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 1:04 p.m., on November 16, 2017.

BEFORE:

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

(225) 216-2036

APPEARANCES

Johnny Milazzo Chairman

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

Melissa Vizinat
Sam Broussard
Jason Efferson
Trey Kemp
Randi Stump
Todd Perry
Ian Kelly
Byron Blanchard
Aaron Bourgeois
Auburn Wilson
Roger Gingles

REPORTER'S CERTIFICATE

81

I N D E X

EXAMINATION:				PAGE	(S):
None					
EXHIBITS:			•	æ	·
REPORTER'S PAGE					8 0

* * * *

1	* * * *
2	MR. MILAZZO:
3	So Johnny Milazzo. I'll be acting as
4	Chair today on behalf of Kerry Hill. And at
. 5	this time, I'd like to call the meeting to
6	order.
7	And I'd like to ask for a roll call,
8	please.
9	MR. BURNHAM:
10	Steve Burnham with Engineering
11	Associates.
12	MR. FULTON:
13	Gary Fulton, LDEQ.
14	MR. BAKER:
15	Jeff Baker, LDEQ Trust Fund.
16	MS. CARTER:
17	Jill Carter, Louisiana DEQ Legal
18	Division.
19	MR. ST. ROMAIN:
20	Nick St. Romain, Louisiana Oil
21	Marketers and Convenient Store Association.
22	MR. MILAZZO:
23	Johnny Milazzo, LOMA.
24	MS. DELAFOSSE:
25	Theresa Delafosse, DEQ Office of

- 1 Management and Finance. 2 MR. MORIN: 3 Cy Morin, DEQ Audit. MS. VIZINAT: 5 Melissa Vizinat, DEQ Trust Fund. MR. PERRY: 6 7 Todd Perry, PPM Consultants. 8 MR. BROUSSARD: 9 Sam Broussard, DEQ UST Division. 10 MR. BLANCHARD: 11 Byron Blanchard, DEQ Internal Auditor. MR. EFFERSON: 12 13. Jason Efferson, DEQ Trust Fund. MR. KEMP: 14 15 Trey Kemp, DEQ Trust Fund. 16 MS. STUMP: Randi Stump, DEQ Trust Fund. 17 MR. BOURGEOIS: 18 19 Aaron Bourgeois, Louisiana Legislative
- 21 MS. WILSON:

Auditor.

- 22 Auburn Wilson, Louisiana Legislative
- 23 Auditor.

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- MR. MILAZZO:
- 25 And once again, on the phone, Kerry

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1
          Hill.
 2
          MR. HILL:
 3
                Kerry Hill, Louisiana Oil Marketers.
 4
          MR. MILAZZO:
 5
              Next
 6 .
          MR. BRIGHT:
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                Roger Bright, Jones Environmental.
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          MR. FRANKLIN:
 9
                Durwood Franklin, DEQ Trust Fund.
10
          MR. MILAZZO:
11
                Anyone else?
12
          (No response.)
13
          MR. MILAZZO:
14
                Okay. I'd like to call on Theresa to
15
          give our financial services report.
16
          MS. DELAFOSSE:
17
                Thank you. If you will turn to tab
18
          number --
19
          (An off-the-record discussion followed.)
20
          MR. MILAZZO:
21
                Pardon me. Yes. I'd like to refer
22
          you to the minutes from our meeting on
23
          August 17th. If everyone has had an
24
          opportunity to review those and if they
25
          agree with them, I'd like to see if there's
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1
          a motion to adopt the minutes?
 2
          MR. FULTON:
 3
                 Motion to adopt.
 4
          MR. BURNHAM:
 5
                 Second.
 6
          MR. MILAZZO:
 7
                 We got a second. All in favor?
          (All indicated "aye".)
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          MR. MILAZZO:
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10
                Any opposed?
11
          (No response.)
          MR. MILAZZO:
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13
                Minutes adopted.
14
                Thank you, Theresa. Now, I'd like to
15
          call on you for the financial services
16
          report.
17
          MS. DELAFOSSE:
18
                Thank you. Okay. So if you turn to
19
          tab three, the first page that we have is
20
          the fiscal year 2018 cash basis fund balance
21
          report. That would be the -- there are
22
          three blocks on the page, as we typically
23
          have. The third block is what we have for
24
          the first quarter of fiscal year 2018. The
25
          middle block is a comparative statement,
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showing you the first quarter from fiscal year 2017. So you can see those two compared to each other. And then we also have the year end report from the fourth quarter of fiscal year 2017, which you have seen before, but it's just presented here just so you have that historical information available.

The unobligated balance as of the end of the first quarter was \$23,430,376. We -- we collected about 5.8 million dollars in this first quarter, which you'll see is right in line with what we collected in the first quarter last year. And our claims for reimbursement were high this quarter. Right at 3.5 million. Which was higher than last year by a good 20 or so percent.

And then we also have down here the transfer to the environmental trust fund, which we've discussed before. And that's based on statute that -- for the -- because the revenues aren't sufficient from the environmental trust fund to operate the program, we make that transfer each year. And that -- that transfer happens to fall in

5.

the first quarter of the following fiscal
year. So that transfer was for expenditures
for fiscal year 2017.

This is -- so this -- I was just talking about the transfer to the environmental trust fund. This is a projection for what the 2019 transfer will be. As you see, there's a slight decrease in that transfer. So that's a good thing, moving in the right direction at this time. Just keeping those expenditures in line with what they need to be from year to year.

We may see an increase in the environmental trust fund revenues -- that -- that first line that is not zero -- for this year because of the fee increase. But those fees are billed in March, so we don't know exactly what that's going to look like yet. But there -- there should be an increase in that line. So we -- we do need to adjust for that as well. So that'll make the transfer even smaller.

If there are no questions at this time, I'll go to the podium and proceed with

1 the -- with the long -- the detailed version 2 of the presentation. 3 (No response) MS. DELAFOSSE: 4 5 Okay. So back by popular demand, we have the -- the lovely slide show with 6 7 additional information. 8 As of last time, I've tried to add 9 some new -- some new information that we haven't seen before, just so you can 10 11 continue to get -- get a good understanding of the different financial components of the 12 13 program. So this first slide is a new one. 14 15 This is the RAC reimbursement history from -16 - for the last five complete fiscal years. 17 So, you know, it went down for a couple 18 It was high in '16 and then a little 19 bit down in '17. And then that -- that line 20 across the top is the average for the five 21 year period. 22 The next slide is a little crazy 23 looking, but -- and Jeff -- Jeff reviewed 24 the presentation for me and said, "I don't

know about this slide." But it just goes to

25

show you that the payments are not very predictable. So they're high months, you know, typically around the beginning or the end of a quarter, just depends on what else is going on. But, you know, most of the sites, those -- those applications tend to come toward the end of the quarter. So the month, either at the end of the quarter or the beginning of the next, is typically the highest of that quarter. But in general, just kinda all over the board. No -- no real pattern.

These are some other statistics relevant to reimbursement. The table shows the average cost of closure, since fiscal year 2011. So as you see, there was a -- you know, they -- they kinda bounce around too. But in general, they're trending upward. I could've -- I should've possibly included some of the charts on that page and kinda see a trend there. But it does appear to be trending upward, slightly. So you see in fiscal year '11, it was 238 thousand and now it's 276 thousand. So, I mean, that's not -- that's, you know, over ten percent

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but it's not -- not large -- not incredibly
a large increase for that amount of time.

We did see the changes that we are implementing in fiscal year 2018 with the changes to the guidance document, with some of the cost increases, the four percent that we did for a lot of the categories. will see some increases going forward. then with the -- with the in-compliance deductible getting reduced to zero dollars, we may see some changes and we may see some sites come in actually that have lower dollar values that would not have met the deductible previously that may cause the average to go down. So it -- it just kinda remains to be seen. It's very -- it's very difficult to predict what that will do.

So then I just have some little notes off to the right, based on the previous slide. The highest month for reimbursement, like I indicated, was typically a month near the end or beginning of a quarter. The lowest month can vary from year to year, but for example, in fiscal year '17, our lowest month was near the August flood. We were

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closed for about two weeks so that's -that's no big surprise there. And then the
monthly average is anywhere from 870
thousand to 1.16 million. So a pretty big
range there with the monthly average. But
they may be skewed a little by how fiscal
year '17 -- fiscal year '16 was.

This is a slide that we've had previously, but I did change it. Instead of doing the full year's deposits, I did just the first quarter, just so you get some good comparative information from one year to the next. So you'll see they've been pretty steady, the revenues. They were -- have been high this year, so far. They did -you know, last year, again, with the flood and the August closures, that was low and expected to be low. Our receivables group took a little -- a little while to get caught up on posting all that, classifying those revenues. But from last year, we have a 32 percent increase. And you'll see it's even an increase from the fiscal year '15 and '16 where we did about 5.1 in the first quarter. So we're doing -- doing well so

far.

And then a big increase -- we've seen a very big increase in our interest income, which we've discussed previously. Both because the -- the principal is larger and because the interest rates with the -- with the treasury are bigger. So, you know, a quarter of a million dollars just in three months is what we've earned this year, just in interest alone.

This is another new slide that I added with help from Gary's group. And, you know, it's going to become a -- a more prevalent topic because we've had a lull in our abandon site work, as you can see. There are no expenditures represented here for fiscal year '15, '16 and '17, because there were no expenditures. So the last work for abandoned sites was conducted in fiscal year 2014. So it's been a little while. But we're actually doing a lot of things right now to actively move toward remediating those sites.

So right now, there are just 31 sites and 82 tanks in the program. And -- but we

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1
          have approximately 260 additional sites
 2
          identified as potential candidates. And
          that number will grow as well.
 3
 4
                 You have something to add?
 5 -
          MR. FULTON:
 6
                 Yes. Well, I just wanted to -- the --
 7
          we had ARRA money. We also had two
 8
          hurricane monies that we had from the --
 9
          from the EPA. And during those years, those
10
          sites were moved over to spend a lot of the
11
          money under ARRA and also hurricane trust
12
          fund money.
13
          MS. DELAFOSSE:
14
                Okay.
          MR. FULTON:
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16
                So a lot of the -- the reason why you
17
          see -- do see some zeros there, is because
18
          those sites were moved and we spent federal
19
          money for them.
20
          MS. DELAFOSSE:
21
                But -- yes, for the abandon site fund,
22
          we got -- we haven't done a bunch lately.
23
          But we're starting too.
          MR. FULTON:
24
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                Right. Exactly.
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1 MR. MILAZZO:

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So let me ask -- and help me here. By definition, what is considered an abandoned site?

MR. FULTON:

The definition is they must have not -- one, they don't have any money; two, they did not comply with an enforcement action and it went executory, or they just didn't comply. Then -- then we have the ability to rank it. And if it ranks high, then it will go to the top of the list and then we will try to spend money on it. So we don't get to all the sites all at once. We only have, you know, a little bit of money that we've been using at other sites to clean up the sites with. But in the future, we have three contracts, we have tank pull, 24 month assessment and we're working on remediation corrective action contracts. So we will -we will see an increase in those figures in the next year or two.

MR. MILAZZO:

And then, is there a lien placed on that property for any future transactions?

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1
          MR. FULTON:
                Yes. Sure is. We will place a lien
 2
          for the total expenditures.
                                        And I think
 3
          like Perry said in the past, we try to get
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 5
          the money out of it, as best we can, but it
          -- a lot of times in the rural areas, you
 6
 7
          know, you have that corner store that's
          worth $10,000, you know, and then -- and you
 8
          have water wells around every -- you know,
 9
10
          we just -- we've got to get it cleaned up so
          it doesn't impact their groundwater and
11
          you're just not gonna get --
12
          MR. MILAZZO:
13
                So you're never gonna fully recover.
14
15
          MR. FULTON:
                Sometimes you're not -- now, if you
16
17
          have a site on Airline Highway --
          MR. MILAZZO:
18
19
                Different story.
          MR. FULTON:
20
21
                It's a different story, right.
22
          MR. MILAZZO:
23
                Okay. Thank you.
24
          MS. DELAFOSSE:
                       These are the projected
25
                Sure.
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1 expenditures for fiscal year 2018 by 2 function. So as you'll see, the top -- you 3 know the -- the core functions, or the UST core function is Gary's group and then 4 the motor fuel function that reviews the ٠5 applications from the RACs is Jeff's group, 6 7 that makes up a big chuck of the 8 expenditures, about two-thirds. And then there's some enforcement cost, compliance 9 orders and ensuring that the owners of those 10 sites are compliant. And then, of course, 11 12 we have the support and indirect cost for 13 like legal and me and everyone else who does 14 work on the program.

In our salaries and related benefits, so far this year, it has our actual figures, along with our projected figures for fiscal year '18. There is an increase in related benefits and salaries projected between last year and this year. I would say that that's due partially to the retirement increase. I believe last year, the retirement percent that we paid per employee was 35.8. It's gone up to 37.9. And the civil service pay plan changes are going into effect. So each

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-- each employee gets -- will get a two percent adjustment on January 1st and then some folks will come up the minimum, the new minimum pay scale. So those changes are reflected here in these projections for fiscal year '18 expenditures.

Travel and training. We expect a slight down-tick this year from last year. No -- not as many big -- big expenditures projected. But that's still a pretty low dollar value cost, \$6,000 throughout the year which -- or just \$500 a month for travel.

And then our operating services is simply our supplies, as well, and dues for our major associations and then rent in our regional offices, as well, which is the largest component. We have six regional offices throughout the state.

Our professional services. A small -small budge for professional services, with
lab analysis and some site consultation
work. Not -- barely -- barely any
expenditures year-to-date, so we're gonna
see some in the last three quarters of the

1 year.

. 2 Other charges. This is a pretty large 3 category for the program, as well. 4 know, we don't -- we haven't had too many 5 expenditures, year-to-date, as you can see, 6 just -- just around 27,000. So I included 7 instead the budget figures for each of the 8 contract. Again, those budget figures are 9 just maximums. For example the attorney 10 general fees, like last -- last year, our 11 total attorney general fee was just over 12 900,000. So I don't anticipate that we will 13 be billed that full amount. We actually 14 just got the first bill from them today and 15 I think it was only 30 -- around 30,000. So 16 -- and that's the first one for the fiscal 17 year and we're all the way in November. 18 that should definitely be lower. I did a 19 projection at 1.6 million, but I do 20 anticipate that it should be lower than 21 that. And probably around the last years 22 final total or maybe -- maybe slightly less. 23 So I -- I mentioned we weren't yet billed 24 for the attorney general charges until this 25 So I didn't -- I did not make the morning.

slide to reflect that, but we have a little bit of charges so far for the ongoing litigation.

Our total gross recovery to date is

19.15 million. And as -- as everyone knows,
the remaining settlement proceeds were
transferred to the motor fuel trust fund in
April of 2017.

Interagency transfers is another small category. Just -- just some rent, building security and telephone expenses. And we expect them to be slightly below what they were last year.

I don't think anything changed with this slide from the last presentation, but we do have in here the fiscal year 2018 approve full overhead rate and then we're using half of the rate in our motor fuel calculations which is applied to just the salaries and related benefit charges for the direct charge employees who do work full time for the motor fuel trust fund.

We also have now available our information on our grant revenues for this fiscal year. There was a slight increase of

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about 57,000, so we will be getting 1.6
million dollars for those grants. And those
are revenues that weren't -- that help pay
for the operation of the -- of the program.

As I mentioned when I was sitting down showing ya'll the financial statements for the first quarter, we bill these changed registration fees, which are gonna be \$60 this year with an increase of ten percent from our fee package. We bill these in March. So nothing has been sent out yet. We should be on target to send those in March. With the fee package, we've had a lot of changes that we've had to integrate into our -- our billing system and our permit system, as well. So that's kinda changed our -- our invoicing schedule slightly, but it did not change the -- it shouldn't change the schedule for the tank fees since they're billed in the spring.

