dashes
15	() do not indicated that words or phrases have
16	been left out of this transcript;
17	That any words and/or names which could not
18	be verified through reference material have been
19	denoted with the phrase "(inaudible)."
20	
21	Mark Lacour, C.C.R.
22	# 89054

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25

CERTIFICATION

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89054

In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND

MEETING November 15, 2018

Associated Reporters, Inc.

2431 South Acadian Thruway

Suite 550

Baton Rouge, La. 70808

Original File NOVTRUST.txt

Min-U-Script® with Word Index

•	add (1) 37:10	20:12,18;28:25; 29:10	assuming (1) 28:19	based (3) 21:19,20;23:25
\$	addition (1)			
01.07.(1)	17:16	anticipate (1) 7:14	AST's (1) 22:10	basically (3)
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In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST FUND

MEETING November 15, 2018

Associated Reporters, Inc.

2431 South Acadian Thruway

Suite 550

Baton Rouge, La. 70808

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1	Page 1	1	Pa
123	COUNTRY OF TANKETANA	2	INDEX
4	STATE OF LOUISIANA	3	EXAMINATION: PAGE
	DEPARTMENT OF ENVIRONMENTAL QUALITY	4	None
	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST		
	FUND ADVISORY BOARD	5	EXHIBITS:
		7	None
			REPORTER'S PAGE
		8	REPORTER'S CERTIFICATE
		10	
		11	* * * *
	The above-entitled meeting was held at the	12	
	LDEO, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana,		
	beginning at 1:07 p.m., on November 15, 2018.	13	
		14	
		15	
		16	
		17	
	BEFORE:	18	
	Mark Lacour Certified Court Reporter	19	
	In and For the State of Louisiana	20	
		21	
		22	
		23	
		24	
	Johnny Milazzo Chairman Durwood Franklin Jeff Baker Gary Fulton Cy Morin Jill Carter Nick St. Romain Steve Burnham Roger Bright, via telephone Lacey Vitteri Joe McCartney Kerry Hill, via telephone	2 3 4 5 6 7 8 9	MR. MILAZZO: Okay. So I'll step in on Kerry's behalf and chair the meeting. So let me begin by calling the meeting to order. Next on the agenda, I'd like a roll call, please. MS. CARTER: Jill Carter, DEQ Attorney.
	Rhonda Cook Kristine Stanley	10	MR. FRANKLIN:
	Roger Gingles	11	Durwood Franklin, DEQ Trust Fund.
	Maliana Winiana	12	MR. BAKER:
	Melissa Vizinat		
	Sam Broussard Jason Efferson	13	Jeff Baker, DEQ Trust Fund.
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard		Jeff Baker, DEQ Trust Fund. MR. FULTON:
	Sam Broussard Jason Efferson Natalie Isaacks	13	
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard	13 14	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY:
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke	13 14 15	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA.
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard	13 14 15 16	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA. MR. BURNHAM:
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke	13 14 15 16 17	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA. MR. BURNHAM: Steve Burnham, Engineering Associates.
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke	13 14 15 16 17 18	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. ST. ROMAIN:
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke	13 14 15 16 17 18 19 20 21	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. ST. ROMAIN: Nick St. Romain, LOMA.
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke	13 14 15 16 17 18 19 20 21 22	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. ST. ROMAIN: Nick St. Romain, LOMA. MR. MILAZZO:
	Sam Broussard Jason Efferson Natalie Isaacks Kyle Blanchard Fran Falke	13 14 15 16 17 18 19 20 21	MR. FULTON: Gary Fulton, UST Division. MR. McCARTNEY: Joe McCartney, LOMA. MR. BURNHAM: Steve Burnham, Engineering Associates. MR. ST. ROMAIN: Nick St. Romain, LOMA.

love	mber 15, 2018	MOTOR FUELS UNDERGROUND STORAGE TANK TRUS				
	-	Page 5			Page 7	
1	MR. MORIN:		1	services report. Ms. Lacey, we'll hand it		
2	Cy Morin, DEQ Audit.		2	over to you and instruct us the tab.		
3	MS. VIZINAT:		3	MS. VITTERI:		
4	Melissa Vizinat, Trust Fund.		4	Okay. It's tab three. If ya'll		
5	MS. FALKE:		5	please turn to tab three.		
6	Fran Falke, Financial Services.		6	All right. Again, I'm Lacey Vitteri,		
7	MR. BROUSSARD:		7	an accountant in financial services. Today,		
8	Sam Broussard, UST Division.		8	I'll be discussing the results from the		
9	MS. ISAACKS:		9	first quarter of fiscal year '19.		
0	Natalie Isaacks, from Louisiana Oil		10	As of September 30, we've deposited		
1	Marketers.		11	approximately 4.9 million into the fund.		
2	MR. BLANCHARD:		12	Bulk distribution fees are roughly 500,000		
3	Kyle Blanchard, UST Division.		13	less than at this time last year. But we		
4	MS. VICKIE (INAUDIBLE):		14	still anticipate the year-in total to be		
5	Vickie (inaudible), DEQ Attorney.		15	around 22 million.		
6	MR. TWILLEY:		16	Interest is growing, which is great.		
.7	Clinton Twilley, UST Division.		17	It is slightly higher than double the amount		
. /	MR. KEMP:		18	we received at this time last year.		
9	Trey Kemp, DEQ Trust Fund.		19	Total claims for reimbursements, as of		
20	MR. EFFERSON:		20	September 30, were 3.3 million. Almost		
21	Jason Efferson, DEQ Trust Fund.		21	exactly the same at this point last year.		
22	MS. VIZINAT:		22	Now, going to the bottom of the page,		
23	Roger?		23	the total cash in the fund is 111.2 million.		
24	MR. BAKER:		24	Once you deduct the interest and the		
25	Roger?		25	liability of 78 million, that leaves an		
		Page 6			Page	
1	MR. BRIGHT:		1	unobligated balance of 24.9 million.		
2	Roger Bright, Jones Environmental.		2	On the second page of this report, it		
3	MR. MILAZZO:		3	includes a projection of the transfer from		
4	Anyone else on the phone?		4	the trust fund to ETF to cover admin		
5	(No response.)		5	expenses from both the current fiscal year		
6	MR. MILAZZO:		6	and next fiscal year.		
7	Thanks to everyone for being here		7	We expect this year's transfer to be a		
8	today.		8	little less than last year. One of the		
9	I'd like to ask you to turn your		9	reasons is because the indirect cost rate is		
10	attention now to the August 16, 2018 minu	ites	10	lower this year than last year.		
11	of this board. And if I could ask someone		11	Any questions?		
12	for a motion to please adopt the minutes, it	f	12	MR. MILAZZO:		
13	you had an opportunity to review them.		13	Let's go back to, if you don't mind,		
14	MR. BURNHAM:		14	on the indirect cost		
15	Motion to adopt.		15	MS. VITTERI:		
16	MR. MILAZZO:		16	Okay.		
17	Do I have a second?		17	MR. MILAZZO:		
18	MR. ST. ROMAIN:		18	on the expenditure side. Give me		
19	I'll second.		19	your definition		
20	MR. MILAZZO:		20	MR. HILL:		
21	Nick seconds. All in favor?		21	Good evening, this is Kerry Hill		
22	(All indicted "aye".)		22	calling in. How are ya'll doing?		
			23	MR. MILAZZO:		
23	Adopted.		24	Kerry Hill?		