But I see my -- you see my third

bullet here, this will be the first major

billing group to use our new lockbox

service. So right now, we have some folks -
we have -- we have a lot of people who

1	help with this actually, because some days,
2	we'll get three giant bundles full of mail.
3	And all that mail has to be opened and
4	stamped, sorted and deposited in that day.
5	So or, within 24 hours. I'm sorry. So
6	it's stamped that day and then it gets
7	deposited the next day. So instead of
8	continuing to pay a full time person to do
9	that work, we've hired a part time person to
10	help. And we have other people that help
11	throughout the department. Sometimes, it's
12	all hands on deck, if it's a busy day. But
13	the lock what the lockbox service will do
14	is that JP Morgan, who is the state's
15	contract bank, they have a facility in
16	Dallas where we will send all that mail and
17	so the the people will get the bills.
18	Instead you know, they have the little
19	coupon at the bottom of the invoice that
20	says the address, DEQ Financial Services,
21	P.O. Box, I think, 43 something, Baton
22	Rouge, Louisiana. Now, it's gonna say P.O.
23	Box, and it's a long one I think it's a
24	six digit P.O. Box Dallas, Texas. So
25	everything is gonna go to Dallas for them to

1	process that there. So they'll open the
2	mail, they'll scan the checks and then we'll
3	be able to view them from an online system.
4	So that's gonna you know, we're
5 ·	outsourcing that function essentially. This
6	will be the first major group to have that.
7	So we anticipate some some bumps along
8	the way because we don't send window
9	envelopes right now, so where people could
10	slide that in and have the correct address.
11	So we're we're depending upon everyone
12	out there who gets a bill with with that
13	new address to write the correct address on
14	their envelope and/or have the correct
15	address printed from their payroll system.
16	So we're gonna start sending some
17	communications out once we go live with that
18	just to make sure everybody understands what
19	the service is and and, you know, what
20	needs to be sent there versus what needs to
21	be sent to us here still. Because permit
22	applications and stuff will still come to us
23	here. But a lot of, you know, just strict
24	permit fees and registration fees will go
25	over there. So we're excited about that.

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We think it'll make our lives easier here,
1
          and -- and help with getting everything
2
          deposited timely.
 3
                This is a slide we've had before, the
 4
          history of the net transfer to the
          environmental trust fund. I have the
 6
          projection down there for what we project
 7
          for fiscal year '18. So no major news here.
                And that was it. If ya'll have any
9
          questions for me or anybody?
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          (No response.)
11
          MR. MILAZZO:
12
                Any questions from anyone on the
13
14
          phone?
          (No response.)
15
          MR. MILAZZO:
16
                If there are no further questions, I'd
17
          like to say thanks, Theresa.
18
                And now, move over to tab four. I
19
          think that's Cy with the audit report.
20
          MR. MORIN:
21
                Yes, sir. Cy Morin with audit.
22
                There's a long list so I'll try to
23
          make this quick.
24
                So if you turn to tab four, this first
25
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-	page details 25 open motor idel addit cases
2	as of November 6, 2017.
3	One case on this list was assessed
4	and, at the time of this report on November
5	6, was awaiting payment of \$4,032.55.
6	Payment in full was received on November 7.
7	So we're just awaiting posting of this
8	payment before closing the file.
9	Three cases are under review and 13
10	are awaiting review. Pending this review,
11	there's one potential credit of \$579.61.
12	The remaining 15 are potentially clean
13	audits with no assessment.
14	And also, six cases are still in
15	progress with results to be determined.
16	Since the last meeting, one new case
17	was added to this list, and seven cases have
18	been closed and removed from the list. Of
19	the seven removed, four were clean audits,
20	two were assessed a total of \$6,941.67,
21	which was paid in full. And one received
22	and used a credit of \$3,292.22.
23	I just want to note that since this
24	time last year, the number of open cases on
25	this list has been reduced by ten or 30

5 -

percent. So we're knocking some of these out.

If there's no questions about anything on this page, just go ahead and flip over to page two.

Not much has changed on this list. We still have four cases being pursued legally. The first and fourth cases on the list, nothing has changed and they will be referred to ODR in the near future. The third case, as I've mentioned before, was referred to ODR in October of 2015. As of October 31st, we still have not received any sort of payments for that case. And the second case on the list is still remitting payment. The last payment of \$250 was received on October 3.

And finally, I just want to say, we plan to perform 12 motor fuel delivery fee audits during fiscal year '18. This is up from eight last year. In addition, we will continue to perform reviews for motor fuel distributor refund request as necessary. And we plan to get back looking at the other side of things and, you know, do at least

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one audit of reimbursement applications for
 1
          at least one RAC. And that'll -- that'll
 2
          probably take place after the first of the
 3
          year.
                And that concludes my update.
 5
 6
          MR. MILAZZO:
                So is a percent of your audits --
 7
          looking in 2017, were there four that you
 8
          guys discovered had some unreported or
 9
          delinquency? Am I seeing that right? The
10
          audit date, there are three or four -- four
11
          in '17.
12
          MR. MORIN:
13
                      There's five for '17 on this
14
15
          list.
          MR. MILAZZO:
16
                Maybe I missed one. At least in
17
          fiscal year --
18
          MR. MORIN:
19
                Fiscal year '17, yes.
20
          MR. MILAZZO:
21
22
                Okay.
23
          MR. MORIN:
                We've got one case that -- that's
24
          still on this list. These are cases that
25
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DEPARTMENT OF ENVIRONMENTAL QUALITY

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are still open. We had one case with an
 1
 2
          assessment for (inaudible) or unpaid late
 3
          fees, you know, something of that nature.
          Actually, this one is unpaid late fees and
 4
 5
         variances. The other four that are on this
 6
          list, you know, had no monetary problems.
 7
          MR. MILAZZO:
                Okay. Any questions for Cy?
 8
 9
          (No response.)
          MR. MILAZZO:
10
11
                Thank you.
12
          MR. MORIN:
13
                You're welcome.
          MR. MILAZZO:
14
15
                Moving on to tab five, trust fund
16
          status report. Jeff Baker?
17
          MR. BAKER:
                Yes, sir. Please refer to tab five in
18
19
          your packets. These are the figures for the
20
          first quarter of fiscal year 2018.
                During the first quarter of fiscal
21
          year 2018, the trust fund received 227
22
23
          applications, totaling approximately 3.7
          million dollars. As of the end of September
24
25
          2017, the trust fund had 121 pending
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2	amounts of just over two million dollars.
3	Your report actually list 122 pending
4	applications, however, an error was
5	determined after the report was generated
6	and that modified the total down to 121.
7	185 applications were processed for
8	payment during the fiscal quarter, totaling
9	approximately 2.5 to 2.6 million. And ten
10	applications were returned, deficiencies.
11	The next page titled report of
12	cumulative activities of the motor fuel
13	trust fund. These are the historical values
14	related to the trust and are really provided
15	just for the board's informational purposes.
16	As you can see, kinda the history of what
17	our payments have been. Similar to some of

applications to process with requested

If you'll flip to the next page.

Please see the handout titled, monthly motor fuel trust fund obligation determination.

This worksheet list the various component determinations of potential obligation against the trust fund as of the end of

the numbers that Theresa was showing in her

summary.

5 ·

September 2017. For the sites in the corrective action phase, the outstanding liability of corrective action plan budget and estimated cost to reach closure at the end of September 2017, was approximately 25 million dollars. This total includes the CAP budget remaining amounts and the RAC estimated cost to closure amounts.

The section in your packet titled, corrective action plan budgeted amounts for active sites documents the individual CAP sites included in this determination.

If ya'll remember, last time, I asked ya'll -- we -- we included the -- the detailed information of the sites that were included in these different categories. So -- and ya'll asked if we could continue doing that. So we -- if you'll notice, you'll see pages one of four on the corrective action plan budgeted amounts for active sites, you'll see all the sites and their -- and their expenditures to date and their CAP budgets and their CAP expenditures to date. And you'll see where these numbers come from.

Fund obligation recognized for sites without ROG approved CAP budgets is approximately 30.3 million dollars. This is determined using the three year average of closure cost and applying these cost to the active trust fund sites without current CAP budgets.

If you'll go to your packets, you'll see there's a section called non-CAP sites trust fund obligation estimate, this documents the individual non-CAP sites included in this determination. That's -- again, that pages one of four, farther back in your packets. It's titled non-CAP sites trust fund obligation estimates. And you'll see all the sites that we -- that are included in that determination.

And you can see the current expenditures that have been applied to these sites at this time.

The fund obligation recognizes 24 sites that have been determined to be trust fund eligible, however, not -- have not submitted a reimbursement application. We calculate this to be 7.4 million dollars.

. 5

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

And there's a list of those sites, as well.

related to the trust fund to environmental trust fund transfer is approximately 20.9 million dollars. This estimates the -- the three year average dollars transferred from the motor fuel trust fund to the environmental trust fund and multiplies that average by five years. Thus, the total estimated obligated amount as of the end of September 2017, is approximately 83.4 million dollars and that represents approximately \$185,000 increase over the last quarter's estimated amount.

If you'll note, the last -- the -- I guess the next page in your packet, you'll see lists -- this is the sites that have been granted no further action. You'll see we've listed 16 sites that are trust fund sites that during the current fiscal year

```
1
          that have been listed no further action by
 2
          the UST Division.
 3
                Also, during this time period, the
 4
          number of potential trust fund sites that
 5
          were reviewed and made eligible during the
          current year was six sites, representing six
 7
          active incidents.
 8
                I don't have any other points of
 9
          interest. So does anybody have any
10
          questions at this time?
11
          (No response.)
12
          MR. MILAZZO:
13
                Any comments or questions?
14
          (No response.)
15
          MR. MILAZZO:
16
                Thank you, Jeff.
17
                Now, I'd like to move on to third
18
          party claim status. And filling in for
19
          Perry will be Jill.
          MS. CARTER:
20
21
                There are no updates on third party
22
          claim status at this time. And there are no
23
          new claims -- or, new third party claims.
24
          MR. MILAZZO:
25
                I'd like to say that's good news.
```

DEPARTMENT OF ENVIRONMENTAL QUALITY

1		MR. BURNHAM:
2		Yes.
3		MR. MILAZZO:
4		Thank you, Jill.
5	. •	Other business. I'd ask for Gary
6		Fulton to give us an overview of the UST
7		Division.
8		MR. FULTON:
9		Sorry for the technical difficulties,
10		but what I wanted to do was kinda give the
11		board just kinda of a quick overview of what
12		we do in the tank division. I think
L3		everybody pretty much knows by now that on
L 4		July 1st, we were separated from remediation
L5		services, the old remediation services
L6		division, which included RIGA and the
L7		superfund. So now, we're our own division.
18		This is our statutory authority,
L9		Chapter 9. We use some for the
20		underground storage tank, 2194 and then also
21		2195. We also use RECAP and we do use a
22		little bit of the VRP program in Chapter 12.
23		Here's our regulatory authority. It's
24		under under the Office of the Secretary,
25		we have the request for environmental

1	review. That's a \$1,500 fee. And mostly
2	this is used for real estate transactions to
3	recover our cost. And then we also use
4	Chapter 12. That's where RECAP is. And
5	then, of course, the underground storage
6	tank regulations.
7	So this is how we're set up. We have
8	the administrative section. We have a
9	prevention section. And we have a
10	corrective action section. So we have three

have -- of course, we are here, located in 13 the headquarters. We have six regional

offices. New Orleans, Monroe and

15 Shreveport, we consider Group 1. Lafayette,

-- basically, three functional areas.

16 Lake Charles and Baton Rouge, we consider

17 Group 2. So basically, this is what the map

18 looks like. And we have two managers that

19 control those two groups. We have two UST

managers, a Group 1 Manager and Group 2

21 Manager.

11

12

14

20

22 Now, we have a total of 40 employees 23 in the UST Division. Five of them are 24 administrative. We have 17 that do

prevention, LUST Prevention, the CEI, the 25

inspections and stuff. And then we have 18
employees that actually oversee corrective
action portion of what we do.

This is our staffing matrix, to kinda give you an idea. We're in every regional office. We have 11 employees here at headquarters. We have seven that are in the capital regional office, which is located in Baton Rouge. The southwest regional office, three. Layette, five. Southeast is New Orleans, that's six. Bayou Lafourche is one. Northeast regional office, three.

Northwest, three. And Kisatchie is two.

So we're -- we are spread out all across the state. That's in an effort to be closer to the sites to provide service to our regulated customers.

Now, this is what each of those functional areas do. For administrative sections, we handle all UST reporting, UST registration. The -- the administrative section handles all the CEI processing that we get from the contractors. Even though the contractor does about half of our inspections, all that paperwork,

unfortunately, that still has to be processed here at headquarters. We also do the Energy Act for compliance for the Energy Act. We also have our certified worker program, all our UST regulations revisions, along with all our data management and SOPs. So that's kinda what the administrative section does.

Of course, the LUST prevention.

That's all CEIs. We do monitoring of installations, repairs and testing assistance, although we don't go to every one of those, we try our best to. We also respond to all the UST related incidents and complaints. And then they also do causes of release determinations.

Our LUST corrective action, they
oversee any incident that has a confirmed
release to the environment. So any time
there's a release, they will start
corrective action. All those employees
review work plans, work reports,
investigation reports. We all -- we direct
and oversee all groundwater assessment
remediation activities. And then, of

```
course, the last thing you do is give it an
 1
 2
          NFA.
                Okay. So we kinda went over all the -
 3
         - the whats and whys, but this is actually
 4
          our UST universe. We have 10,600 -- when I
 5
          did the report the other day, we have about
 6
          10,600 sites -- active tanks, I mean, at
 7
          4,000 facilities across the state. Last
 8
          year, we had 655 incidences that we are
          dealing with. We have actually 458 of those
10
          sites are in corrective action. And then we
11
          have 164 certified workers that we oversee.
12
                So --
13
14
          MR. MILAZZO:
                Do you know -- could -- could you go
15
          back one slide?
16
          MR. FULTON:
17
                Yes.
18
19
          MR. MILAZZO:
20
                Do you know --
          MR. FULTON:
21
22
                Yes.
23
          MR. MILAZZO:
                -- I'm sure you do --
24
25
          MR. FULTON:
```

```
1
                 Yes.
 2
          MR. MILAZZO:
 3
                 -- of those 10,666 registered tanks,
          do ya'll see those in years, the
          installation dates?
          MR. FULTON:
 7
                Yes. We do have the installation
 8
          dates on all of them.
 9
          MR. MILAZZO:
10
                At some future meeting --
11
          MR. FULTON:
12
                Yes.
13
          MR. MILAZZO:
14
                -- would that be easy to get? Would
15
          you mind?
16
          MR. FULTON:
17
                Yes, I'll be glad to do that. I sure
18
          would.
19
                We -- we have run that in the past. I
20
          don't know -- I know I've run it in the past
21
          just to kinda see how old the tanks were.
22
          MR. MILAZZO:
23
                Yes.
24
          MR. FULTON:
25
                But we do have that information.
```

1 I can certainly give that to you.

numbers you're seeing right here is what we did essentially last year. And it's kinda, you know, on the average of what we do from year to year. So, of course, we do about -- about 1,500 CEI's a year. We -- we receive and process about 116 closures while 78 of them, we try to -- we did go inspect.

Because we can't -- the, you know, with the number of staff that we have, we can't go and do everything. But a lot of the times, if we know we need to be at this site or that site, we will go out.

51 processed and received for us -received and processed 51 installation
repairs. We inspected 27 of those. Like I
said, we have currently -- last year, we had
443 incidents. 162 of those were confirmed
releases and then 57 of the incidences, we
went out and inspected at the time of the
release.

Enforcement letters. We sent out 118 of those. 223 of them NOD letters. 184 deficiency clear. You know, I can just keep

on going down the list. But, 318 corrected deficiencies. 85 notice of potential delivery violations. And then seven -- we did seven red tags last year. We had 458 circuit rider reviews. 195 enforcement referrals. We had -- from the reissuing aspect, we had 80 -- about 100 remediation inspects. 93 inspection reports reviewed and approved. I mean, I can go -- keep on going down this list, but it's -- those are the things that we do. And it's -- that's -- those are pretty average numbers for what we -- we get done in the division.

You're probably wondering, okay, we do all that stuff, so how do we evaluate our performance. And this is how we do it. We have -- we have legislative performance indicators and we also have EPA performance indicators. Every year, EPA comes in here and evaluates us. We sit down with them and discuss what happened during the year. And these are them right here.

For the legislative numbers, we have to evaluate and close as many sites as we can. We need to get them off the list, get

them NFA'd, get them out of the system. 1 That's one of our goals. And then also, we 2 have to -- for the percent of soil and 3 groundwater investigation, work plans 4 reviewed and corrective action work plans 5 reviewed, we need to be 95 percent of those 6 completed within the -- the quarter. 7 So when we -- every time you send 8 something to us, everything gets a 60 day 9 due date, and we get it out of the door 10 generally in -- in 30 days. So anything 11 that needs a response from us, it goes out -12 - we try to get it out within no more than 13 60, but it's usually 30 days you get a 14 response from us. So we track anything and 15 everything that comes into the department. 16 17 That's how I can get you those numbers. From EPA perspective for the LUST 18 prevention grant, this one is a -- this one 19 is a new -- is this -- was this on there 20 21 last year? MR. BROUSSARD: 22 23 No. 24 MR. FULTON: This is a new one? 25

1	MR. BROUSSARD:
2	It's been there every year.
3	MR. FULTON:
4	Oh, has it? Okay.
5	Basically, we have to get the
6	facilities in significant operational
7	compliance and we have to do that by half a
8 .	percent each year. So the fewer incidents
9	you have, the fewer leaks you have, the less
10	money you're going to spend when it's time
11	for corrective action. So they're trying to
12	okay, get those facilities in operation,
13	get them in compliance, fewer leaks, fewer -
14	- less money to spend down the road.
15	For for the LUST corrective action
16	grant, we need we have to reduce the
17	number of confirmed releases by five percent
18	than the previous years target. That's
19	difficult sometimes. But we do try to do
20	that.
21	We also percent of confirmed
22	releases waiting cleanup, that's the number
23	of sites that we have. Until they get their
24	NFA letter, we try we're trying to reduce

that number. And then, of course, the

25

number of LUST cleanups completed to meet
the risk facts based standard, that's our

NFA letter.

So any questions?

MR. BURNHAM:

4

.5

6

7

8

9

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18

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21

22

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24

25

Gary, how much money is represented by the LUST corrective action, each branch of it?

MR. FULTON:

That's -- this is our Right there. funding. The LUST prevention grant has gone down significantly over the last two years. The LUST corrective action grant, that's fluctuated. I think we get a little more money this year. I do know that with regards to USTs, EPA likes to get their funding out early, so we're actually processing our grant commitments back in June. And it comes out September 30th. regarding the -- the corrective action grant, we -- we did get a little bit more money, but both of those numbers are reduced from several years ago.

And that's -- I think that's it. Yes, that's all I've got. Does anybody have any

```
1
          questions? I'll be glad to answer any --
 2
          anything, everything you've got.
 3
          MR. MILAZZO:
                Gary, I'd like to say thanks for
 5 .
          putting that together.
 6
          MR. FULTON:
 7
                Yes.
 8
          MR. MILAZZO:
 9
                It's really helpful for us to try to
10
          better understand the whole process.
11
          MR. FULTON:
12
                Yes.
13
          MR. MILAZZO:
14
                Any comments or questions?
15
          (No response.)
16
          MR. MILAZZO:
17
                Okay. Thank you, Gary.
18
                I'd like to give it back to Theresa.
19
          MS. DELAFOSSE:
20
                Next on our long other business list.
21
          So if you'll flip to tab seven, I have some
22
          more financial documents for you today.
23
                And this came to our attention fairly
24
          recently and we -- I think we mentioned it
25
          to the board maybe at the last meeting, but
```

we wanted to make it an official agenda item and have the conversation today about the change that we're gonna need to make in the obligation calculation.

So in our statute, which is the second -- pages two and three, under tab seven, has the statute, R.S. 30:2195. If you go to paragraph F, which is the very bottom of page one, you'll see that statute which was added by the legislature -- I have the acts with me, so I can tell ya'll the year, if you need to know -- but where all interest monies earned by the fund and all monies received for cost recovery efforts are used for the closure of abandon motor fuel tanks, assessment and remediation of contaminated property and then the loans authorized by the program, which we amended into the law recently.

So that money is earmarked, that interest money that I mentioned in my presentation where we had, you know, a quarter of a million that we earned this year. We're sitting at 11.8 million dollars of interest as of the end of the third

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9

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11

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13

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22

23

24

25

quarter. And as you'll see by the statute,
that money is reserved for those abandoned
sites. Where the other money, the
principal, is reserved for the -- the
regular sites that go through the
reimbursement process.

So our proposal, as you'll see here on the first page, under tab seven, is that we -- those interest monies should not be included in the obligation calculation and when we calculate the unobligated balance. Because truly, that interest money is not available for the regular site work. Ιt should not have been included really ever. I think it was always such a small number, I quess, for so long, but it's really snowballed now that the fund has gotten larger and interest rates are better. And we know that that money has to be used for the sites, and we have plenty of site work to do. So what you should see going forward -- and we wanted to just make sure everybody is aware of this and -- and let ya'll ask any questions you may have. But you see the presentation on the right, on the first page

1	under tab seven does not include that 11.8
2	million dollars in the cash basis fund
3	balance, because it truly is a separate fund
4	balance that has to be accounted for
5	separately. So that takes that makes a
6	pretty significant change in the unobligated
7	balance and takes it from 23 million down to
8	just under 12 million.
9	So that's my explanation of the why
10	and and the change that we are proposing
11	because of that. And I'm not but if
12	anybody has any questions, feel free.
13	MR. MILAZZO:
14	So the obligations, as we know it, for
15	the cost side of abandoned tanks, it's is
16	it in the general population of that
17	information that we see?
18	MS. DELAFOSSE:
19	It is not.
20	MR. MILAZZO:
21	So it's separated?
22	MS. DELAFOSSE:
23	It's separated, yes.
24	MR. MILAZZO:
25	Okay.

1	MS. DELAFOSSE:
2	And we believe because they're they
3	really should be tracked completely
4	separately, because like Gary mentioned, we
5	have we have three contracts now in
6	different regions that are going to do the
7	site investigation and those cost all should
8	be charged to interest money, where the
9	regular site work with the RAC
10	reimbursements are charged to the the
11	principal and the main fund balance. So the
12	really need to be tracked completely
13	separately. So yes, so it is not part of
14	the cost estimates. So the cost like we
15	have here, the 83 million, that liability on
16	the current sites, that only includes the
17	trust fund sites, eligible sites, where the
18	owner is present and and they've selected
19	a RAC and they're
20	MR. ST. ROMAIN:
21	So that 11.5 million of interest, is
22	that since the inception of the fund?
23	MS. DELAFOSSE:
24	That's since the inception well,
25	we've spent some. We haven't spent any

```
recently. But yes, that's all --
 1
          MR. ST. ROMAIN:
 2
 3
                 It has been spent before on --
 4
          MS. DELAFOSSE:
                Yes.
 5
 6
          MR. ST. ROMAIN:
                 -- cleaning of abandon tanks.
 7
 8
          MS. DELAFOSSE:
 9
                 It has.
          MR. ST. ROMAIN:
10
11
                 It just involves --
          MS. DELAFOSSE:
12
13
                Right.
          MR. MILAZZO:
14
                So you can follow the letter, the
15
16
          statute as written. So are we going to
17
          hear, perhaps some presentation a change to
          that? Is that what I heard you say? Or, is
18
19
          that gonna stay the same?
20
          MS. DELAFOSSE:
                No. I don't think we need to change
21
22
          anything with the law.
23
          MR. MILAZZO:
24
                Okay.
25
          MS. DELAFOSSE:
```

```
1
                I just think that the obligation
 2
          calculation -- we basically had -- you know,
 3
          we have A minus B equals C.
 4
          MR. MILAZZO:
 5
                Okav.
 6
          MS. DELAFOSSE:
 7
                We had the wrong number for A. We had
 8
          too much money represented in A. Where we
 9
          should've only included the principal that
10
          was available for the obligation on the
11
          regular sites, we included the principal and
12
          interest. And really that -- that top line
13
          should've been the 95 million, not 107
14
          million, as you'll see these two different
15
          bottom right numbers.
16
          MR. MILAZZO:
17
                And we'll see it that way going
18
          forward?
          MS. DELAFOSSE:
19
20
                Yes.
21
          MR. MILAZZO:
22
                Okay.
23
          MR. ST. ROMAIN:
24
                So this change in accounting,
25
          shouldn't prolong the need to change the .8
```

```
or .008 --
 1
 2
          MS. DELAFOSSE:
                Conceivably, yes. But, you know, as
 3
          we're gonna discuss with the -- with the
 4
          legislation on Jill's next other business, I
 5
          do think we still should move forward with
 6
 7
          that up to .008, because we'll still have to
          do that annual calculation and have the
 8
 9
          board make a recommendation. But as the
          universe continues to change, we'll -- you
10
11
          know, we'll have to revisit that each year,
12
          which is what we -- what we proposed. But,
          you know, 11 million is still a surplus and
13
          it's still -- I still anticipate that our
14
15
          recommendation -- or, our calculations and
          then the board's recommendation, based on
16
17
          those calculations, I do think would be less
          than .008, even at the first year after
18
19
          because of our -- the position that we're in
20
          right now.
          MR. ST. ROMAIN:
                Even with the reduction?
```

- 21
- 22
- MS. DELAFOSSE: 23
- 24 I believe so, yes. It might not be as 25 significant as we once thought, but I do

```
think -- I do think we're still collecting
 1
          more than we need to at this time.
 2
          MR. MILAZZO:
 3
 4
                Any other questions or comments for
 5
          Theresa?
 6
          (No response.)
. 7
          MR. MILAZZO:
                Theresa, thank you.
 8
 9
          MS. DELAFOSSE:
10
                Sure.
11
          MR. MILAZZO:
                Okay. Continuing with other business.
12
          The presentation and discussion of
13
14
          shareholder group's recommendations for
          proposed changes. I think we'll go back to
15
16
          you Jill.
17
          MS. CARTER:
                Well, I'd like to apologize on this
18
                I was not left any presentation.
19
20
          MR. FULTON:
21
                Perry had to unexpectedly leave, as we
          know.
22
23
          MS. CARTER:
24
                Right. So --
25
          MR. FULTON:
```

1	And I think that he didn't leave
2	enough information for us to do that. So
3	MS. CARTER:
4	I think it's best to defer this to
5	when Perry is here. I I'm not sure what
6	he had
7	MS. DELAFOSSE:
8	I don't know that we do we think we
9	can defer that, Karyn? Or, do we need to
10	have the board vote on that legislation at
11	this time?
12	MS. CARTER:
13	I was not privy to any of the meetings
14	that ya'll had on these
15	MS. ANDREWS:
16	Are we meeting before are we
17	meeting in January?
18	MR. BAKER:
19	February.
20	MS. DELAFOSSE:
21	February.
22	MS. ANDREWS:
23	Because we have to submit
24	MS. CARTER:
25	I know ya'll have to draft up some

1	legislation, but
2	MS. ANDREWS:
3	And for the record, this is Karyn
4	Andrews, Undersecretary of DEQ, for the
.5	record. I believe that the agency with
6	recommendation from the board, that
7	legislation needs to be submitted probably
8	prior to the next meeting. We may be able
9	to call an emergency meeting. I don't know
10	if that would be possible.
11	MR. PERRY:
12	Hey. This is Todd Perry with PPM
13	consultants. I might can help.
L4	MS. ANDREWS:
15	Okay.
16	MR. PERRY:
17	At a workgroup back in October, we
18	were provided that mock legislation to talk
19	about. And it's legislation to allow the
20	group to make a recommendation to the
21	Secretary to take the fee from eight
22	hundreds of a cent and adjust it to a number
23	that would more accurately fit through the
24	times for for lack of a better word.
) 5	So that/s something we reviewed in

in Frank's workgroup and -- and I hate Natalie is not here, John, but you've got to trust me on this one. In essence, we were -- there might be a couple very small amount of tweaks we might want to discuss, but nothing substantial at this point. We were -- the group would recommend to accept that. So if you guys want to move forward with that, to move forward to be part of legislation, I think we're okay. MS. DELAFOSSE:

Yes. And -- and what we could do is have the board vote on the general premise today and the legislation, you know, it's -- it's been drafted by Perry. And, as Karyn said, with -- with the board meeting not being until February, it would be best if we voted today. But once we workout those other little tweaks, we can always amend those into the legislation, you know, at any time during the session, or even in advance of the session. So I think -- I think it's in our best interest to go ahead and vote on that.

MR. PERRY:

```
And we -- we've looked at it. Nick, I
1
          know that -- that Kerry and yourself -- and,
2
         Johnny, did you see that legislation? You
 3
          saw the legislation, didn't you?
          MR. MILAZZO:
 5
                Yes. But I -- you know, I'd have to.
 6
          refresh myself. So, you know, maybe this
 7
          could be -- maybe if we carefully craft a --
 8
          a motion here to that. And so what we're
 9
          saying, any consideration would be a
10
          reduction to the fee, as we know it today?
11
          MR. ST. ROMAIN:
12
                The .008 would be a cap.
13
          MR. MILAZZO:
14
                Yes. So --
15
          MR. ST. ROMAIN:
16
                And the board would recommend yearly -
17
18
          MR. PERRY:
19
                Annually.
20
          MS. DELAFOSSE:
21
                Right. So what we would do --
22
          MR. ST. ROMAIN:
23
                -- to -- to adjust the rate annually.
24
          MS. DELAFOSSE:
25
```

1	Right. So our proposal is that
2	annually, either at the February or the May,
3	but probably the February would be
4	preferable, at the February board meeting
· 5	so this would begin in February of 2019. So
6	at the second quarter of the trust fund year
7	board meeting, financial services, so myself
8	or somebody on my staff would present
9	several scenarios. And we can prevent
10	let's say, if we reduce it .005 for this
11	next fiscal year, this is our projection of
12	what the fund will look like at the end of
13	that fiscal year, if we keep it at that
14	level. And then we could you know, we
15	could entertain three different levels, if
16	we want to, for example. And we could say
17	five, six and seven, or four, six and eight.
18	Whatever we want to do. And have the board
19	review those. And then based on that
20	information and and what the board's
21	consensus is, they can say, "okay, we want
22	to recommend six." And then we'll take that
23	recommendation to the Secretary. And the
24	Secretary can adjust that, effective July 1
25	of the following fiscal year.

```
1
          MR. MILAZZO:
                So any action taken now, any
2
          consideration, would -- would be considered
3
          in February for the next fiscal year, right?
          MS. DELAFOSSE:
5
                Exactly.
          MR. MILAZZO:
7
                And you're saying that the earliest
          that could occur -- could that occur in
 9
          fiscal year '19 or -- or --
10
          MS. DELAFOSSE:
11
                It would have to be --
12
13
          MR. MILAZZO:
                118?
14
          MS. ANDREWS:
15
                It would have to be fiscal year --
16
          MS. DELAFOSSE:
17
                Fiscal year --
18
          MS. ANDREWS:
19
                -- \20.
20
          MR. PERRY:
21
                It -- it'd be -- it'd be -- so if I
22
          understand, '19 would be the first time the
23
          board would look at that and make a
24
          recommendation to the Secretary --
25
```

```
MR. MILAZZO:
1
                Okay.
 2
          MR. PERRY:
 3
                -- and then it would be effective and
 4
          possibly changed July 1, 2019.
 5
          MS. DELAFOSSE:
 6
 7
                Right.
          MR. MILAZZO:
 8
                Okay.
 9
          MS. DELAFOSSE:
10
                So while the -- while the change with
11
          the interest that we -- you know, we were
12
          including that and believe we shouldn't have
13
          been, is gonna, quote/unquote, buy some
14
          time, it's still -- I mean, I believe the
15
          action does need to be taken at this point
16
          in time.
17
          MS. ANDREWS:
18
                And I would like to --
19
          MR. ST. ROMAIN:
20
                Because if we do nothing, we're going
21
          to hit a point where it's got to cut off,
22
          right --
23
24
          MS. DELAFOSSE:
                Right.
25
```

1 MR. ST. ROMAIN:

2 -- and goes to zero?

MS. ANDREWS:

I would like to stress that part of the -- this legislation at no point is -- right now, we're at .008. If we do nothing, it will remain at .008. And all that would happen is the fund balance would continue to grow. We're entertaining this as a way to address that fund balance. So that -- the distributors don't have to keep doing them on/off every other year. We believe this is, you know, an easier method for everybody, for us and for the regulated community to be able to handle this. And I -- I believe that the -- that the subcommittee was very supportive of the idea.

MR. PERRY:

And, John, one other thing just to ease -- so you'll kind of know, this legislation that the DEQ would take forward, it would not only go to the House and the Senate side first, but it's legislation that we would be able to look at and discuss with

the DEQ at that point in time. So this
isn't a final kind of thing. It's just
allowing DEQ to kind of move forward
together.

MS DELAFOSSE:

Yes. And with any legislative changes, we really do want to vet them with the board and have these discussions ahead of time and -- you know, before we get a bill filed and -- and it comes to board members attention without having had this discussion, we don't -- we don't -- we'd like to prevent that. So that -- that's the thought process.

MR. MILAZZO:

Okay. Well, as kinda a fill-in chair, and not having something more tangible that we're looking at that we can take action on, it -- it would be my recommendation as chair to -- to entertain a motion that can kinda set the stage for that. When we see that and -- and then just kinda preauthorize that through a motion if -- so does that, Jill, sound accommodating?