MO	TOR FUELS UNDERGROUND STORAGE TANK TR	031	FUND November 15, 2018
	Page 9		Page 11
1	Yes, sir.	1	last week, since the 9th, we discovered the
2	MR. MILAZZO:	2	\$2,900 assessment had been paid in full and
3	Kerry, welcome. We're on the	3	we closed the file. We also learned that
4	financial report. Lacey has just presented,	4	the business that was assessed \$132 was sold
5	and we're in a asking questions if you	5	at the end of 2016. This morning, the
6	have any. So	6	auditor spoke to a representative of the new
7	MS. VITTERI:	7	company, who asserted that they would pay
8	Okay. The indirect cost rate is	8	that assessment. So we should see that
9	approved by EPA and we use half of	9	soon.
10	whatever's approved by them as our	10	One case resulted in an overpayment of
11	percentage. We calculate it for the	11	\$4,419.06 and we're awaiting a refund to be
12	motor fuel trust fund.	12	issued in order to close the file. The
13	So this year, it's actually 18.01	13	overpayment was due to human input error
14	percent lower than it was last year. But	14	when calculating fees on the monthly report.
15	that was total. So for the motor fuel,	15	We've notified the business of the
16	would be half of that. So nine percent.	16	overpayment and pending refund.
17	And your indirect is like your	17	Eight cases are awaiting review.
18	overhead cost.	18	Pending final review, one with a potential
19	MR. MILAZZO:	19	assessment of \$978.33 and seven are
20	Okay.	20	potential clean audits with no assessment.
21	Any other questions on the financial	21	And then the remaining nine cases are
22	report?	22	still in progress with the results to be
23	(No response.)	23	determined and finalized.
24	MR. MILAZZO:	24	Do we have any questions on this page?
25	I need a motion to adopt the financial	25	(No response.)
	Page 10	-	Page 12
1	report.	1	MR. MORIN:
2	MR. ST. ROMAIN:	2	If not, turn to the second page.
3	Motion to adopt the financial report	3	The status of of these four cases
4	as written.	4	in legal remain the same. Cases one, three
5	MR. MILAZZO:	5	and four are still with the Office of Debt
6	I need a second.	6	Recovery. And as of November 8, we have not
7	MR. McCARTNEY:	7	received any payments from ODR on these
8	I second it.	8	cases.
9	MR. MILAZZO:	9	Case number two continues to make
10	All in favor?	10	regular monthly payments. The last payment
11	(All indicated "aye".)	11	of \$200 was received on October 12. If
12	MR. MILAZZO:	12	anything happens with that and they fail to
13	MR. MILAZZO: Adopted.		continue to remitting, we'll send it to ODR
13 14	MR. MILAZZO: Adopted. Let's move to the auditor's status	12	continue to remitting, we'll send it to ODR as well.
13 14 15	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy.	12 13	continue to remitting, we'll send it to ODR as well. So as of today, the four cases
13 14 15 16	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN:	12 13 14 15 16	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in
13 14 15 16 17	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit.	12 13 14 15 16 17	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late
13 14 15 16 17 18	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please.	12 13 14 15 16 17 18	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees
13 14 15 16 17 18 19	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please. This this report represents the first	12 13 14 15 16 17 18 19	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees and court cost you see here on the page, for
13 14 15 16 17 18 19 20	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please. This this report represents the first page of this report represents 20 open motor	12 13 14 15 16 17 18 19 20	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees and court cost you see here on the page, for a total of \$116,000.
13 14 15 16 17 18 19 20 21	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please. This this report represents the first page of this report represents 20 open motor fuel delivery fee audit cases.	12 13 14 15 16 17 18 19 20 21	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees and court cost you see here on the page, for a total of \$116,000. That concludes my update. If you have
13 14 15 16 17 18 19 20 21	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please. This this report represents the first page of this report represents 20 open motor fuel delivery fee audit cases. This list, as of November 9, 2018	12 13 14 15 16 17 18 19 20 21 22	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees and court cost you see here on the page, for a total of \$116,000. That concludes my update. If you have any questions?
13 14 15 16 17 18 19 20 21 22 23	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please. This this report represents the first page of this report represents 20 open motor fuel delivery fee audit cases. This list, as of November 9, 2018 included two cases that have been assessed	12 13 14 15 16 17 18 19 20 21 22 23	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees and court cost you see here on the page, for a total of \$116,000. That concludes my update. If you have any questions? MR. MILAZZO:
13 14 15 16 17 18 19 20 21	MR. MILAZZO: Adopted. Let's move to the auditor's status report. And Cy. MR. MORIN: Good afternoon. Cy Morin, DEQ Audit. If you'd turn to tab four, please. This this report represents the first page of this report represents 20 open motor fuel delivery fee audit cases. This list, as of November 9, 2018	12 13 14 15 16 17 18 19 20 21 22	continue to remitting, we'll send it to ODR as well. So as of today, the four cases represent \$104,305.20 in late in delinquent motor fuel delivery fees and late payment penalties, plus the attorney's fees and court cost you see here on the page, for a total of \$116,000. That concludes my update. If you have any questions?