MS. CARTER:

```
Yes.
1
         MR. MILAZZO:
2
                Okay. So based on what I just heard,
3
         I -- I'd ask for a motion to carefully
4
         identify that so we can consider a vote.
5
                I'd like to ask for a motion?
 6
          MS. DELAFOSSE:
7
                Ask for a motion.
 8
          MR. MILAZZO:
 9
                I ask for that motion. So --
10
          MR. ST. ROMAIN:
11
                I second.
12
          MR. MILAZZO:
13
                Okay. So could I -- could I hear the
14
          motion?
15
          MS. DELAFOSSE:
16
                Yes. Somebody needs to state the
17
          motion.
18
          MR. MILAZZO:
19
                Can I hear the motion? So listen,
20
          let's -- let's just kinda repeat again,
21
         okay.
22
                 I really would like to take action. I
23
          -- I think what I've heard -- Kerry, do you
24
          have any comments?
25
```

```
MR. HILL:
1
                No. I'm fine with it, Johnny.
2
          MR. MILAZZO:
3
                Okay. Would you want to offer a
4
         motion? And basically, what we're hearing
 5 ·
         here is to grant this body, on an annual
6
         basis, the opportunity to review both
 7
          currently and forecast and make
8
          recommendations to the Secretary as what
 9
          future -- what that future fee structure
10
          would look like. Is that kinda --
11
          MS. ANDREWS:
12
                Well, I think -- I think what we're
13
          asking is for the board to make a motion to
14
          support the -- to support DEQ's presentation
15
          of legislation to --
16
          MS. DELAFOSSE:
17
                Relevant to the bulk distribution fee
18
          structure.
19
          MR. MILAZZO:
20
                So -- so we're asking -- authorizing
21
          them to -- to go before the legislature to
22
          give us the opportunity to do this? So with
23
          a little more clarity, do -- do I have a
24
          motion?
25
```

```
MR. HILL:
1
                I make --
2
          MR. BURNHAM:
 3
                Do we have to restate it?
 4
          MR. HILL:
 5
              -- the motion.
 6
 7
          MR. MILAZZO:
                Go ahead, Kerry.
 8
          MR. HILL:
 9
                I make a motion that we make that --
10
          MR. MILAZZO:
11
                Go ahead. Recommendation --
12
          MS. DELAFOSSE:
13
                Or, approval.
14
          MR. HILL:
15
                I make a motion we make a
16
          recommendation for the -- for the board to
17
          go to the -- to ask the DEQ to go to the
18
          legislative process to review. If I'm
19
          wording this properly. I can't -- I can't
20
          hear real good.
21
22
          MR. MILAZZO:
23
                Okay.
          MS. DELAFOSSE:
24
                 It sounds great.
25
```

```
MR. MILAZZO:
1
                So -- so -- let me -- let me say this.
 2
          Maybe a little bit different twist here. So
 3
          here's a thought and -- and -- and that is
 4
        that we consider authorizing the Secretary
 5
          and the DEQ to go before the legislature to
 6
          consider legislation to allow this body to
 7
          give future consideration for the reduction
 8
          of the fees as we know them today. Can I
 9
          hear a motion to accept that?
10
          MR. BURNHAM:
11
                Motion to accept.
12
          MR. MILAZZO:
13
                Is there a second?
14
          MR. ST. ROMAIN:
15
                I'll second.
16
          MR. MILAZZO:
17
                All in favor?
18
          (All indicated "aye".)
19
          MR. MILAZZO:
20
                Any opposed?
21
          (No response.)
22
          MR. MILAZZO:
23
                Motion approved.
24
          MS. ANDREWS:
```

1	And then and before we move on from
2	this topic, I would like to let the board
3	know here that, as we are crafting this
4	legislation, we will ensure that all of you
5	are informed of it through the process. And
6	if after it's even presented to this
7	legislature, we will work with this board to
8	make sure that any amendments are
9	incorporated that are recommended. I would
10	just like to put that on the record.
11	MR. MILAZZO:
12	Thank you.
13	MS. DELAFOSSE:
14	And do we need to discuss Perry's
15	other proposed legislation with regard to
16	the abandon
17	MR. FULTON:
18	I would I would wait.
19	MS. DELAFOSSE:
20	Okay.
21	MR. BAKER:
22	What I would say is that we do have
23	another motion. We discussed that in our
24	stakeholder meeting. And the purpose of
25	that addition would be to simulate what

```
we're doing with the hazardous waste trust
 1
          fund to give us a little more leeway in
 2
          doing these contracts with the active
 3
          abandoned sites for doing the assessment.
 4
          We're still fleshing that out. I think what
5
          we would do is, we'd do similar to what
 6
          Karyn said, we will make sure the board is
 7
          made aware of any proposals well in advance
 8
          where they would have the ability to make
 9
          any changes.
10
          MR. MILAZZO:
11
                So is that something we need to
12
          consider action on today?
13
          MS. CARTER:
14
                I think that probably still needs to
15
          be discussed.
16
          MR. MILAZZO:
17
                Okay.
18
          MR. BAKER:
19
                There -- there are still -- there's
20
        still a number of discussions that would
21
          have to be done. We just wanted to make --
22
          in the stakeholder meeting, we wanted to
23
          make ya'll aware of this, so ya'll would be
24
          a part of the process from the very
25
```

1 beginning. MR. MILAZZO: 2 I think from our standpoint, we 3 appreciate really the position we find ourselves today in, and it's kinda working 5 hand in hand, and -- and really, the 6 strength of the relationship that we all 7 have some ownership in this. So I say to 8 you, thank you. 9 Any other questions for Jill? 10 (No response.) 11 MR. MILAZZO: 12 Okay. Jeff, I think item D is 13 tentative dates for next year. 14 MR. BAKER: 15 Mine's easy. As ya'll can see on your 16 agenda, we do have the proposed dates for 17 the meeting -- the board meetings for next 18 year. We've got February 22nd, May 10th, 19 August 16th and November 15th, 2018. We did 20 adjust the May meeting because a number of 21 the LOMA members have their national meeting 22 when we normally have this one -- had had 23 this meeting, and there have been some 24 conflicts. So we decided -- we got with 25

7

8

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21

22

23

24

25

1	Natalie and other representatives of LOMA to
2	kinda work through some of these, to make
3	sure we kinda alleviated some of the
4	conflicts and we all agreed to move the
5	meeting up a week to May 10th.

We just want to present these as the proposed dates and let the board determine how they want to move forward with it.

MS. DELAFOSSE:

And the February 22nd date is the week after Mardi Gras, if that's relevant to anybody's schedule. And then, like Jeff said, with the May meeting, you know, the regular date would be the 17th to make sure we have amiable time to prepare, but we -instead of pushing it back a week to May 24th, you get closer -- even closer to the end of session and I know that can complicate people's schedules, so we -- I --I proposed that we push it up a week so that gives us a little more flexibility in, you know, how many times we have to push it Because we ended up with two meetings pretty close to each other this year. Which is okay. But I know we -- we like to spread

out visits so we don't get too tired of 1 2 each. So --MR. MILAZZO: Does anybody have any conflicts that you know, or the dates as proposed, at least 5 at this point in time, appear to be okay? 6 7 (No response.) MR. MILAZZO: 8 Any comments from those on the phone? 9 10 (No response.) MR. MILAZZO: 11 12 Okay. Thank you, Jeff. 13 MS. DELAFOSSE: I have one more comment relative to 14 the board meetings. I believe Roger, who's 15 on the phone this week, mentioned to me how 16 great it would be if we had a meeting not in 17 Baton Rouge at some point in time. So I've 18 19 discussed that with Karyn and she was amenable to that suggestion. So I know --20 I don't know that we'll do, you know, more 21 than one meeting elsewhere but I wanted to 22 put that on the table as a possibility for 23 next year. Durwood, up there in 24 Ruston/Monroe, is scouting out some 25

```
locations for us to see what -- what may be
 1
 2
          available in his neck of the woods, just to
 3
          give some people a break on driving and then
          -- and then let some of us hit the road and
 5
          see a different part of the state.
          wanted to mention that as well and see if
 6
          anybody had any thoughts, comments,
 7
          concerns.
 9
          MR. MILAZZO:
10
                So there's an annual event in Monroe,
11
          right, Todd?
          MR. PERRY:
12
13
                There is.
          MR. MILAZZO:
14
15
                So it could be an opportunity perhaps
          August/September, I'm not sure, so if we can
16
17
          just have some consideration --
18
          MS. DELAFOSSE:
19
                Absolutely.
          MR. MILAZZO:
20
                -- you can have a number of members
21
22
          already there.
23
          MS. DELAFOSSE:
24
                That'd be great.
25
          MR. PERRY:
```

1	And on that note, Johnny, we're doing
2	something different this year. I believe
3	that LOMA's ask for it to be the second week
4	of November, which might tie close to that
· 5	November date
6	MR. MILAZZO:
7	Okay.
8	MR. PERRY:
9	where that might be.
10	MS. DELAFOSSE:
11	So that could work.
12	MR. PERRY:
13	Right.
14	MR. MILAZZO:
15	That would be something to really
16	consider.
17	MS. DELAFOSSE:
18	Yes. That'd be great.
19	MR. FRANKLIN:
20	Theresa, this is Durwood.
21	MS. DELAFOSSE:
22	Hey, Durwood.
23	MR. FRANKLIN:
24	I also have reached out to LSU
25	Alexandria to see if they have an facilities

1	avallable there as well.
2	MS. DELAFOSSE:
3	Okay. So we'll have some
4	MR. FRANKLIN:
5	I have not heard back from them, but
6	that might be a possibility to meet at a
7	central location in Alexandria.
8	MS. DELAFOSSE:
9	Okay. Thank you for that. That would
10	be good.
11	MR. MILAZZO:
12	So are there any other comments, any
13	other business?
14	MS. ANDREWS:
15	Yes. This is Karyn Andrews. I do
16	have some other business that I wanted to
17	bring to everyone's attention. So in 2017,
18	Act 330 355 was passed by the
19	legislature to do a study of statutory
20	dedicated funds. And the motor fuel
21	underground storage tank trust fund was
22	lucky enough to get pulled for that review.
23	So I just wanted to let everyone be made
24	aware that we are scheduled to testify
25	tomorrow as to this fund. It's not time for

public testimony yet. I will be there. not sure if Dr. Brown is going make it. I have a one-pager about the fund, what we do with it and it's -- I'll clearly be in --working in support of keeping it a dedicated I believe that we will -- I hope to -- that we will be able to continue with that work on the legislature.

When it does come time for public testimony, anyone from this board will be more than welcome to testify to this fund. What will occur tomorrow is, we will go before this subcommittee, tell them about our program, tell them about the fund, where the monies are derived from, how they're used. And they will make a vote if they are going to recommend it remain a statutory dedicated fund or if we -- it become a fee and self-generated fund, which then you've got other -- I -- I don't know exactly what will happen at that point.

That -- although the committee members will be voting, the report won't be final until they get to the very end, after public comments. And they can change their mind at

```
1
          that point. So tomorrow, you're more than
 2
          welcome to attend. We'll be at the Capitol,
 3
          following joint legislative committees
 4
          meeting. There are a lot of agencies on the
 5
         list. This is my third scheduled visit to
 6
          the Capitol on this -- on this subject. And
          I am the fourth agency that is up. So I
 8
          don't know that I'll be talking tomorrow
 9
          about this fund yet.
10
                But I did want to let everyone know
11
          about that. And I'll -- I can update you at
12
          our next meeting, what occurs, if you're not
13
          able to listen to us tomorrow. You can log
14
          into the legislature's web page and listen
15
          on there if you want, or again, you're more
16
          than welcome to come over.
          MS. DELAFOSSE:
17
18
                Or -- or you can check in next week
19
          for an update too.
20
          MS. ANDREWS:
21
                Or check in with us --
22
          MS. DELAFOSSE:
23
                We'll let you know how it went --
24
          MS. ANDREWS:
25
                Right.
```

```
1
          MS. DELAFOSSE:
 2
                -- if you don't want to watch it.
 3
          MR. MILAZZO:
                And I think what we'll do is ask
 5
          Natalie maybe to communicate that with you
 6
          and then throughout our membership. And --
 7
          and, Karyn, thanks for sharing that with us.
 8
          When you get to public testimony, I'm
 9
          certain that we -- we could have members of
10
          the association stand by you and -- we all
          know it's in our best interest. So thank --
11
12
          thanks for sharing.
13
          MS. ANDREWS:
14
                Absolutely. Thank you.
15
          MR. MILAZZO:
16
                Is there any other business?
17
          (No response.)
18
          MR. MILAZZO:
19
                I'd like to ask for a motion that we
20
          close the meeting.
          MR. BURNHAM:
21
22
                Motion to close the meeting.
23
          MR. ST. ROMAIN:
24
                Second.
25
          MR. MILAZZO:
```

DEPARTMEN'	$\Gamma \cap \Gamma \cap \Gamma \cap \Gamma$	ひへんはんだんご	ΓAΤ	OTTAT	TTV

	DEPARTMENT OF ENVIRONMENTAL QUALITY	79
L	All in favor?	
2	(All indicated "aye".)	
3	MR. MILAZZO:	
ļ	Thank you guys.	
5	THE MEETING ADJOURNED AT 2:14 P.M.	

1	REPORTER'S PAGE
2	I, Lori B. Overland, Certified Court
3	Reporter, in and for the State of Louisiana, the
4	officer, as defined in Rule 28 of the Federal
5	Rules of Civil Procedure and/or Article 1434(b)
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12	in thought, and/or talk overs; that same is the
13	proper method for a Court Reporters's
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I, Lori B. Overland, Certified Court Reporter is
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In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING November 16, 2017

Associated Reporters, Incorporated 225-216-2036

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In The Matter Of:

DEPARTMENT OF ENVIRONMENTAL QUALITY
MOTOR FUELS UNDERGROUND STORAGE TANK TRUST

FUND ADVISORY BOARD MEETING November 16, 2017

Associated Reporters, Incorporated 225-216-2036

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4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3		PAGE (S) :
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6	FUND ADVISORY BOARD	5	EXHIBITS:	
7		6	None	
8		7		
9		8	REPORTER'S PAGE	80
		9	REPORTER'S CERTIFICATE	8:
10		10	X 2	
11		11	* * * *	
12	The above-entitled meeting was held at the	12		
13	LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana,	13		
14	beginning at 1:04 p.m., on November 16, 2017.	14		
15		15		
16		16		
17		17		
18				
19	BEFORE:	18		
20	Lori B. Overland Certified Court Reporter	19		
21	In and For the State of Louisiana	20		
22		21		
23		22		
24		23		
		24		
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	Page 2			Page 4
1	APPEARANCES	1	* * * *	
2	Johnny Milazzo	2	MR. MILAZZO:	
3	Chairman	3	So Johnny Milazzo. I'll be acting as	
4	Kerry Hill	4	Chair today on behalf of Kerry Hill. And at	
5	Durwood Franklin, via telephone Jeff Baker	5	this time, I'd like to call the meeting to	
6	Cy Morin	6	order.	
7	Jill Carter Nick St. Romain	7	And I'd like to ask for a roll call,	
8	Steve Burnham Roger Bright, via telephone	8	please.	
9	Theresa Delafosse	9	MR. BURNHAM:	
.0	Melissa Vizinat Sam Broussard	10	Steve Burnham with Engineering	
1	Jason Efferson Trey Kemp	11	Associates.	
.2	Randi Stump Todd Perry	12	MR. FULTON:	
.3	Ian Kelly Byron Blanchard	13	Gary Fulton, LDEQ.	
4	Aaron Bourgeois Auburn Wilson	14	MR. BAKER:	
.5	Roger Gingles		Jeff Baker, LDEQ Trust Fund.	
.6		15	MS. CARTER:	
7	, 2	16		
		17	Jill Carter, Louisiana DEQ Legal	
8		18	Division. MR. ST. ROMAIN:	
.9	Topic Committee	19		
20		20	Nick St. Romain, Louisiana Oil	
21		21	Marketers and Convenient Store Association.	
22		22	MR. MILAZZO:	
		23	Johnny Milazzo, LOMA.	
	1 1 1			
23		24	MS. DELAFOSSE: Theresa Delafosse, DEQ Office of	