Nove	ember 15, 2018	MOTOR F	UEL	S UNDERGROUND STORAGE TANK TRUST FUNI
		Page 13		Page 15
1	MR. MILAZZO:		1	trust fund had 87 pending applications to
2	Cy, I would think we'd want to have a		2	process, which had requested amounts,
3	motion to adopt this as well too, correct?		3	totaling approximately 1.6 million dollars.
4	MR. MORIN:		4	213 applications were processed for payment
5	Correct.		5	during the fiscal year, totaling
6	MR. MILAZZO:		6	approximately 3.4 million dollars. And 39
7	Motion to accept the audit report?		7	applications were returned with
8	MR. ST. ROMAIN:		8	deficiencies.
9	I'll second it.		9	Now, the last board meeting, one of
10	MR. MILAZZO:		10	the members asked me to make some tweaks to
.1	Well, we got a first? Second?		11	this report. As I go through my numbers,
. 2	MR. McCARTNEY:		12	this is actually quarterly totals. And so,
	I'll second.		13	when you look at the report, you don't see
13	MR. ST. ROMAIN:		14	those quarterly totals. You see the
L4	First.		15	individual monthly numbers. And that
L5			16	doesn't really effect this one because the -
16	MR. MILAZZO:		17	- the monthly number is the quarterly total
17	Okay. Well, we have a first and a second. All in favor?		18	for this quarter. However, we have made
18				some changes for future reports and we're
19	(All indicated "aye".) MR. MILAZZO:		19	going to have a quarterly total at the end
20			21	of each quarter. So you'll see some changes
21	All right. Cy, I want to say thanks		277.375	to this report next time.
22	again. I I know over the years as we've		22	If you'll turn the page. The next
23	paid more and more attention to this and		23	page is titled report of cumulative
24	it's obviously a lot of tension, so I just		24	activities for motor fuel trust fund. Under
25	wanted to say thanks.		25	activities for motor fuer trust fund. Onder
		Page 14		Page 16
1	MR. MORIN:		1	this tab, this document lists the historical
2	You're welcome.		2	values related to the trust fund and
3	MR. MILAZZO:		3	strictly provided for the board's
4	We just went through it. Absolutely,		4	informational purposes. We do tweak it
5	professionally done. And I can't say enoug	gh	5	every month. Every every month, every
6	about the the whole process. So thank	,	6	quarter, you'll see at the bottom and
7	you guys.		7	you'll see for fiscal year '19, you'll see
8	MR. MORIN:		8	the numbers and they correlate over to the
9	You're welcome.		9	first report. So as the year goes on,
10	MR. MILAZZO:		10	you'll see those changes.
11	Okay. Trust fund status report, Mr.		11	If you'll turn the page. The next
12	Jeff Baker.		12	page, you'll see the monthly motor fuel
13	MR. BAKER:		13	trust fund obligation determination. This
14	Good afternoon. This is Jeff Baker.		14	worksheet list the various component
15	If you'll turn to tab five in your packets.		15	determinations of the potential obligations
16	These are the figures from the first quarter	•	16	of the trust fund as of the end of September
17	of fiscal year 2019.		17	2018.
18	If you'll look at the first report,		18	For sites in the corrective action
19	the report of activities from motor fuel		19	phase, the outstanding liability of
20	trust fund current activities. It says,		20	corrective action budget and estimated cost
	during the first quarter of fiscal year		21	to reach closure at the end of September
21	2019, the trust fund has received 265		22	2018 was approximately 27.4 million dollars.
22	applications, totaling a requested amount	of	23	This total includes the CAP budget remaining
23	approximately 4.4 million dollars.		24	amount and the RAC estimated cost to closure
24	1 01 1 00 1 1 0010 1		1000000	
25	1 01 1 00 1 1 0010 1		25	amounts.

Page 19

Page 17

If you'll look at your -- there were 1

- some handouts that were not in the packet. 2
- I think they were on your chair when you got 3
- here. If you'll look at the summary report 4
- for the motor fuel trust fund active sites 5
- without corrective -- without -- I mean, 6
- with corrective action, I'm sorry. 7
- Corrective action plan summary report for 8
- motor fuel trust fund active sites. What 9
- this is, is, this is a report of each 10
- individual site and that amount of money 11
- that we've spent on it, CAP budget, the 12
- whole -- kind of an overview of that site. 13
- 14 You'll also notice, it has the first app
- received and the last app processed date. 15
- That was an addition that one of the board 16
- members asked us to include. 17
- The next section in the obligation 18
- report is, the fund obligation recognized 19
- 20 for sites without ROG approved CAP budgets.
- That's approximately 21.8 million dollars. 21
- 22 This is determined using a three-year
- average site closure cost and applying these 23
- costs to active trust fund sites without 24
- current CAP budgets. 25

- is 22.9 million -- well, actually, 1
- 2 approximately 23 million dollars. This
- estimate uses the three-year average dollars 3
- transferred from the motor fuel trust fund
- to the environmental trust fund and 5
- multiplies that average by an estimated five 6 7
 - years.