Nov	ember 16, 2017	MO:	LOF	FUELS UNDERGROUND STORAGE TANK	IKODI
		Page 5		·	Page 7
1	Management and Finance.		1	a motion to adopt the minutes?	
2	MR. MORIN:		2	MR. FULTON:	
3	Cy Morin, DEQ Audit.		3	Motion to adopt.	
4	MS. VIZINAT:		4	MR. BURNHAM:	ł
5	Melissa Vizinat, DEQ Trust Fund.		5	Second.	
6	MR. PERRY:		6	MR. MILAZZO:	
7	Todd Perry, PPM Consultants.	1	7	We got a second. All in favor?	-
8	MR. BROUSSARD:		8	(All indicated "aye".)	Ì
9	Sam Broussard, DEQ UST Division.		9	MR. MILAZZO:	}
10	MR. BLANCHARD:	1	10	Any opposed?	ĺ
11	Byron Blanchard, DEQ Internal Auditor.]:	11	(No response.)	
12	MR. EFFERSON:];	12	MR. MÎLAZZO:	
13	Jason Efferson, DEQ Trust Fund.		13	Minutes adopted.	
14	MR. KEMP:		14	Thank you, Theresa. Now, I'd like to	
15	Trey Kemp, DEQ Trust Fund.];	15	call on you for the financial services	
16	MS. STUMP:];	16	report.	
17	Randi Stump, DEQ Trust Fund.]	17	MS. DELAFOSSE:	
18	MR. BOURGEOIS:	:	18	Thank you. Okay. So if you turn to	
19	Aaron Bourgeois, Louisiana Legislative		19	tab three, the first page that we have is	
20	Auditor.		20	the fiscal year 2018 cash basis fund balance	
21	MS. WILSON:		21	report. That would be the there are	
22	Auburn Wilson, Louisiana Legislative		22	three blocks on the page, as we typically	
23	Auditor.	<u>,</u>	23	have. The third block is what we have for	
24	MR. MILAZZO:		24	the first quarter of fiscal year 2018. The	
25	And once again, on the phone, Kerry		25	middle block is a comparative statement,	
		Page 6			Page 8
1	Hill.		1	showing you the first quarter from fiscal	
2	MR. HILL:		2	year 2017. So you can see those two	
3	Kerry Hill, Louisiana Oil Marketers.		3	compared to each other. And then we also	
4	MR. MILAZZO:	1	4	have the year end report from the fourth	
5	Next.		5	quarter of fiscal year 2017, which you have	
6	MR. BRIGHT:		6	seen before, but it's just presented here	
7	Roger Bright, Jones Environmental.		7	just so you have that historical information	
8	MR. FRANKLIN:		_	available.	
9			8	avanable.	
	Durwood Franklin, DEQ Trust Fund.		8 9		
10	Durwood Franklin, DEQ Trust Fund. MR. MILAZZO:		-	The unobligated balance as of the end of the first quarter was \$23,430,376. We	
10 11			9	The unobligated balance as of the end	
	MR. MILAZZO:		9 10	The unobligated balance as of the end of the first quarter was \$23,430,376. We	
11	MR. MILAZZO: Anyone else? (No response.) MR. MILAZZO:		9 10 11	The unobligated balance as of the end of the first quarter was \$23,430,376. We — we collected about 5.8 million dollars in	
11 12	MR. MILAZZO: Anyone else? (No response.)		9 10 11 12	The unobligated balance as of the end of the first quarter was \$23,430,376. We we collected about 5.8 million dollars in this first quarter, which you'll see is	
11 12 13	MR. MILAZZO: Anyone else? (No response.) MR. MILAZZO: Okay. I'd like to call on Theresa to give our financial services report.		9 10 11 12 13	The unobligated balance as of the end of the first quarter was \$23,430,376. We—we collected about 5.8 million dollars in this first quarter, which you'll see is right in line with what we collected in the first quarter last year. And our claims for reimbursement were high this quarter. Right	
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	P	age 9		Page 11	Ī
1	the first quarter of the following fiscal		1	show you that the payments are not very	
2	year. So that transfer was for expenditures		2	predictable. So they're high months, you	
3	for fiscal year 2017.		3	know, typically around the beginning or the	
4	So if you'll turn to the second page.		4	end of a quarter, just depends on what else	
5	This is so this I was just talking		5	is going on. But, you know, most of the	
6	about the transfer to the environmental		6	sites, those those applications tend to	
7	trust fund. This is a projection for what		7	come toward the end of the quarter. So the	
8	the 2019 transfer will be. As you see,		8	month, either at the end of the quarter or	
9	there's a slight decrease in that transfer.		9	the beginning of the next, is typically the	
10	So that's a good thing, moving in the right	1	LO	highest of that quarter. But in general,	
11	direction at this time. Just keeping those	1	11	just kinda all over the board. No no	
12	expenditures in line with what they need to	1	12	real pattern.	
13	be from year to year.	1	13	These are some other statistics	
14	We may see an increase in the	1	4	relevant to reimbursement. The table shows	
15	environmental trust fund revenues that	1	15	the average cost of closure, since fiscal	
16	that first line that is not zero for this	1	.6	year 2011. So as you see, there was a	
17	year because of the fee increase. But those	1	17	you know, they they kinda bounce around	
18	fees are billed in March, so we don't know		.8	too. But in general, they're trending	
19	exactly what that's going to look like yet.		.9	upward. I could've I should've possibly	
20	But there there should be an increase in		20	included some of the charts on that page and	
21	that line. So we we do need to adjust		21	kinda see a trend there. But it does appear	
22	for that as well. So that'll make the		22	to be trending upward, slightly. So you see	
23	transfer even smaller.		23	in fiscal year '11, it was 238 thousand and	
24	If there are no questions at this		4	now it's 276 thousand. So, I mean, that's	
25	time, I'll go to the podium and proceed with	2	.5	not that's, you know, over ten percent	
	Pa	ge 10		Page 12	
1	the with the long the detailed version		1	but it's not not large not incredibly	
2	of the presentation.		2	a large increase for that amount of time.	
3	(No response)		3	We did see the changes that we are	
4	MS. DELAFOSSE:		4	implementing in fiscal year 2018 with the	
5	Okay. So back by popular demand, we	_	5	changes to the guidance document, with some	
6	have the the lovely slide show with		6	of the cost increases, the four percent that	
7	additional information.		7	we did for a lot of the categories. So we	
8	As of last time, I've tried to add		8	will see some increases going forward. And	
9	some new some new information that we		9	then with the with the in-compliance	
10	haven't seen before, just so you can	1	0	deductible getting reduced to zero dollars,	
11	continue to get get a good understanding	1	1	we may see some changes and we may see some	
12	of the different financial components of the		2	sites come in actually that have lower	
13	program.		3	dollar values that would not have met the	
14	So this first slide is a new one.		4	deductible previously that may cause the	
15	This is the RAC reimbursement history from -	1		average to go down. So it it just kinda	
16	- for the last five complete fiscal years.	1		remains to be seen. It's very it's very	
17	So, you know, it went down for a couple	1		difficult to predict what that will do.	
18	years. It was high in '16 and then a little	1		So then I just have some little notes	
19	bit down in '17. And then that that line	1		off to the right, based on the previous	
20	across the top is the average for the five year period.	2		slide. The highest month for reimbursement,	
21	The next slide is a little crazy	2		like I indicated, was typically a month near	
23	looking, but and Jeff Jeff reviewed	2		the end or beginning of a quarter. The lowest month can vary from year to year, but	
24	the presentation for me and said, "I don't	2		for example, in fiscal year '17, our lowest	
24	know about this slide " Dut it just goes to	2	-4	month was near the August flood. We were	

know about this slide." But it just goes to

month was near the August flood. We were

Page 13 Page 15 closed for about two weeks so that's -have approximately 260 additional sites that's no big surprise there. And then the identified as potential candidates. And 2 monthly average is anywhere from 870 that number will grow as well. 3 thousand to 1.16 million. So a pretty big You have something to add? 4 range there with the monthly average. But MR. FULTON: they may be skewed a little by how fiscal 6 Yes. Well, I just wanted to -- the -year '17 -- fiscal year '16 was. we had ARRA money. We also had two 7 7 8 This is a slide that we've had hurricane monies that we had from the -previously, but I did change it. Instead of from the EPA. And during those years, those 9 9 10 doing the full year's deposits, I did just sites were moved over to spend a lot of the 10 the first quarter, just so you get some good money under ARRA and also hurricane trust 11 11 12 comparative information from one year to the 12 fund money. next. So you'll see they've been pretty MS. DELAFOSSE: 13 13 steady, the revenues. They were -- have 14 Okay. 14 been high this year, so far. They did --MR. FULTON: 15 15 16 you know, last year, again, with the flood 16 So a lot of the -- the reason why you and the August closures, that was low and 17 17 see -- do see some zeros there, is because 18 expected to be low. Our receivables group 18 those sites were moved and we spent federal took a little -- a little while to get money for them. 19 19 caught up on posting all that, classifying 20 20 MS. DELAFOSSE: those revenues. But from last year, we have But -- yes, for the abandon site fund, 21 21 a 32 percent increase. And you'll see it's 22 we got -- we haven't done a bunch lately. 22 even an increase from the fiscal year '15 23 But we're starting too. 23 and '16 where we did about 5.1 in the first MR. FULTON: 24 24 quarter. So we're doing -- doing well so Right. Exactly. 25 Page 14 Page 16 1 far. MR. MILAZZO: So let me ask -- and help me here. By And then a big increase -- we've seen 2 2 definition, what is considered an abandoned a very big increase in our interest income, 3 which we've discussed previously. Both site? 4 because the -- the principal is larger and MR. FULTON: 5 5 because the interest rates with the -- with The definition is they must have not -6 6 the treasury are bigger. So, you know, a - one, they don't have any money; two, they 7 7 quarter of a million dollars just in three did not comply with an enforcement action months is what we've earned this year, just and it went executory, or they just didn't 9 9 10 in interest alone. 10 comply. Then -- then we have the ability to 11 This is another new slide that I added 11 rank it. And if it ranks high, then it will with help from Gary's group. And, you know, go to the top of the list and then we will 12 12 13 it's going to become a -- a more prevalent 13 try to spend money on it. So we don't get topic because we've had a lull in our to all the sites all at once. We only have, 14 14 abandon site work, as you can see. There you know, a little bit of money that we've 15 15 are no expenditures represented here for been using at other sites to clean up the 16 16 fiscal year '15, '16 and '17, because there sites with. But in the future, we have 17 17 were no expenditures. So the last work for three contracts, we have tank pull, 24 month 18 18 abandoned sites was conducted in fiscal year assessment and we're working on remediation 19 corrective action contracts. So we will --2014. So it's been a little while. But 20 20 21 we're actually doing a lot of things right 21 we will see an increase in those figures in 22 now to actively move toward remediating the next year or two. 22 23 those sites. 23 MR. MILAZZO: And then, is there a lien placed on 24 So right now, there are just 31 sites 24 and 82 tanks in the program. And -- but we that property for any future transactions?

Page 19

Page 17 MR. FULTON: 1 Yes. Sure is. We will place a lien 2 for the total expenditures. And I think 3 4 like Perry said in the past, we try to get the money out of it, as best we can, but it 5 6 -- a lot of times in the rural areas, you know, you have that corner store that's worth \$10,000, you know, and then -- and you have water wells around every -- you know, we just -- we've got to get it cleaned up so 10 it doesn't impact their groundwater and 11 you're just not gonna get --12 MR. MILAZZO: 13 So you're never gonna fully recover. 14 MR. FULTON: 15 16 Sometimes you're not -- now, if you have a site on Airline Highway --17 MR. MILAZZO: 18 Different story. 19 MR. FULTON: 20 It's a different story, right. 21 MR. MILAZZO: 22 Okay. Thank you. 23 24 MS. DELAFOSSE:

-- each employee gets -- will get a two
percent adjustment on January 1st and then
some folks will come up the minimum, the new

minimum pay scale. So those changes are
 reflected here in these projections for

reflected here in these projections for

6 fiscal year '18 expenditures.7 Travel and training. We

Travel and training. We expect a slight down-tick this year from last year. No — not as many big — big expenditures projected. But that's still a pretty low dollar value cost, \$6,000 throughout the year which — or just \$500 a month for travel.

And then our operating services is simply our supplies, as well, and dues for our major associations and then rent in our regional offices, as well, which is the largest component. We have six regional offices throughout the state.

Our professional services. A small -small budge for professional services, with
lab analysis and some site consultation

23 work. Not -- barely -- barely any

24 expenditures year-to-date, so we're gonna

see some in the last three quarters of the

Page 18

Page 20

- 1 expenditures for fiscal year 2018 by
- 2 function. So as you'll see, the top -- you

Sure. These are the projected

- 3 know the -- the core functions, or the
- 4 UST core function is Gary's group and then
- 5 the motor fuel function that reviews the
- 6 applications from the RACs is Jeff's group,
- 7 that makes up a big chuck of the
- 8 expenditures, about two-thirds. And then
- 9 there's some enforcement cost, compliance
- 10 orders and ensuring that the owners of those
- 11 sites are compliant. And then, of course,
- we have the support and indirect cost for
- 13 like legal and me and everyone else who does
- 14 work on the program.

25

In our salaries and related benefits,
so far this year, it has our actual figures,
along with our projected figures for fiscal
year '18. There is an increase in related
benefits and salaries projected between last
year and this year. I would say that that's

- 21 due partially to the retirement increase. I
- believe last year, the retirement percent that we paid per employee was 35.8. It's
- 23 that we paid per employee was 35.8. It's
- gone up to 37.9. And the civil service pay
- 25 plan changes are going into effect. So each

year.

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Other charges. This is a pretty large

category for the program, as well. You
know, we don't -- we haven't had too many

5 expenditures, year-to-date, as you can see,

6 just - just around 27,000. So I included

7 instead the budget figures for each of the8 contract. Again, those budget figures are

9 just maximums. For example the attorney

10 general fees, like last -- last year, our

11 total attorney general fee was just over

12 900,000. So I don't anticipate that we will

be billed that full amount. We actuallyjust got the first bill from them today and

15 I think it was only 30 — around 30,000. So

16 -- and that's the first one for the fiscal

17 year and we're all the way in November. So

18 that should definitely be lower. I did a

projection at 1.6 million, but I do

anticipate that it should be lower thanthat. And probably around the last years

22 final total or maybe -- maybe slightly less.

23 So I -- I mentioned we weren't yet billed

24 for the attorney general charges until this

25 morning. So I didn't -- I did not make the

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Page 21

slide to reflect that, but we have a little bit of charges so far for the ongoing 2 litigation. 3

Our total gross recovery to date is 19.15 million. And as -- as everyone knows, the remaining settlement proceeds were transferred to the motor fuel trust fund in April of 2017.

Interagency transfers is another small category. Just -- just some rent, building security and telephone expenses. And we expect them to be slightly below what they were last year.

I don't think anything changed with this slide from the last presentation, but we do have in here the fiscal year 2018 approve full overhead rate and then we're using half of the rate in our motor fuel calculations which is applied to just the salaries and related benefit charges for the direct charge employees who do work full time for the motor fuel trust fund.

We also have now available our information on our grant revenues for this fiscal year. There was a slight increase of

- help with this actually, because some days,
- we'll get three giant bundles full of mail.
- And all that mail has to be opened and 3
- stamped, sorted and deposited in that day.
- So -- or, within 24 hours. I'm sorry. So 5
- it's stamped that day and then it gets
- deposited the next day. So instead of
- continuing to pay a full time person to do 8
- that work, we've hired a part time person to 9
- help. And we have other people that help 10
- throughout the department. Sometimes, it's 11
- all hands on deck, if it's a busy day. But 12
- the lock -- what the lockbox service will do 13
- is that JP Morgan, who is the state's
- contract bank, they have a facility in 15
- Dallas where we will send all that mail and 16
- 17 -- so the -- the people will get the bills.
- Instead -- you know, they have the little 18
- coupon at the bottom of the invoice that 19
- says the address, DEQ Financial Services, 20
- P.O. Box, I think, 43 something, Baton 21
- Rouge, Louisiana. Now, it's gonna say P.O. 22
- Box, and it's a long one -- I think it's a 23
- six digit P.O. Box -- Dallas, Texas. So 24
- everything is gonna go to Dallas for them to

Page 22

Page 24

Page 23

- about 57,000, so we will be getting 1.6 million dollars for those grants. And those are revenues that weren't -- that help pay 3 4
 - for the operation of the -- of the program. As I mentioned when I was sitting down
 - showing ya'll the financial statements for
 - the first quarter, we bill these changed
- registration fees, which are gonna be \$60 8 this year with an increase of ten percent 9
- 10 from our fee package. We bill these in
- March. So nothing has been sent out yet. 11
- We should be on target to send those in 12
- March. With the fee package, we've had a 13 lot of changes that we've had to integrate 14
- into our -- our billing system and our 15
- permit system, as well. So that's kinda 16
- 17 changed our -- our invoicing schedule
- slightly, but it did not change the -- it 18 shouldn't change the schedule for the tank 19
- fees since they're billed in the spring. 20
- But I see my -- you see my third 21
- bullet here, this will be the first major 22 billing group to use our new lockbox 23
- service. So right now, we have some folks -24
 - we have -- we have a lot of people who

- process that there. So they'll open the
- mail, they'll scan the checks and then we'll
- be able to view them from an online system.
- So that's gonna -- you know, we're
- outsourcing that function essentially. This
- will be the first major group to have that.
- So we anticipate some -- some bumps along 7
- the way because we don't send window
- envelopes right now, so where people could 9
- slide that in and have the correct address. 10
- So we're -- we're depending upon everyone 11
- out there who gets a bill with -- with that 12
- new address to write the correct address on 13
- their envelope and/or have the correct 14
- address printed from their payroll system. 15
- So we're gonna start sending some 16
- communications out once we go live with that 17
- just to make sure everybody understands what 18
- the service is and -- and, you know, what 19
- needs to be sent there versus what needs to 20
- be sent to us here still. Because permit 21
- applications and stuff will still come to us 22
- here. But a lot of, you know, just strict 23
- permit fees and registration fees will go 24
- over there. So we're excited about that.