The total estimated obligated amount 8

- is \$78,099,289, which represents the 2.2 9
- million dollar decrease compared to last 10
- quarters estimated amount. This reduction 11
- was attributed to the reduction of the 12
- number of non-CAP sites and also a minor 13
- decrease in the -- in the three-year average 14
- 15 cost to close estimate.
- Now, if you'll turn to page -- to page 16
- 17 -- the next page in your packet is titled
- trust fund sites that had a release granted 18
- no further action. There were 11 locations 19
- that had -- that -- that we had that -- had 20
- no further actions on this year, for the 21
- quarter. 22
- Now, if you'll turn to the next page, 23
- these are incidents determined eligible for 24
- 25 the motor fuel trust fund. This report

Page 18

Page 20

- Again, if you'll look to one of those 1
- 2 handouts that was in your chair when you got
- here, the next one is titled, summary report 3
- 4 for motor fuel trust fund active sites
- without corrective action plans. That again 5
- is a -- a summary of all the individual 6
- sites included in this, as well as the 7
- estimated cost and -- and dates and number 8
- 9 of applications processed. Just an overview
- 10 of each site included in that report.
 - Going back to our monthly obligation
- determination page. The fund obligation 12
- recognizes 23 sites that have been 13
- determined to be trust fund eligible, 14
- however, have not submitted reimbursement 15
- applications. That amount is 5.9 million 16
- 17 dollars approximately.
 - This is also determined using a three-
- 19 year average site closure and applying these costs to sites that have requested 20
- eligibility, that have not yet submitted a 21
- request for reimbursement from the fund. 22
- The five-year projected fund 23
- obligation related to the motor fuel trust 24
- fund to environmental trust fund transferred 25

- shows the number of potential trust fund
- sites that were reviewed and made eligible 2
- during the current fiscal year. That was a 3
- total of ten sites, representing 15 active 4
- incidents. 5
- Now, for points of interest, Act 150 6
- of the -- the Louisiana Regular Session was 7
- implemented effective October -- on August 8
- 9 1st, 2018. This new law allowed the
- 10 Secretary, after consideration of the
- recommendation from the board, to change the 11
- amount of the fee on an annual basis, but 12
- caps the fee at the current rate of \$72 for 13
- 14 every withdrawal of 9,000 gallons of bulk
- fuel of point eight cents per gallon. 15
- The new law requires the board to 16
- determine a minimum level of funding by 17
- conducting an annual review of receipts and 18 19
- disbursements from the fund, along with the 20 projected amounts expected to be expended
- for the next fiscal year. Further requiring 21
- -- it further requires the board to meet at 22
- 23 the end of each fiscal year to determine
- it's recommendation for setting the fee for 24
- 25 the next fiscal year.

11

18

Nove	mber 15, 2018	MOTORF	UEL	S UNDERGROUND STORAGE TANK TRUST FUN
		Page 21		Page 23
1	The new law also negated the language	e	1	Okay.
2	requiring a suspension of the fees		2	MR. BAKER:
3	collection if the fund balance to current		3	However, the law now has been changed
4	obligation deferential exceeds 40 million		4	to where the board can recommend to the
5	dollars. Okay?		5	Secretary a rate a fee rate which will
6	As discussed in the last board		6	obviously change that balance. So instead
7	meeting, the department has been research	ing	7	of using that as a mechanism to control
8	actuarial consults to review our fund for		8	that, the board and the Secretary can now
9	the purpose of providing criterial		9	control the fee to control that that balance
10	information to assist the board in this		10	is where we want it to be.
11	assessment. A firm has been selected and	we	11	MR. BURNHAM:
12	are currently working with the working of	on	12	What is the balance at which the
13	a contract.		13	legislature can potentially snatch money
14	The company that was selected was th	e	14	from the trust fund?
15	Pinnacle Actuarial Services.		15	MR. BAKER:
16	The initial report will include an		16	I can't answer that.
17	evaluation of the current and future claim		17	MR. BURNHAM:
18	reserves, a projection of the future claim		18	Any didn't didn't that happen at
19	liabilities and the cash flow scenario based	i	19	some point, a year or two ago?
20	upon various fee options. Based upon the		20	MR. BAKER:
21	expected time frame, we expect this report		21	Lacey they they did take some.
22	will be ready for the board prior to the		22	MS. VITTERI:
23	February meeting, hopefully, sometime mi	id-	23	Yes.
24	January. So we'll we're we're going		24	MR. BURNHAM:
25	to try to get that to ya'll in ample time		25	So that that's not based on a magic
		Page 22		Page 24
1	before the meeting so that ya'll can take a		1	number?
2	look at it and be able to digest it.		2	MR. BAKER:
3	A subsequent review in the latter part		3	No. No.
4	of fiscal year 2019, this review will		4	MR. BURNHAM:
5	consider analysis of high cost and long ter	m	5	Okay.
6	site claims and program operation		6	MR. BAKER:
7	considerations and their impacts, which		7	There is no magic number.
8	would include deductibles, long programs	and	8	MR. BURNHAM:
9	the impact of the potential of including		9	Okay.
10	AST's into the fund. The associated repor	t	10	MR. ST. ROMAIN:
11	for this study will be completed and		11	It's not a protected fund.
12	hopefully available by the end of this		12	MR. BAKER:
13	fiscal year.		13	Well, it is. It is a dedicated fund.
14	I can take a breath now. That pretty		14	However, the legislature the law does
15	that finishes up what I have. So if		15	allow a certain percentage under emergency
16	anybody has any questions?		16	considerations that they can go into the
17	MR. BURNHAM:		17	dedicated funds and do that. But it it's
18	Jeff, would you go back to the 40		18	happened one time that I know of, maybe
19	million number? What does that represen	it?	19	twice. Maybe twice. I know we also had
20	MR. BAKER:		20	some money that was over in the escrow
21	What that means is that the law up to		21	account with the AG's office and I think
	this point said that if our bank balance wa		22	there were some funds moved at that point.
22			00	MR. FULTON:
22	40 million dollars more than our obligation	т,	23	
	40 million dollars more than our obligation then we had to stop collecting the fee. MR. BURNHAM:	on,	24 25	There are some restrictions on it. But I'm not sure of all of the restrictions,

MO	TOR FUELS UNDERGROUND STORAGE TANK TR	UST	FUND November 15, 2018
	Page 25		Page 27
1	but they have to declare the emergency, five	1	There's seven million, I think, still
2	or six or	2	left.
3	MR. BAKER:	3	MR. MILAZZO:
4	Yes. It's not five percent of the	4	I would, maybe in a future meeting,
5	entire balance. It's five percent of the	5	maybe put that on the agenda as an update
6	operating budget.	6	and be some input as to perhaps where is it
7	MR. BURNHAM:	7	and what's the likelihood of seeing that
8	Got you.	8	transfer.
9	MR. McCARTNEY:	9	But so, you know, you look at, you
10	That request from the AG's office,	10	know 111 111 million dollars as you
11	that was suppose to	11	report, and the 78 million, as you just
12	MR. BAKER:	12	finished in your status report, Jeff, it's
13	That was that was from lawsuits	13	fair to say that everything that's been
14	that were in the escrow account that were	14	approved that we know, that has a budget, is
15	waiting to be moved back over to the trust	15	in this 78 million dollars of obligation, as
16	fund.	16	we know it today. Is that fair to say?
17	MR. MILAZZO:	17	MR. BAKER:
18	So and Perry is not here, but in	18	Yes, sir. Yes, sir.
19	respect to that, I know there was some	19	MR. MILAZZO:
20	concern because the money in the AG's office	20	Okay. And really, the unencumbered
21	is in a kinda protected space at the moment.	21	amount sitting at about 24 million dollars
22	And there was some consideration of this	22	today.
23	board to really leave the funds there at the	23	MR. BAKER:
24	moment, until there's more clarity of the	24	Right.
25	raid on on the trust fund. I do think	25	MR. MILAZZO:
	Page 26	FIN	Page 28
1	it's appropriate to say you guys, with the	1	It's still considered to be pretty
2	help of Louisiana Oil Marketers and pressure	2	healthy. So the one question that I when
3	on you know, on legislature	3	you talk about change in the fee structure,
4	legislatures that, you know, we there's	4	and and now that that's been changed
5	been a great job of protecting those funds.	5	legislatively, is it the fee on the per tank
6	So I guess we're all subjected to	6	basis or does it carry into the fee on the
7	conditions. But in the past, you know,	7	per gallon basis, as well? How much
8	considering the amount of money that was	8	latitude? Because there's two components of
9	coming away, or out of a lot of funds, as we	9	the fee, right?
10	know of today, we came out really well.	10	MR. BAKER:
11	MR. BURNHAM:	11	Well, it it ends we we list
12	Yes.	12	it as \$72 per 9,000 gallons, but it really
13	MR. MILAZZO:	13	ends up being paid pretty much on a per
14	And so, if there is money, at least as	14	gallon basis. I mean, so when they report
15	I last recall, still sitting in the AG's	15	it to us, it goes by the number of gallons.
16	office, a recent consideration where that	16	MR. MILAZZO:
17	plans am I right about that?	17	Okay.
18	MR. BAKER:	18	MR. BAKER:
19	If I'm not mistaken Lacey, please	19	And so I'm assume assuming that
20	correct me if I'm wrong. I believe a	20	that's not going to change. It would be
21	majority of the remaining funds has been	21	so you'd be making some tweaks I'm not
22	transferred back into the environment	22	sure how legal
23	into the motor fuel trust fund; is that	23	MR. FULTON:

24 correct?

25 MS. VITTERI:

24

Yes. So there's two components,

25 right, the annual fee and the -- the CPG,

Nov	ember 15, 2018 MC	TORF	UEL	S UNDERGROUND STORAGE TANK TRUST FUND
	F	Page 29		Page 31
1	right?		1	phase one and a phase two.
2	MS. ISAACKS:		2	MR. ST. ROMAIN:
3	It's per gallon, is what I recall.		3	You said phase two would be before the
4	MR. FULTON:		4	end of fiscal year 2018?
5	But it's a good question.		5	MR. BAKER:
6	MR. ST. ROMAIN:		6	That's the intention.
7	You're referring to the tank fee and		7	MR. ST. ROMAIN:
8	the delivery		8	To try and have a recommendation
9	MR. MILAZZO:		9	before July of that as well?
0	There's a registration an annual		10	MR. BAKER:
1	registration fee. Does that fee have any		11	Well, that I mean, there this is
2	latitude for change or is it just the cents		12	going to be for more of informational
.3	per gallon?		13	purposes to the board. It won't really be a
4	MR. BAKER:		14	a recommendation related to the fee.
15	No. That's set.		15	That would be in the phase one aspect, ready
16	MR. MILAZZO:		16	for January. That would be more of ways
17	Okay. Good. All right.		17	that we could improve the program, some
8	MR. BAKER:		18	recommendations to the board, along those
9	No. The fee that we're talking about		19	lines, aspects of the different programs, if
20	is strictly the delivery fee. I'm sorry. I		20	you make if you'd implement this program,
21	misunderstood what you asked.		21	how it would effect the fund and things of
22	MR. MILAZZO:		22	that nature.
23	Okay. So any other questions		23	MR. ST. ROMAIN:
24	regarding that?		24	Right.
25	MR. ST. ROMAIN:		25	MR. BAKER:
		Page 30		Page 32
1	And that recommended fee change would	i	1	Yes.
2	happen at the February meeting; is that		2	MR. MILAZZO:
3	correct?		3	Any other comments or questions?
4	MR. BAKER:		4	(No response.)
5	Yes. I think the intention is that we		5	MR. MILAZZO:
6	would that information will be provided		6	Could I get a motion to accept the
7	to the board in January, ya'll would have		7	status report?
8	that, we could discuss it at the February		8	MR. BURNHAM:
9	meeting. The recommendation would then go	0	9	Motion to accept.
10	from the board to the Secretary. The		10	MR. McCARTNEY:
11	Secretary would make a decision. Then that		11	Second.
12	would give us several months to inform the		12	MR. MILAZZO:
13	stakeholders, prior to July 1, it's taken		13	All in favor?
14	effect, the new fee take effect, which would		14	(All indicated "aye".)
15	be in effect for at least a year, from July		15	MR. MILAZZO:
16	1 to June 30.		16	So adopted.
17	MR. ST. ROMAIN:		17	Okay. Third party claims. And I
18			18	guess, Perry?
19	THE RESERVE OF THE PARTY OF THE		19	MS. CARTER:
20			20	Jill Carter. And there are no new
21			21	updates on the third party claims at this
22			22	time.
23			23	MR. MILAZZO:
24			24	Any comments or about it? (No response.)
25	Yes, sir. It's it's it's a		25	UNO TESTIONSE I