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	Page 25		Page 27	7
1	We think it'll make our lives easier here,	1	percent. So we're knocking some of these	
2	and and help with getting everything	2	out.	
3	deposited timely.	3	If there's no questions about anything	
4	This is a slide we've had before, the	4	on this page, just go ahead and flip over to	
5	history of the net transfer to the	5	page two.	
6	environmental trust fund. I have the	6	Not much has changed on this list. We	
7	projection down there for what we project	7	still have four cases being pursued legally.	
8	for fiscal year '18. So no major news here.	8	The first and fourth cases on the list,	
9	And that was it. If ya'll have any	9	nothing has changed and they will be	
10	questions for me or anybody?	10	referred to ODR in the near future. The	
11	(No response.)	11	third case, as I've mentioned before, was	
12	MR. MILAZZO:	12	referred to ODR in October of 2015. As of	
l				
13	Any questions from anyone on the	13	October 31st, we still have not received any	
14	phone?	14	sort of payments for that case. And the	
15	(No response.)	15	second case on the list is still remitting	
16	MR. MILAZZO:	16	payment. The last payment of \$250 was	
17	If there are no further questions, I'd	17	received on October 3.	
18	like to say thanks, Theresa.	18	And finally, I just want to say, we	
19	And now, move over to tab four. I	19	plan to perform 12 motor fuel delivery fee	
20	think that's Cy with the audit report.	20	audits during fiscal year '18. This is up	
21	MR. MORIN:	21	from eight last year. In addition, we will	
22	Yes, sir. Cy Morin with audit.	22	continue to perform reviews for motor fuel	
23	There's a long list so I'll try to	23	distributor refund request as necessary.	
24	make this quick.	24	And we plan to get back looking at the other	
25	So if you turn to tab four, this first	25	side of things and, you know, do at least	
	Page 26		Page 28	i
1	page details 23 open motor fuel audit cases	1	one audit of reimbursement applications for	
2	as of November 6, 2017.	2	at least one RAC. And that'll that'll	
3	One case on this list was assessed	3	probably take place after the first of the	
4	and, at the time of this report on November	4	year.	
5	6, was awaiting payment of \$4,032.55.	5	And that concludes my update.	
6	Payment in full was received on November 7.	6	MR. MILAZZO:	
7	So we're just awaiting posting of this	7	So is a percent of your audits	
8	payment before closing the file.	8	looking in 2017, were there four that you	
9	Three cases are under review and 13	9	guys discovered had some unreported or	
10	are awaiting review. Pending this review,	10	delinquency? Am I seeing that right? The	
11	there's one potential credit of \$579.61.	11	audit date, there are three or four four	
12	The remaining 15 are potentially clean	12	in '17.	
13	audits with no assessment.	13	MR. MORIN:	
14	And also, six cases are still in	14	Yes. There's five for '17 on this	
15	progress with results to be determined.	15	list.	
16	Since the last meeting, one new case	16	MR. MILAZZO:	
	<u>v</u> .			
17	was added to this list, and seven cases have been closed and removed from the list. Of	17	Maybe I missed one. At least in	
18		18	fiscal year	
19	the seven removed, four were clean audits,	19	MR. MORIN:	
20	two were assessed a total of \$6,941.67,	20	Fiscal year '17, yes.	-
21	which was paid in full. And one received	21	MR. MILAZZO:	-

and used a credit of \$3,292.22.

I just want to note that since this

this list has been reduced by ten or 30

time last year, the number of open cases on

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Okay.

MR. MORIN:

We've got one case that -- that's

still on this list. These are cases that

Page 31 Page 29 are still open. We had one case with an September 2017. For the sites in the corrective action phase, the outstanding assessment for (inaudible) or unpaid late 2 liability of corrective action plan budget fees, you know, something of that nature. 3 3 Actually, this one is unpaid late fees and and estimated cost to reach closure at the 4 end of September 2017, was approximately 25 variances. The other four that are on this 5 list, you know, had no monetary problems. million dollars. This total includes the 6 6 CAP budget remaining amounts and the RAC MR. MILAZZO: 7 7 Okay. Any questions for Cy? estimated cost to closure amounts. 8 8 The section in your packet titled, (No response.) 9 9 corrective action plan budgeted amounts for MR. MILAZZO: 10 10 active sites documents the individual CAP 11 Thank you. 11 sites included in this determination. MR. MORIN: 12 12 If ya'll remember, last time, I asked You're welcome. 13 13 MR. MILAZZO: 14 ya'll -- we -- we included the -- the 14 detailed information of the sites that were Moving on to tab five, trust fund 15 15 status report. Jeff Baker? included in these different categories. So 16 16 -- and ya'll asked if we could continue MR. BAKER: 17 17 doing that. So we -- if you'll notice, Yes, sir. Please refer to tab five in 18 18 you'll see pages one of four on the your packets. These are the figures for the 19 19 corrective action plan budgeted amounts for first quarter of fiscal year 2018. 20 20 active sites, you'll see all the sites and During the first quarter of fiscal 21 21 year 2018, the trust fund received 227 their -- and their expenditures to date and 22 22 their CAP budgets and their CAP expenditures applications, totaling approximately 3.7 23 23 to date. And you'll see where these numbers 24 million dollars. As of the end of September 24 come from. 2017, the trust fund had 121 pending 25 Page 32 Page 30 applications to process with requested Fund obligation recognized for sites without ROG approved CAP budgets is amounts of just over two million dollars. approximately 30.3 million dollars. This is 3 Your report actually list 122 pending 3 determined using the three year average of applications, however, an error was 4 4 closure cost and applying these cost to the determined after the report was generated and that modified the total down to 121. active trust fund sites without current CAP 6 6 185 applications were processed for budgets. 7 7 payment during the fiscal quarter, totaling If you'll go to your packets, you'll 8 see there's a section called non-CAP sites approximately 2.5 to 2.6 million. And ten 9 trust fund obligation estimate, this applications were returned, deficiencies. 10 10 documents the individual non-CAP sites The next page titled report of 11 11 included in this determination. That's -cumulative activities of the motor fuel 12 12 again, that pages one of four, farther back trust fund. These are the historical values 13 13 in your packets. It's titled non-CAP sites related to the trust and are really provided 14 trust fund obligation estimates. And you'll just for the board's informational purposes. 15 15 see all the sites that we -- that are 16 As you can see, kinda the history of what 16 our payments have been. Similar to some of 17 included in that determination. 17 And you can see the current the numbers that Theresa was showing in her 18 18 expenditures that have been applied to these 19 19 sites at this time. If you'll flip to the next page. 20 20 The fund obligation recognizes 24 Please see the handout titled, monthly motor 21 21 sites that have been determined to be trust fuel trust fund obligation determination. 22 22 This worksheet list the various component 23 fund eligible, however, not -- have not 23 submitted a reimbursement application. We determinations of potential obligation 24 24 calculate this to be 7.4 million dollars. against the trust fund as of the end of 25 25

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	Pag	e 33	Page 35
1	This is also determined using a three year	1	MR. BURNHAM:
2	average site closure cost and applying these	2	Yes.
3	cost to sites that have requested	3	MR. MILAZZO:
4	eligibility but have yet not submitted a	4	Thank you, Jill.
5	request for reimbursement from the fund.	5	Other business. I'd ask for Gary
6	And there's a list of those sites, as well.	6	Fulton to give us an overview of the UST
7	Five year projected fund balance	7	Division.
8	related to the trust fund to environmental	8	MR. FULTON:
9	trust fund transfer is approximately 20.9	9	Sorry for the technical difficulties,
10	million dollars. This estimates the the	10	but what I wanted to do was kinda give the
11	three year average dollars transferred from	11	board just kinda of a quick overview of what
12	the motor fuel trust fund to the	12	we do in the tank division. I think
13	environmental trust fund and multiplies that	13	everybody pretty much knows by now that on
14	average by five years. Thus, the total	14	July 1st, we were separated from remediation
15	estimated obligated amount as of the end of	15	services, the old remediation services
16	September 2017, is approximately 83.4	16	division, which included RIGA and the
17	million dollars and that represents	17	superfund. So now, we're our own division.
18	approximately \$185,000 increase over the	18	This is our statutory authority,
19	last quarter's estimated amount.	19	Chapter 9. We use some for the
20	If you'll note, the last the I	20	underground storage tank, 2194 and then also
21	guess the next page in your packet, you'll	21	2195. We also use RECAP and we do use a
22	see lists this is the sites that have	22	little bit of the VRP program in Chapter 12.
23	been granted no further action. You'll see	23	Here's our regulatory authority. It's
24	we've listed 16 sites that are trust fund	24	under under the Office of the Secretary,
25	sites that during the current fiscal year	25	we have the request for environmental
	Page	34	Page 36
1	that have been listed no further action by	1	review. That's a \$1,500 fee. And mostly
2	the UST Division.	2	this is used for real estate transactions to
3	Also, during this time period, the	3	recover our cost. And then we also use
4	number of potential trust fund sites that	4	Chapter 12. That's where RECAP is. And
5	were reviewed and made eligible during the	5	then, of course, the underground storage
6	current year was six sites, representing six	6	tank regulations.
7	active incidents.	7	So this is how we're set up. We have
8	I don't have any other points of	8	the administrative section. We have a
9	interest. So does anybody have any	9	prevention section. And we have a
10	questions at this time?	10	corrective action section. So we have three
11	(No response.)	11	basically, three functional areas. We
12	MR. MILAZZO:	12	have of course, we are here, located in
13	Any comments or questions?	13	the headquarters. We have six regional
14	(No response.)	14	offices. New Orleans, Monroe and
15	MR. MILAZZO:	15	Shreveport, we consider Group 1. Lafayette,
16	Thank you, Jeff.	16	Lake Charles and Baton Rouge, we consider
17	Now, I'd like to move on to third	17	Group 2. So basically, this is what the map
18	party claim status. And filling in for	18	looks like. And we have two managers that
19	Perry will be Jill.	19	control those two groups. We have two UST
20	MS. CARTER:	20	managers, a Group 1 Manager and Group 2
21	There are no updates on third party	21	Manager.
22	claim status at this time. And there are no	22	Now, we have a total of 40 employees
23	new claims or, new third party claims.	23	in the UST Division. Five of them are
24	MR. MILAZZO:	24	administrative. We have 17 that do
25	I'd like to say that's good news.	25	prevention, LUST Prevention, the CEI, the

Page 39 Page 37 inspections and stuff. And then we have 18 course, the last thing you do is give it an employees that actually oversee corrective NFA. 2 2 action portion of what we do. Okay. So we kinda went over all the -3 3 This is our staffing matrix, to kinda - the whats and whys, but this is actually 4 give you an idea. We're in every regional our UST universe. We have 10,600 -- when I 5 did the report the other day, we have about office. We have 11 employees here at 6 headquarters. We have seven that are in the 10,600 sites -- active tanks, I mean, at 7 capital regional office, which is located in 4.000 facilities across the state. Last Baton Rouge. The southwest regional office, year, we had 655 incidences that we are three. Layette, five. Southeast is New dealing with. We have actually 458 of those 10 10 Orleans, that's six. Bayou Lafourche is 11 sites are in corrective action. And then we 11 one. Northeast regional office, three. have 164 certified workers that we oversee. 12 12 Northwest, three. And Kisatchie is two. 13 13 So --So we're -- we are spread out all MR. MILAZZO: 14 14 across the state. That's in an effort to be 15 Do you know -- could -- could you go closer to the sites to provide service to back one slide? 16 16 our regulated customers. MR. FULTON: 17 17 Now, this is what each of those Yes. 18 18 functional areas do. For administrative 19 19 MR. MILAZZO: sections, we handle all UST reporting, UST Do you know --20 20 registration. The -- the administrative MR. FULTON: 21 21 section handles all the CEI processing that Yes. 22 we get from the contractors. Even though 23 23 MR. MILAZZO: the contractor does about half of our -- I'm sure you do --24 24 inspections, all that paperwork, MR. FULTON: 25 25 Page 40 Page 38 unfortunately, that still has to be 1 Yes. processed here at headquarters. We also do MR. MILAZZO: 2 the Energy Act for compliance for the Energy -- of those 10,666 registered tanks, 3 Act. We also have our certified worker do ya'll see those in years, the program, all our UST regulations revisions, installation dates? along with all our data management and SOPs. MR. FULTON: 6 7 So that's kinda what the administrative 7 Yes. We do have the installation section does. dates on all of them. 8 8 9 Of course, the LUST prevention. MR. MILAZZO: 9 That's all CEIs. We do monitoring of At some future meeting --10 10 installations, repairs and testing 11 11 MR. FULTON: assistance, although we don't go to every Yes. 12 12 one of those, we try our best to. We also 13 13 MR. MILAZZO: 14 respond to all the UST related incidents and 14 -- would that be easy to get? Would complaints. And then they also do causes of 15 you mind? 15 release determinations. MR. FULTON: 16 16 Our LUST corrective action, they Yes, I'll be glad to do that. I sure 17 17 18 oversee any incident that has a confirmed would. 18 release to the environment. So any time We -- we have run that in the past. I 19 19 20 there's a release, they will start 20 don't know -- I know I've run it in the past corrective action. All those employees iust to kinda see how old the tanks were. 21 21 MR. MILAZZO: 22 review work plans, work reports, 22 investigation reports. We all -- we direct Yes. 23 23 and oversee all groundwater assessment 24 24 MR. FULTON:

remediation activities. And then, of

25

But we do have that information. And

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7

I can certainly give that to you. 1 2

So basically what this -- these

- numbers you're seeing right here is what we 3
- did essentially last year. And it's kinda,
- you know, on the average of what we do from 5
- year to year. So, of course, we do about --6
- about 1,500 CEI's a year. We -- we receive 7
- and process about 116 closures while 78 of 8
- them, we try to -- we did go inspect. 9
- Because we can't -- the, you know, with the 10
- number of staff that we have, we can't go 11
- and do everything. But a lot of the times, 12
- if we know we need to be at this site or 13
- that site, we will go out. 14

51 processed and received for us -received and processed 51 installation

repairs. We inspected 27 of those. Like I 17

- said, we have currently -- last year, we had 18
- 443 incidents. 162 of those were confirmed 19
- releases and then 57 of the incidences, we 20
- went out and inspected at the time of the 21
- release. 22

15

16

Enforcement letters. We sent out 118 23

- 24 of those, 223 of them NOD letters, 184
- deficiency clear. You know, I can just keep

- them NFA'd, get them out of the system.
- That's one of our goals. And then also, we 2
- have to -- for the percent of soil and 3
- groundwater investigation, work plans
- reviewed and corrective action work plans 5
- reviewed, we need to be 95 percent of those 6
 - completed within the -- the quarter.

8 So when we -- every time you send

- something to us, everything gets a 60 day 9
- due date, and we get it out of the door 10
- generally in -- in 30 days. So anything 11
- that needs a response from us, it goes out -12
- we try to get it out within no more than 13
- 60, but it's usually 30 days you get a 14
- 15 response from us. So we track anything and
- everything that comes into the department. 16
- That's how I can get you those numbers. 17
- From EPA perspective for the LUST 18
- prevention grant, this one is a -- this one 19
- is a new -- is this -- was this on there 20
- last year? 21
- MR. BROUSSARD: 22
- 23 No.
- 24 MR. FULTON:
- This is a new one? 25

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5

14

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- on going down the list. But, 318 corrected
- deficiencies. 85 notice of potential 2
- delivery violations. And then seven -- we 3
- did seven red tags last year. We had 458 4
- circuit rider reviews. 195 enforcement 5
- referrals. We had -- from the reissuing 6
- aspect, we had 80 -- about 100 remediation 7
- inspects. 93 inspection reports reviewed 8
- and approved. I mean, I can go -- keep on 9
- 10 going down this list, but it's -- those are
- the things that we do. And it's -- that's --11
- 12 - those are pretty average numbers for what
- we -- we get done in the division. 13

You're probably wondering, okay, we do all that stuff, so how do we evaluate our

- 15 performance. And this is how we do it. We 16
- have -- we have legislative performance 17
- indicators and we also have EPA performance 18
- indicators. Every year, EPA comes in here 19
- and evaluates us. We sit down with them and
- discuss what happened during the year. And 21 these are them right here. 22
- 23 For the legislative numbers, we have to evaluate and close as many sites as we 24
- can. We need to get them off the list, get

- MR. BROUSSARD:
- It's been there every year. 2
- 3 MR. FULTON:
- Oh, has it? Okay. 4
 - Basically, we have to get the
- facilities in significant operational 6
- compliance and we have to do that by half a 7
- percent each year. So the fewer incidents
- you have, the fewer leaks you have, the less 9
- money you're going to spend when it's time 10
- for corrective action. So they're trying to 11
- -- okay, get those facilities in operation, 12
- get them in compliance, fewer leaks, fewer -13
 - less money to spend down the road.

For -- for the LUST corrective action 15

- grant, we need -- we have to reduce the 16
- number of confirmed releases by five percent 17
- than the previous years target. That's 18
- difficult sometimes. But we do try to do 19
- 20 that.
- We also -- percent of confirmed 21
- releases waiting cleanup, that's the number 22 23 of sites that we have. Until they get their
- NFA letter, we try -- we're trying to reduce 24
- that number. And then, of course, the 25

14

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1	number of LUST cleanups completed to meet	1	we wanted to make it an official agenda item
2	the risk facts based standard, that's our	2	and have the conversation today about the
3	NFA letter.	3	change that we're gonna need to make in the
4	So any questions?	4	obligation calculation.
5	MR. BURNHAM:	5	So in our statute, which is the second
6	Gary, how much money is represented by	6	pages two and three, under tab seven, has the statute, R.S. 30:2195. If you go to
7	the LUST corrective action, each branch of it?	7	paragraph F, which is the very bottom of
8	MR. FULTON:	8	page one, you'll see that statute which was
9		9	added by the legislature I have the acts
10	Right there. That's this is our	10	with me, so I can tell ya'll the year, if
11	funding. The LUST prevention grant has gone down significantly over the last two years.	11	you need to know but where all interest
12	· · · · · · · · · · · · · · · · · · ·	12	monies earned by the fund and all monies
13	The LUST corrective action grant, that's fluctuated. I think we get a little more	13 14	received for cost recovery efforts are used
1	money this year. I do know that with	15	for the closure of abandon motor fuel tanks,
15 16	regards to USTs, EPA likes to get their	16	assessment and remediation of contaminated
17	funding out early, so we're actually	17	property and then the loans authorized by
18	processing our grant commitments back in	18	the program, which we amended into the law
19	June. And it comes out September 30th. So	19	recently.
20	regarding the the corrective action	20	So that money is earmarked, that
21	grant, we we did get a little bit more	21	interest money that I mentioned in my
22	money, but both of those numbers are reduced	22	presentation where we had, you know, a
23	from several years ago.	23	quarter of a million that we earned this
24	And that's I think that's it. Yes,	24	year. We're sitting at 11.8 million dollars
25	that's all I've got. Does anybody have any	25	of interest as of the end of the third
	mate and the good stop stop mare any		01 M101 00
	Page 46		Page 48
١,	questions? I'll be glad to answer any	1	quarter. And as you'll see by the statute,
1 2	anything, everything you've got.	2	that money is reserved for those abandoned
3	MR. MILAZZO:	3	sites. Where the other money, the
4	Gary, I'd like to say thanks for	4	principal, is reserved for the — the
5	putting that together.	5	regular sites that go through the
6	MR. FULTON:	6	reimbursement process.
7	Yes.	7	So our proposal, as you'll see here on
8	MR. MILAZZO:	8	the first page, under tab seven, is that we
9	It's really helpful for us to try to	9	those interest monies should not be
10	better understand the whole process.	10	included in the obligation calculation and
11	MR. FULTON:	11	when we calculate the unobligated balance.
12	Yes.	12	Because truly, that interest money is not
13	MR. MILAZZO:	13	available for the regular site work. It
14	Any comments or questions?	14	should not have been included really ever.
15	(No response.)	15	I think it was always such a small number, I
16	MR. MILAZZO:	16	guess, for so long, but it's really
17	Okay. Thank you, Gary.	17	snowballed now that the fund has gotten
18	I'd like to give it back to Theresa.	18	larger and interest rates are better. And
19	MS. DELAFOSSE:	19	we know that that money has to be used for
20	Next on our long other business list.	20	the sites, and we have plenty of site work
21	So if you'll flip to tab seven, I have some	21	to do. So what you should see going forward
22	more financial documents for you today.	22	and we wanted to just make sure everybody
	And this same to say attention faint.		is arrown of this and and lat wall ask

24

25

And this came to our attention fairly

recently and we -- I think we mentioned it

to the board maybe at the last meeting, but

23 is aware of this and -- and let ya'll ask

any questions you may have. But you see the

presentation on the right, on the first page

MO	TOR FUELS UNDERGROUND STORAGE TANK	TRUST	November 1	6, 2017
	Page	49	P	Page 51
1	under tab seven does not include that 11.8	1	recently. But yes, that's all	
2	million dollars in the cash basis fund	2	MR. ST. ROMAIN:	
3	balance, because it truly is a separate fund	3	It has been spent before on	
4	balance that has to be accounted for	4	MS. DELAFOSSE:	
5	separately. So that takes that makes a	5	Yes.	
6	pretty significant change in the unobligated	6	MR. ST. ROMAIN:	
7	balance and takes it from 23 million down to	7	cleaning of abandon tanks.	
8	just under 12 million.	8	MS. DELAFOSSE:	
9	So that's my explanation of the why	9	It has.	
10	and and the change that we are proposing	10	MR. ST. ROMAIN:	
11	because of that. And I'm not but if	11	It just involves	
12	anybody has any questions, feel free.	12	MS. DELAFOSSE:	
13	MR. MILAZZO:	13	Right.	
14	So the obligations, as we know it, for	14	MR. MILAZZO:	
15	the cost side of abandoned tanks, it's is	15	So you can follow the letter, the	-
16	it in the general population of that	16	statute as written. So are we going to	
17	information that we see?	17	hear, perhaps some presentation a change to	
18	MS. DELAFOSSE:	18	that? Is that what I heard you say? Or, is	
19	It is not.	19	that gonna stay the same?	
20	MR. MILAZZO:	20	MS. DELAFOSSE:	
21	So it's separated?	21	No. I don't think we need to change	
22	MS. DELAFOSSE:	22	anything with the law.	
23	It's separated, yes.	23	MR. MILAZZO:	
24	MR. MILAZZO:	24	Okay.	
25	Okay.	25	MS. DELAFOSSE:	
	Page	50	P	age 52
1	MS. DELAFOSSE:	1	I just think that the obligation	
2	And we believe because they're they	2	calculation we basically had you know,	
3	really should be tracked completely	3	we have A minus B equals C.	
4	separately, because like Gary mentioned, we	4	MR. MILAZZO:	
5	have we have three contracts now in	5	Okay.	
6	different regions that are going to do the	6	MS. DELAFOSSE:	
7	site investigation and those cost all should	7	We had the wrong number for A. We had	i
8	be charged to interest money, where the	8	too much money represented in A. Where we	
9	regular site work with the RAC	9	should've only included the principal that	
10	reimbursements are charged to the the	10	was available for the obligation on the	
11	principal and the main fund balance. So the	11	regular sites, we included the principal and	
12	really need to be tracked completely	12	interest. And really that that top line	
13	separately. So yes, so it is not part of	13	should've been the 95 million, not 107	
14	the cost estimates. So the cost like we	14	million, as you'll see these two different	
15	have here, the 83 million, that liability on	15	bottom right numbers.	
16	the current sites, that only includes the	16	MR. MILAZZO:	
17	trust fund sites, eligible sites, where the	17	And we'll see it that way going	
18	owner is present and and they've selected	18	forward?	
19	a RAC and they're	19	MS. DELAFOSSE:	
20	MR. ST. ROMAIN:	20	Yes.	
21	So that 11.5 million of interest, is	21	MR. MILAZZO:	
22	that since the inception of the fund?	22	Okay.	
23	MS. DELAFOSSÉ:	23	MR. ST. ROMAIN:	
24	That's since the inception well,	24	So this change in accounting,	
25	we've spent some. We haven't spent any	25	shouldn't prolong the need to change the .8	

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1	or .008		1	And I think that he didn't leave	
2	MS. DELAFOSSE:		2	enough information for us to do that. So	
3	Conceivably, yes. But, you know, as		3	MS. CARTER:	
4	we're gonna discuss with the with the		4	I think it's best to defer this to	
5	legislation on Jill's next other business, I		5	when Perry is here. I I'm not sure what	
6	do think we still should move forward with		6	he had	
7	that up to .008, because we'll still have to		7	MS. DELAFOSSE:	
8	do that annual calculation and have the		8	I don't know that we do we think we	
9	board make a recommendation. But as the		9	can defer that, Karyn? Or, do we need to	
10	universe continues to change, we'll you		10	have the board vote on that legislation at	
11	know, we'll have to revisit that each year,		11	this time?	
12	which is what we what we proposed. But,		12	MS. CARTER:	
13	you know, 11 million is still a surplus and		13	I was not privy to any of the meetings	
14	it's still I still anticipate that our		14	that ya'll had on these	
15	recommendation or, our calculations and		15	MS. ANDREWS:	
16	then the board's recommendation, based on		16	Are we meeting before are we	
17	those calculations, I do think would be less		17	meeting in January?	
18	than .008, even at the first year after		18	MR. BAKER:	
19	because of our the position that we're in		19	February.	
20	right now.		20	MS. DELAFOSSE:	
21	MR. ST. ROMAIN:		21	February.	
22	Even with the reduction?		22	MS. ANDREWS:	
23	MS. DELAFOSSE:		23	Because we have to submit	
24	I believe so, yes. It might not be as		24	MS. CARTER:	ļ
25	significant as we once thought, but I do		25	I know ya'll have to draft up some	
		Page 54			Page 56
1	think I do think we're still collecting		1	legislation, but	
2	more than we need to at this time. So -		2	MS. ANDREWS:	
3	MR. MILAZZO:		3	And for the record, this is Karyn	
4	Any other questions or comments for		4	Andrews, Undersecretary of DEQ, for the	
5	Theresa?		5	record. I believe that the agency with	
6	(No response.)		6	recommendation from the board, that	
7	MR. MILAZZO:		7	legislation needs to be submitted probably	
8	Theresa, thank you.		8	prior to the next meeting. We may be able	İ
9	MS. DELAFOSSE:		9	to call an emergency meeting. I don't know	ļ
10	Sure.		10	if that would be possible.	Ì
11	MR. MILAZZO:		11	MR. PERRY:	
12	Okay. Continuing with other business.		12	Hey. This is Todd Perry with PPM	
145	•		1		
13	The presentation and discussion of		13	consultants. I might can help.	
14	The presentation and discussion of shareholder group's recommendations for		14	MS. ANDREWS:	!
14 15	The presentation and discussion of shareholder group's recommendations for proposed changes. I think we'll go back to		14 15	MS. ANDREWS: Okay.	!
14 15 16	The presentation and discussion of shareholder group's recommendations for proposed changes. I think we'll go back to you Jill.		14 15 16	MS. ANDREWS: Okay. MR. PERRY:	
14 15 16 17	The presentation and discussion of shareholder group's recommendations for proposed changes. I think we'll go back to you Jill. MS. CARTER:		14 15 16 17	MS. ANDREWS: Okay. MR. PERRY: At a workgroup back in October, we	<u>.</u>
14 15 16 17 18	The presentation and discussion of shareholder group's recommendations for proposed changes. I think we'll go back to you Jill. MS. CARTER: Well, I'd like to apologize on this		14 15 16 17 18	MS. ANDREWS: Okay. MR. PERRY: At a workgroup back in October, we were provided that mock legislation to talk	!
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14 15 16 17 18 19 20 21 22 23	The presentation and discussion of shareholder group's recommendations for proposed changes. I think we'll go back to you Jill. MS. CARTER: Well, I'd like to apologize on this one. I was not left any presentation. MR. FULTON: Perry had to unexpectedly leave, as we know. MS. CARTER:		14 15 16 17 18 19 20 21 22 23	MS. ANDREWS: Okay. MR. PERRY: At a workgroup back in October, we were provided that mock legislation to talk about. And it's legislation to allow the group to make a recommendation to the Secretary to take the fee from eight hundreds of a cent and adjust it to a number that would more accurately fit through the	

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1	in Frank's workgroup and and I hate	1	Right. So our proposal is that
2	Natalie is not here, John, but you've got to	2	annually, either at the February or the May,
3	trust me on this one. In essence, we were -	3	but probably the February would be
4	- there might be a couple very small amount	4	preferable, at the February board meeting
5	of tweaks we might want to discuss, but	5	so this would begin in February of 2019. So
6	nothing substantial at this point. We were	6	at the second quarter of the trust fund year
7	the group would recommend to accept that.	7	board meeting, financial services, so myself
8	So if you guys want to move forward with	8	or somebody on my staff would present
9	that, to move forward to be part of	9	several scenarios. And we can prevent
10	legislation, I think we're okay.	10	let's say, if we reduce it .005 for this
11	MS. DELAFOSSE:	11	next fiscal year, this is our projection of
12	Yes. And and what we could do is	12	what the fund will look like at the end of
13	have the board vote on the general premise	13	that fiscal year, if we keep it at that
14	today and the legislation, you know, it's	14	level. And then we could you know, we
15	it's been drafted by Perry. And, as Karyn	15	could entertain three different levels, if
16	said, with with the board meeting not	16	we want to, for example. And we could say
17	being until February, it would be best if we	17	five, six and seven, or four, six and eight.
18	voted today. But once we workout those	18	Whatever we want to do. And have the board
19	other little tweaks, we can always amend	19	review those. And then based on that
20	those into the legislation, you know, at any	20	information and and what the board's
21	time during the session, or even in advance	21	consensus is, they can say, "okay, we want
22	of the session. So I think I think it's	22	to recommend six." And then we'll take that
23	in our best interest to go ahead and vote on	23	recommendation to the Secretary. And the
24	that.	24	Secretary can adjust that, effective July 1
25	MR. PERRY:	25	of the following fiscal year.
			, ,
	Page 58		Page 60
1	And we we've looked at it. Nick, I	1	MR. MILAZZO:
2	know that that Kerry and yourself and,	2	So any action taken now, any
3	Johnny, did you see that legislation? You	3	consideration, would would be considered
4	saw the legislation, didn't you?	4	in February for the next fiscal year, right?
5	MR. MILAZZO:	5	MS. DELAFOSSE:
6	Yes. But I you know, I'd have to	6	Exactly.
7	refresh myself. So, you know, maybe this	7	MR. MILAZZO:
8	could be maybe if we carefully craft a	8	And you're saying that the earliest
9	a motion here to that. And so what we're	9	that could occur could that occur in
10	saying, any consideration would be a	10	fiscal year '19 or or
11	reduction to the fee, as we know it today?	11	MS. DELAFOSSE:
12	MR. ST. ROMAIN:	12	It would have to be
13	The .008 would be a cap.	13	MR. MILAZZO:
14	MR. MILAZZO:	14	'18?
15	Yes. So	15	MS. ANDREWS:
16	MR. ST. ROMAIN:	16	It would have to be fiscal year
17	And the board would recommend yearly -	17	MS. DELAFOSSE:
18	-	18	Fiscal year
19	MR. PERRY:	19	MS. ANDREWS:
20	Annually.	20	'20.
21	MS. DELAFOSSE:	21	MR. PERRY:
22	Right. So what we would do	22	It it'd be it'd be so if I
23	MR. ST. ROMAIN:		understand, '19 would be the first time the
24	to to adjust the rate annually.	23	board would look at that and make a
25	MS. DELAFOSSE:	25	recommendation to the Secretary
	DEDITI GOOD.	25	recommendation to the secretary