MIC	DIOR FUELS UNDERGROUND STORAGE TANK T	RUST	FUND November 15, 201
	Page 3	3	Page 35
1	MR. MILAZZO:	1	MR. MILAZZO:
2	Okay. Well, let's move into other	2	All in favor?
3	business.	3	(All indicted "aye".)
4	Consideration for tentative dates for	4	MR. MILAZZO:
5	board meetings in 2019. Jeff, do you want	5	Is anybody opposed to them?
6	to take this?	6	(No response.)
7	MR. BAKER:	7	MR. MILAZZO:
8	I can. This was these are these	8	Okay. Scheduled.
9	are similar dates to what we have right now.	9	Okay. Jeff had sent out kinda of a
10	We just tried to follow that same protocol.	10	pre-read on this RAC request for review and
11	I did touch base with Natalie and to make	11	the trust fund reimbursement determination,
12	sure that there weren't any conflicts with	12	perhaps maybe making a maybe a one time
13	the LOMSA schedule. And this seemed to work	13	consideration. But, Jeff, I I'll ask you
14	out for everybody.	14	to kinda head the discussion, and then,
15	MR. MILAZZO:	15	perhaps we get into some really good
16	Anyone here have any conflicts that	16	discussion about what they're asking.
17	you know of?	17	MR. BAKER:
18	(No response.)	18	Well, basically an overview is, one of
19	MR. MILAZZO:	19	our RACs has an office in Shreveport and
20	So is this something we should, you	20	they also have one in Lafayette. And the
21	know, just accept today and with the	21	office in Shreveport, according to the RAC,
22	understanding as we get closer, things could	22	doesn't have the personnel available to do
23	change a little bit?	23	typical fieldwork, okay? And they have a
24	MR. BAKER:	24	site in Monroe, and they have requested
25	They they can. I mean but what	25	reimbursement of mileage from their
	Page 3	4	Page 36
1	I would say is, I vote we approve the dates	1	Lafayette office to Monroe. And we and
2	and and then what we will do is, we'll go	2	the trust fund denied it, because they had a
3	ahead and put them on the calendar and the -	3	closer office in Shreveport, which is
4	- the venue may change. I know last year,	4	according to our guidance document and our
5	we did do one in Alexandria or this year,	5	protocol. And that's been in place for a
6	we did one in Alexandria. And so, you know,	6	number of years.
7	we we'd like to do that again at least	7	And the RAC contested it. We went
8	once or twice. It worked out well. And I	8	back and forth. And it it was a very
9	think it gave everybody that's in North	9	professional discussion. However, in the
10	Louisiana a chance to kinda not travel quite	10	end, we basically agreed to disagree. And
11	so far.	11	the the RAC asked where do they go from
12	MR. MILAZZO:	12	there, and I said, "Well, you can appeal it
13	Okay.	13	to the board." And so that I don't
14	MR. BAKER:	14	believe they were able to attend today.
15	So	15	They told me they they weren't sure. But
16	MR. MILAZZO:	16	what they did do was, they sent they
17	So why don't we can I get a motion	17	asked if they could send their written
18	to accept the dates as proposed, please?	18	request. So that's what the letter was that
19	MR. BURNHAM:	19	I forwarded to ya'll yesterday. And and
20	Motion to accept the dates as	20	then we tried to give you, in our email, a
21	proposed.	21	little bit of the historical perspective of
22	MR. MILAZZO: Second?	22	what the the mileage is. You know, most
24	MR. ST. ROMAIN:	23	people, when they see mileage, they look at
25	I'll second	24	a you know, whatever the IRS rate is at

25

I'll second.

25 the time, or the state rate, you know. And

Page 39 Page 37 track at all. I think when we originally came up with this 1 1 MR. BURNHAM: rate, it was 51 cents a mile. I think now 2 2 Did I interpret the email you had sent it's 54 and a half cents a mile. Well, the 3 3 us correctly, that the trust fund staff is trust fund, a number of years ago, included 4 recommending approval of the mileage as a -that rate, but they also included the 5 5 but not a change of the trust fund? estimates of personnel time. So they take 6 6 7 MR. BAKER: an engineer or geologist rate and they apply 7 that to an average mile per hour at 50 miles 8 Yes. We -- we strongly recommend not 8 changing the guidance document. We think per hour to come up with a dollar per mile 9 it's good the way it is. then, and they add that to the -- the -- the 10 10 MR. BURNHAM: IRS rate and they came up with \$1.95. And 11 11 12 But do you have a recommendation on that was back around 2011/2012. Now, in 12 whether to approve this request or not? 2017, we had a fee increase with our new 13 13 MR. BAKER: version of the guidance document, and we 14 Yes. I mean, we don't -- we don't increased that to \$2. 15 15 feel strongly -- we -- we don't like opening So that was basically -- that kinda 16 16 Pandora boxes to be honest with you, but we gives you a backup of -- of where -- why the 17 17 understand the situation and if the board mileage -- why the mileage rate seems so 18 18 approves, we -- we wouldn't argue. 19 high. 19 MR. McCARTNEY: 20 Historically, the trust fund has 20 How are you going to keep that from followed this -- this guidance. And the 21 21 being -- progressively getting worse? reason we do it is, because it's very 22 22 MR. BAKER: difficult for us to keep track of who has 23 23 That's the concern. That is the what in what office. So this -- this month, 24 24 concern. this quarter, you may have somebody in that 25 25 Page 40 Page 38 MR. MILAZZO: office that can do the work, next month, you 1 So -- so let me chime in, since I read may not. And it's really not reasonable for 2 2 this earlier today. And I thank you for the trust fund to keep -- to be asked to 3 3 keep track of that. So we just look to see, articulating it as well as you did. And, 4 4 you know, we sit here -- you know, we -- we do you have an office available closer and 5 5 pay the fee, collect the fee, and at the we go -- we use the closest office to 6 6 same time, I think we have responsibility, calculate your mileage. 7 7 in particular, we as members of this board, Now, in this case, like I said, the 8 8 you know, and -- and even our own RAC has submitted this letter to the board 9 9 association to make sure we're responsible and asked for their consideration. The 10 10 members of this -- this trust fund. I've trust fund staff, as we looked at this, we 11 11 really struggled, Jeff, to be honest with do strongly recommend leaving the trust fund 12 12 you. Someone, they understand the guidance guidance language as it is, because it has 13 13 documents, they understand the cost served us well. It -- I believe it has 14 14 saved the trust fund quite a bit of money. structure. And, you know, if you agree to 15 15 take on a job, you ought to understand the Now, as for how you want to handle 16 16 ins and outs. And, you know, I know in my this particular case, I'll leave that to the 17 17 own business, you know, I -- just because I board. We've tried to lay it all out for 18 18

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decide to relocate, you know, my customer

doesn't forgive me. I don't just get to

pile on additional cost. And this is real

troubling for me. And I got friends in the

room, friends in this business. And I -- I

but -- but we all have responsibility and --

don't mean to make any enemy with anybody,

19

20

21

22

23

24

you as to what the situation is. We did --

you know, we do -- if you do decide to allow

it, we would strongly recommend that we put

some caveats on there that the RAC has to

inform us immediately if they change staff,

if something happens, because there's no way

in the world we could know. We can't keep

	Page 41		Page 43
1	and I think when we start making exceptions,	1	MR. BAKER:
2	I don't know where you stop making		
3	exceptions. And that's kinda you know,	2	Well, there's nothing to enforce. We
		3	can't there's nothing we can do about it
4	well, I can't get there and unfortunately,	4	as the trust fund. I mean
5	he's 400 miles away and and, I mean, the	5	MR. MILAZZO:
6	rules are the rules. In fact, I I think	6	So so the question he's asking Joe
7	it ought to be simple by saying in no case	7	is this though, you know, what they had
8	can you ever request mileage greater than	8	historically done, there's an office here in
9	this number. That way, people, the RACs in	9	Shreveport and a job in Monroe. And so the
10	the world, will begin to look at this and	10	trust fund says, as guidance, we're going to
11	say, "Does this make sense for me 500 miles	11	use the closest one and that's how you're
12	away?" And we're we're not responsible	12	going to be reimbursed. Historically,
13	to this trust fund if we just say, you know,	13	that's been okay. That's why I think there
14	you can come in from Missouri if you want to	14	needs to be a cap anyway. So this guy
15	and do the work. I I just think the	15	decides, whoever it is, you know, well, now
16	rules are the rules today and and they	16	my office is out of New Orleans, even though
17	ought to adhere to it and, you know, if	17	I still have an office in Shreveport, but
18	if it doesn't make sense, then maybe he	18	the right guy doesn't live there anymore
19	needs to consider selling off to another	19	MR. McCARTNEY:
20	action response action contractor.	20	That's just like if somebody called
21	MR. BAKER:	21	me, needs a load of fuel in New Orleans,
22	Well, and you're you're	22	then sure. I've got an office in New
23	MR. MILAZZO:	23	Orleans. I just don't have a truck down
24	And I don't mean to be harsh about it,	24	there.
25	but our responsibility here is pretty	25	MR. MILAZZO:
	Page 42		Page 44
1	serious.	1	But if you told them if everything
2	MR. BAKER:	2	was up front, he may say that's too much
3	Well, and your point is well made.	3	money, right? I just think we're
4	There is you know, typically, if you	4	MR. ST. ROMAIN:
5	wanted to hire and the example I use is a	5	He may find a contractor closer.
6	contractor, or a plumber, somebody, and	6	MR. MILAZZO:
7	you're in Shreveport and you want to hire	7	Find a contractor closer.
8	somebody in New Orleans, you know, you	8	I think the responsible thing for us
9	you may be the best plumber in the in the	9	is to have some sensor responsibility that
10	state, and you say to him, can you come up	10	we don't need to be sending people all over
11	here? And he's gonna say, yes, I can, but	11	the state, \$2 a mile, and overnight and all
12	it's I'm gonna charge you this mileage	12	this other stuff when it could be more in
13	and this hotel rate, whatnot, to do the job.	13	favor of the trust fund to do things that
14	And and you're gonna have to make a	14	would have less impact to the fund.
15	decision, is it worth that to do that? With	15	MR. McCARTNEY:
16	the trust fund, that's really not the case.	16	I think
17	Owners and responsible parties can hire	17	MR. MILAZZO:
18	anybody in the state, and the one who pays	18	I'm just one voice here.
10	the milescenic the trust find And and it	10	ATD AN CARDITATION

miles, round trip.

MR. McCARTNEY:

the mileage is the trust fund. And so, it's

that we've paid several -- several hundred

So this hasn't been enforced, I mean -

20 -- it's been -- you know, we -- we have some

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19 MR. McCARTNEY:

MR. ST. ROMAIN:

25 MR. McCARTNEY:

-- it's proper, because you called the

contractor, he knows how he's gonna be

reimbursed. He knows it proposes all this.

He knew that when he took the job.