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1	MR. MILAZZO:	1	the DEQ at that point in time. So this
2	Okay.	2	isn't a final kind of thing. It's just
3	MR. PERRY:	3	allowing DEQ to kind of move forward
4	and then it would be effective and	4	together.
5	possibly changed July 1, 2019.	5	MS. DELAFOSSE:
6	MS. DELAFOSSE:	6	Yes. And with any legislative
7	Right.	7	changes, we really do want to vet them with
8	MR. MILAZZO:	8	the board and have these discussions ahead
9	Okay.	9	of time and you know, before we get a
10	MS. DELAFOSSE:	10	bill filed and and it comes to board
11	So while the while the change with	11	members attention without having had this
12	the interest that we you know, we were	12	discussion, we don't we don't we'd
13	including that and believe we shouldn't have	13	like to prevent that. So that that's the
14	been, is gonna, quote/unquote, buy some	14	thought process.
15	time, it's still I mean, I believe the	15	MR. MILAZZO:
16	action does need to be taken at this point	16	Okay. Well, as kinda a fill-in chair,
17	in time.	17	and not having something more tangible that
18	MS. ANDREWS:	18	we're looking at that we can take action on,
19	And I would like to	19	it it would be my recommendation as chair
20	MR. ST. ROMAIN:	20	to to entertain a motion that can kinda
21	Because if we do nothing, we're going	21	set the stage for that. When we see that
22	to hit a point where it's got to cut off,	22	and and then just kinda preauthorize that
23	right	23	through a motion if so does that, Jill,
24	MS. DELAFOSSE:	24	sound accommodating?
25	Right.	25	MS. CARTER:
\vdash	Page 6	2	Page 64
1	MR. ST. ROMAIN:	1	Yes.
2	and goes to zero?	2	MR. MILAZZO:
3	MS. ANDREWS:	3	Okay. So based on what I just heard,
4	I would like to stress that part of	4	I I'd ask for a motion to carefully
5	the this legislation at no point is	5	identify that so we can consider a vote.
6	right now, we're at .008. If we do nothing,	6	I'd like to ask for a motion?
7	it will remain at .008. And all that would	7	MS. DELAFOSSE:
8	happen is the fund balance would continue to	8	Ask for a motion.
9	grow. We're entertaining this as a way to	9	MR. MILAZZO:
10	address that fund balance. So that the	10	I ask for that motion. So
11	distributors don't have to keep doing them	11	MR. ST. ROMAIN:
12	on/off every other year. We believe this	12	I second.
13	is, you know, an easier method for	13	MR. MILAZZO:
14	everybody, for us and for the regulated	14	Okay. So could I could I hear the
15	community to be able to handle this. And I	15	motion?
16	I believe that the that the	16	MS. DELAFOSSE:
17	subcommittee was very supportive of the	17	Yes. Somebody needs to state the
18	idea.	18	motion.
19	MR. PERRY:	19	MR. MILAZZO:
20	And, John, one other thing just to	20	Can I hear the motion? So listen,
21	ease so you'll kind of know, this	21	let's let's just kinda repeat again,
22	legislation that the DEQ would take forward,	22	okay.
1	:414	23	I really would like to take action. I
23	it would not only go to the House and the	~~	· · · · · · · · · · · · · · · · · · ·
23	Senate side first, but it's legislation that	24	I think what I've heard Kerry, do you
1			· · · · · · · · · · · · · · · · · · ·

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	Page 6	5	Page 67
1	MR. HILL:	1	MR. MILAZZO:
2		2	So so let me let me say this.
3		3	Maybe a little bit different twist here. So
4	01 11	4	here's a thought and and and that is
5		5	that we consider authorizing the Secretary
6	here is to grant this body, on an annual	6	and the DEQ to go before the legislature to
7	basis, the opportunity to review both	7	consider legislation to allow this body to
8	currently and forecast and make	8	give future consideration for the reduction
وا	recommendations to the Secretary as what	9	of the fees as we know them today. Can I
10	future what that future fee structure	10	hear a motion to accept that?
11	would look like. Is that kinda	111	MR. BURNHAM:
12	MS. ANDREWS:	12	Motion to accept.
13	Well, I think I think what we're	13	MR. MILAZZO:
14	asking is for the board to make a motion to	14	Is there a second?
15	support the to support DEQ's presentation	15	MR. ST. ROMAIN:
16	of legislation to	16	I'll second.
17	MS. DELAFOSSE:	17	MR. MILAZZO:
18	Relevant to the bulk distribution fee	18	All in favor?
19	structure.	19	(All indicated "aye".)
20	MR. MILAZZO:	20	MR. MILAZZO:
21	So so we're asking authorizing	21	Any opposed?
22	them to to go before the legislature to	22	(No response.)
23	give us the opportunity to do this? So with	23	MR. MILAZZO:
24	a little more clarity, do do I have a	24	Motion approved.
25	motion?	25	MS. ANDREWS:
-	Page 66		Page 68
1	MR. HILL:		_
2	I make	1	And then and before we move on from
3	MR. BURNHAM:	2	this topic, I would like to let the board
4	Do we have to restate it?	4	know here that, as we are crafting this legislation, we will ensure that all of you
-	MR. HILL:	-	are informed of it through the process. And
6	the motion.	6	if after it's even presented to this
7	MR. MILAZZO:	7	legislature, we will work with this board to
8	Go ahead, Kerry.	8	make sure that any amendments are
وا	MR. HILL:	9	incorporated that are recommended. I would
10	I make a motion that we make that	10	just like to put that on the record.
11	MR. MILAZZO:	11	MR. MILAZZO:
12	Go ahead. Recommendation	12	Thank you.
13	MS. DELAFOSSE:	13	MS. DELAFOSSE:
14	Or, approval.	14	And do we need to discuss Perry's
15	MR. HILL:	15	other proposed legislation with regard to
16	I make a motion we make a	16	the abandon
17	recommendation for the for the board to	17	MR. FULTON:
18	go to the to ask the DEQ to go to the	18	I would I would wait.
19	legislative process to review. If I'm	19	MS. DELAFOSSE:
20	wording this properly. I can't I can't	20	Okay.
21	hear real good.	21	MR. BAKER:
22	MR. MILAZZO:	22	What I would say is that we do have
23	Okay.	23	another motion. We discussed that in our
24	MS. DELAFOSSE:	24	stakeholder meeting. And the purpose of
25	It sounds great.	25	that addition would be to simulate what

Page 69 Natalie and other representatives of LOMA to we're doing with the hazardous waste trust 1 kinda work through some of these, to make fund to give us a little more leeway in 2 sure we kinda alleviated some of the doing these contracts with the active 3 conflicts and we all agreed to move the abandoned sites for doing the assessment. 4 meeting up a week to May 10th. We're still fleshing that out. I think what 5 We just want to present these as the we would do is, we'd do similar to what 6 proposed dates and let the board determine Karyn said, we will make sure the board is 7 how they want to move forward with it. made aware of any proposals well in advance 8 8 MS. DELAFOSSE: where they would have the ability to make 9 9 And the February 22nd date is the week 10 10 any changes. after Mardi Gras, if that's relevant to 11 MR. MILAZZO: 11 anybody's schedule. And then, like Jeff 12 So is that something we need to 12 said, with the May meeting, you know, the consider action on today? 13 13 regular date would be the 17th to make sure 14 MS. CARTER: 14 we have amiable time to prepare, but we --I think that probably still needs to 15 15 instead of pushing it back a week to May be discussed. 16 16 24th, you get closer -- even closer to the 17 MR. MILAZZO: 17 end of session and I know that can 18 Okay. 18 complicate people's schedules, so we -- I --MR. BAKER: 19 19 I proposed that we push it up a week so that There -- there are still -- there's 20 20 gives us a little more flexibility in, you still a number of discussions that would 21 21 know, how many times we have to push it have to be done. We just wanted to make --22 22 back. Because we ended up with two meetings in the stakeholder meeting, we wanted to 23 23 pretty close to each other this year. Which 24 make ya'll aware of this, so ya'll would be 24 is okay. But I know we -- we like to spread a part of the process from the very 25 Page 72 Page 70 out visits so we don't get too tired of beginning. each. So --MR. MILAZZO: 2 2 MR. MILAZZO: 3 I think from our standpoint, we 3 Does anybody have any conflicts that appreciate really the position we find 4 4 you know, or the dates as proposed, at least ourselves today in, and it's kinda working 5 5 at this point in time, appear to be okay? hand in hand, and -- and really, the 6 6 (No response.) strength of the relationship that we all 7 MR. MILAZZO: have some ownership in this. So I say to 8 8 Any comments from those on the phone? 9 you, thank you. 9 (No response.) 10 Any other questions for Jill? 10 MR. MILAZZO: (No response.) 11 11 Okay. Thank you, Jeff. 12 MR. MILAZZO: 12 MS. DELAFOSSE: 13 Okay. Jeff, I think item D is 13 I have one more comment relative to tentative dates for next year. 14 14 the board meetings. I believe Roger, who's 15 MR. BAKER: 15 on the phone this week, mentioned to me how Mine's easy. As ya'll can see on your 16 16 great it would be if we had a meeting not in agenda, we do have the proposed dates for 17 17 Baton Rouge at some point in time. So I've the meeting -- the board meetings for next 18 18 discussed that with Karyn and she was year. We've got February 22nd, May 10th, 19 amenable to that suggestion. So I know --August 16th and November 15th, 2018. We did 20 20 I don't know that we'll do, you know, more adjust the May meeting because a number of 21 21 than one meeting elsewhere but I wanted to the LOMA members have their national meeting 22 22 put that on the table as a possibility for 23 when we normally have this one -- had had 23 next year. Durwood, up there in this meeting, and there have been some 24 Ruston/Monroe, is scouting out some conflicts. So we decided -- we got with

Page 73 Page 75 1 locations for us to see what -- what may be available there as well. 1 available in his neck of the woods, just to 2 MS. DELAFOSSE: 2 3 give some people a break on driving and then 3 Okay. So we'll have some ---- and then let some of us hit the road and 4 MR. FRANKLIN: 4 see a different part of the state. So I 5 5 I have not heard back from them, but wanted to mention that as well and see if 6 6 that might be a possibility to meet at a anybody had any thoughts, comments, central location in Alexandria. 7 7 8 concerns. MS. DELAFOSSE: 8 MR. MILAZZO: Okay. Thank you for that. That would 9 9 So there's an annual event in Monroe, 10 be good. 10 MR. MILAZZO: right, Todd? 11 11 12 MR. PERRY: So are there any other comments, any 12 There is. 13 other business? 13 MR. MILAZZO: MS. ANDREWS: 14 14 So it could be an opportunity perhaps 15 15 Yes. This is Karyn Andrews. I do August/September, I'm not sure, so if we can 16 16 have some other business that I wanted to just have some consideration --17 bring to everyone's attention. So in 2017, 17 MS. DELAFOSSE: Act 330 -- 355 was passed by the 18 18 Absolutely. legislature to do a study of statutory 19 19 MR. MILAZZO: dedicated funds. And the motor fuel 20 20 21 -- you can have a number of members underground storage tank trust fund was 21 22 already there. lucky enough to get pulled for that review. 22 MS. DELAFOSSE: 23 So I just wanted to let everyone be made 23 That'd be great. aware that we are scheduled to testify 24 24 MR. PERRY: tomorrow as to this fund. It's not time for 25 Page 74 Page 76 And on that note, Johnny, we're doing public testimony yet. I will be there. I'm 1 something different this year. I believe 2 not sure if Dr. Brown is going make it. But that LOMA's ask for it to be the second week I have a one-pager about the fund, what we 3 3 of November, which might tie close to that do with it and it's -- I'll clearly be in --4 4 November date --5 working in support of keeping it a dedicated 5 MR. MILAZZO: fund. I believe that we will -- I hope to 6 6 7 Okay. 7 -- that we will be able to continue with 8 MR. PERRY: that work on the legislature. 8 -- where that might be. 9 9 When it does come time for public MS. DELAFOSSE: testimony, anyone from this board will be 10 10 So that could work. more than welcome to testify to this fund. 11 11 MR. PERRY: What will occur tomorrow is, we will go 12 12 Right. 13 13 before this subcommittee, tell them about MR. MILAZZO: our program, tell them about the fund, where 14 14 15 That would be something to really the monies are derived from, how they're 15 consider. 16 used. And they will make a vote if they are 16 MS. DELAFOSSE: 17 17 going to recommend it remain a statutory 18 Yes. That'd be great. dedicated fund or if we -- it become a fee 18 MR. FRANKLIN: and self-generated fund, which then you've 19 19 20 Theresa, this is Durwood. got other -- I -- I don't know exactly what 20 MS. DELAFOSSE: will happen at that point. 21 21 Hey, Durwood. That -- although the committee members 22 22 MR. FRANKLIN: will be voting, the report won't be final 23 23 I also have reached out to LSU until they get to the very end, after public 24 24

25

Alexandria to see if they have an facilities

25

comments. And they can change their mind at

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		Page 77	_	Page 79
1	that point. So tomorrow, you're more than		1	All in favor?
2	welcome to attend. We'll be at the Capitol,		2	(All indicated "aye".)
3	following joint legislative committees		3	MR. MILAZZO:
4	meeting. There are a lot of agencies on the		4	Thank you guys.
5	list. This is my third scheduled visit to		5	THE MEETING ADJOURNED AT 2:14 P.M.
6	the Capitol on this on this subject. And		6	* * * *
7	I am the fourth agency that is up. So I		7	
8	don't know that I'll be talking tomorrow		8	
9	about this fund yet.		9	
10	But I did want to let everyone know		10	
11	about that. And I'll I can update you at		11	•
12	our next meeting, what occurs, if you're not		12	
13	able to listen to us tomorrow. You can log		13	
14	into the legislature's web page and listen		14	
L5	on there if you want, or again, you're more		15	
16	than welcome to come over.		16	
L 7	MS. DELAFOSSE:		17	
L /	Or or you can check in next week		18	
LO L9	for an update too.		19	
20	MS. ANDREWS:		20	
21	Or check in with us		21	
22	MS. DELAFOSSE:		22	
23	We'll let you know how it went		23	
24	MS. ANDREWS:		24	
25	Right.		25	
	Tubii.			
		Page 78		Page 80
1	MS. DELAFOSSE:		1	REPORTER'S PAGE
2	if you don't want to watch it.		2	I, Lori B. Overland, Certified Court
3	MR. MILAZZO:		3	Reporter, in and for the State of Louisiana, the
4	And I think what we'll do is ask			officer, as defined in Rule 28 of the Federal
5	Natalie maybe to communicate that with you	1	1	Rules of Civil Procedure and/or Article 1434(b)
6	and then throughout our membership. And			of the Louisiana code of Civil Procedure, before
7	and, Karyn, thanks for sharing that with us.			whom this sworn testimony was taken, do hereby
8	When you get to public testimony, I'm			state on the Record
9	certain that we we could have members of	c	9	That due to the interaction in the
10	the association stand by you and we all	-	-	spontaneous discourse of this proceeding, dashes
11	know it's in our best interest. So thank			() have been used to indicate pauses, changes
12	thanks for sharing.			in thought, and/or talk overs; that same is the
13	MS. ANDREWS:			proper method for a Court Reporters's
14	Absolutely. Thank you.			transcription of proceeding, and that the dashes
15	MR. MILAZZO:			() do not indicated that words or phrases have
16	Is there any other business?			been left out of this transcript;
17	(No response.)		17	That any words and/or names which could not
18	MR. MILAZZO:			be verified through reference material have been
19	I'd like to ask for a motion that we			denoted with the phrase "(inaudible)."
20	close the meeting.		20	Tarran Communication
21	MR. BURNHAM:		21	Lori Overland, C.C.R.
22	Motion to close the meeting.		22	# 97083
23	MR. ST. ROMAIN:		23	" 77005
24	Second.		24	
25	MR. MILAZZO:		25	
دے	TALL PART RELECT		23	

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

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0	20;33:23;34:1;36:10; 37:3;38:17,21;39:11;	71:4 ahead (5)	applying (2) 32:5;33:2	authorizing (2) 65:21;67:5
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33:18	actively (1)	alleviated (1)	approved (3)	14;41:5;42:12
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27:16	acts (1)	allowing (1)		
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26:22	actual (1)	alone (1)	21:8	7:8;67:19;79:2
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26:5	actually (10)	along (3)	17:6;36:11;37:19	В
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26:20	addition (2)	amend (1)	aspect (1)	4:14,15;29:16,17;
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22:8	additional (2)	amended (1)	assessed (2)	70:15
	10:7;15:1	47:18	26:3,20	balance (10)
A	address (6)	amendments (1)	assessment (6)	7:20;8:9;33:7;48:11;
2.8	23:20;24:10,13,13,	68:8	16:19;26:13;29:2;	49:3,4,7;50:11;62:8,10
A (1)	15;62:10	amiable (1)	38:24;47:16;69:4	bank (1)
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able (6)	adopt (2)	ANDREWS (16)	attention (3)	7:20;49:2;65:7
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