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1	He he accepted the job.		1	there have been some reports that have been	
	MR. MILAZZO:		2	written on the project. I'd be interested	
3	He knew it when he took the job.		3	to know, did those reports come out of that	
	MR. McCARTNEY:		4	closer office, or did they come out of this,	
5	He knows the guidelines. He can make		5	you know, further office that he's saying he	
6	the call whether he can break even eating		6	- 10 Th Annual Control	
	that mileage et cetera.		7	MR. BAKER:	
	MR. MILAZZO:		8	I'd have to I'd have to research	
9	So let me say any comments from		9	that.	
.0	those on the phone?		10	MR. BURNHAM:	
1	MR. BRIGHT:		11	Yes.	
2	Yes. This is Roger with Jones		12	MR. BRIGHT:	
3	Environmental. I I agree with what		13	And and see what the letter what	
	you're saying, Mr. Milazzo. I I think		14	the letter is saying, that I've got here on	
	it's dangerous to to offer an exception		15	my desk, is that he doesn't have the	
	to a rule that's worked well. As as a		16	qualified personnel to do the sampling or	
7	RAC and we have multiple offices		17	operations made to the system in the	
	throughout the state, and I could make a	1 -	18	Shreveport office. Qualified versus trained	
	thousand arguments as to why someone in	New	19	and versus decisions for business	
0	Orleans is not qualified to do a job there		20	MR. BURNHAM:	
1	and I need to send somebody from Shrevep	ort.	21	Yes. I I I'm not disagreeing	
2	I think ultimately we'll we'll open up		22	but I did want to point out that there	
3	that box and we'll pay a lot more money ou	t	23	you know, there there could be times.	
4	of the trust fund. So I think the right		24	But if they do UST work out of that office,	
5	thing to do is leave the rules as they are		25	the fact that they don't have the perfect	
		Page 46			Page 4
1	with no exception.		1	guy to go do that is is irrelevant, I	
2	MR. MILAZZO:		2	think. And and there's many times where	
3	Thank you.		3	an engineering firm has to send some	
4	MR. BRIGHT:		4	someone who's more qualified then they	
5	Yes, sir.		5	needed to be to do it	
6	MR. MILAZZO:		6	MR. BRIGHT:	
7	I don't want to stop a good		7	Right.	
8	discussion. Any other comments from		8	MR. BURNHAM:	
9	anybody?		9	but they're gonna get the rate that	
10	MR. BURNHAM:		10	the trust fund pays for the right guy to do	
.1	I just want to say to the to the		11	it, the least qualified or the one with	
2	benefit of the consultant, I do understand.		12	the least qualifications. So I'm not	
13	I I take the for instance if if I was		13	arguing. I'm just wanted to bring it up	
14	to start an office in New Orleans to sell		14	from the RACs	
15	widgets and it had nothing to do with UST	,	15	MR. MILAZZO:	
16	right now, I get paid to drive to New		16	No. I mean, we we want a good	
17	Orleans, if we have a site in New Orleans,		17	discussion because we're gonna take action	
18	and to drive back. And would would the		18	on it.	
19	opening of an office to sell widgets exclud		19	MR. BURNHAM:	
20	me from that? And the answer is yes. And		20	Yes.	
21	think that's what this consultant was trying	5	21	MR. MILAZZO:	
22	to point out. I think he was saying his		22	Any other comments?	
23	office closer doesn't do UST work. Is that		23	(No response.)	
24 25	correct, or I'd be interested to know where the report came out of. I'm sure		24	MR. MILAZZO: So let's see if we can	
	tunoro the report came out of I'm cure				

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1	MR. ST. ROMAIN:	1	REPORTER'S PAGE
2	I think I can get it.	2	
3	MR. MILAZZO:	1000	and for the State of Louisiana, the officer, as
4	You're ready?		defined in Rule 28 of the Federal Rules of Civil
5	MR. ST. ROMAIN:		Procedure and/or Article 1434(b) of the
6	I think so. I'd like to make a motion		Louisiana code of Civil Procedure, before whom
7	to not have any amendments or exceptions to		this sworn testimony was taken, do hereby state
8	the current cost control guidance document,		on the Record
9	as currently written. Is that sufficient?	9	
10	MR. MILAZZO:		
11	Pretty clear.		spontaneous discourse of this proceeding, dashes
12	MR. BAKER:		() have been used to indicate pauses, changes
13	Can I ask a question? As it relates		in thought, and/or talk overs; that same is the
14	to this issue?		proper method for a Court Reporters's
15	MR. ST. ROMAIN:		transcription of proceeding, and that the dashes
16	And as it relates to this issue.		() do not indicated that words or phrases have
17	MR. BAKER:	The same of	been left out of this transcript;
18	Okay.	17	That any words and/or names which could not
19	MR. MILAZZO:		be verified through reference material have been
20	Do I have a second?	145	denoted with the phrase "(inaudible)."
21	MR. McCARTNEY:	20	W.I.I. CCP
22	I second.	21	Mark Lacour, C.C.R.
23	MR. MILAZZO:	22	# 89054
24	All in favor?	23	
25	(All indicted "aye".)	24	
-	(The indicated layer.)	25	
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1	MR. MILAZZO:	1	CERTIFICATION
2	Anyone opposed?	2	I, Mark Lacour, Certified Court Reporter in and
3	(No response.)	3	for the State of Louisiana, as the officer before
4	MR. MILAZZO:	4	whom this testimony was taken, do hereby certify
5	It's adopted that we make no exception	5	that the above referenced individual to whom oath
6	as requested by this response action	6	was administered, after having been duly sworn by me
7	contractor.	7	upon authority of R.S. 37:2554, did testify as
8	MR. BAKER:	8	hereinbefore set forth in the foregoing pages, that
9	Thank ya'll.	9	this testimony was reported by me in the stenomask
10	MR. MILAZZO:	10	reporting method, was prepared and transcribed by me
11	Thank you. Thank you, Nick.	11	or under my personal direction and supervision, and
12	Is there any other business?	12	is a true and correct transcript to the best of my
13	(No response.)	13	ability and understanding; that the transcript has
14	MR. MILAZZO:	14	been prepared in compliance with transcript format
15	Can I get a motion to adjourn?	15	
16	MR. BURNHAM:	16	guidelines required by statute or by rules of the
17	Motion to adjourn.	17	board, that I have acted in compliance with the
18	MR. ST. ROMAIN:	18	prohibition on contractual relationships, as defined
19	Second.	19	by Louisiana Code of Civil Procedure Article 1434
20	MR. MILAZZO:	20	and in rules and advisory opinions of the board;
21	All in favor?		that I am not related to counsel or to the parties
22	(All indicted "aye".)	21	herein, nor am I otherwise interested in the outcome
23	MR. MILAZZO:	22	of this matter.
24	Let's get ready for Thanksgiving.	23	
25	THE MEETING ADJOURNED AT 1:48 P.M.	24	Mark Lacour, C.C.R.
	The state of the s	25	# 89054

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