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 1:18 p.m., on February 12, 2015.

ORIGINAL

BEFORE:

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

APPEARANCES

John Milazzo Chairman

Durwood Franklin
Jill Carter
Jeff Baker
Gary Fulton
Shawn Ivey
Steve Burnham
Frank Marcello
Kerry Hill
Karyn Andrews
Cy Morin

Melissa Vizinat Jason Efferson Rhonda Cook Linda Hicks Natalie Isaacks Ian Kelley Samuel Broussard

* * * * *

REPORTER'S CERTIFICATE

I N D E X

EXAMINATION	1:	PAGE (S):
None		
EXHIBITS:		
None		
REPORTER'S	PAGE	61
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1
          MR. MILAZZO:
                Okay. Why don't we call this meeting
 2
 3
          to order. And I am doing so in the absence
          of the past chair and hopefully, we will
          address this in just a minute. But I see
 5
 6
          Perry on the agenda, but, Jill, you'll be
 7
          here on his behalf?
          MS. CARTER:
 8
 9
                Right.
10
          MR. MILAZZO:
11
                And I assume that everybody else that
12
          is on the agenda is here to report out.
13
          that fair to say?
14
          (All indicated yes.)
          MR. MITAZZO:
15
16
                Okay. How about a roll call?
17
          MS. VIZINAT:
                Melissa Vizinat, Trust Fund.
18
          MR. MORIN:
19
20
                Cy Morin, DEQ Audit.
21
          MS. ANDREWS:
                Karyn Andrews, DEQ Financial Services
22
23
          Division.
         MR. MARCELLO:
24
25
                Frank Marcello, Louisiana Oil
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1
          Marketers Association.
 2
          MR. HILL:
 3
                Kerry Hill, Louisiana Oil Marketers
 4
          Association.
 5
          MR. MILAZZO:
 6
                Johnny Milazzo, Louisiana Oil
 7
          Marketers.
          MR. BURNHAM:
 9
                Steve Burnham, Engineering Associates.
10
          MR. IVEY:
11
                Shawn Ivey, PPM Consultants.
12
          MR. FULTON:
13
                Gary Fulton, Underground Storage Tank
14
          Remediation Division.
          MR. BAKER:
15
                Jeff Baker, DEQ Motor Fuel Trust Fund.
16
          MR. FRANKLIN:
17
18
                Durwood Franklin, DEQ Trust Fund.
19
          MS. CARTER:
20
                Jill Carter, DEQ Legal Division.
21
          MS. COOK:
22
                Rhonda Cook, PPM Consultants.
23
          MS. HICKS:
24
                Linda Hicks, PPM Consultants.
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MR. EFFERSON:

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Jason Efferson, DEQ Trust Fund.
 1
 2
          MR. BROUSSARD:
 3
                Samuel Broussard, DEQ UST.
          MS. ISAACKS:
 5
                Natalie Isaacks, Louisiana Oil
 6
          Marketers.
          MR. KELLEY:
 7
                Ian Kelly, DEQ Trust Fund.
 8
          MR. MILAZZO:
 9
10
                Okay. Thank you. Let me bring your
          attention to the minutes from our November
11
12
          meeting. I'm not sure if everyone's had an
          opportunity to take a look at that. But we
13
          can take a moment to -- for a quick review.
14
1.5
          If you have and if someone's comfortable, I
16
          ask for a motion to adopt those.
17
          MR. BURNHAM:
18
                I make a motion to adopt the minutes.
          MR. HILL:
19
                I second it.
20
21
          MR. MILAZZO:
                All in favor?
22
23
          (All indicated yes.)
24
          MR. MILAZZO:
25
                Any opposed?
```

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(No response.)
 1
 2
          MR. MILAZZO:
                Minutes are adopted.
 3
                Item three is the election of the
          chairperson for 2015. So let me open the
 5
          floor for nominations.
 6
          MR. IVEY:
                I'll nominate Johnny Milazzo.
          MR. HILL:
 9
                I second.
10
11
          MR. MILAZZO:
                All in favor.
12
          (All indicated yes.)
13
          MR. MILAZZO:
14
                Any opposed?
15
16
          (No response.)
17
          MR. MILAZZO:
18
                Natalie, I feel like there's a little
          bit of a -- I'll assure everyone here today
19
          that at the next meeting as the chairperson,
20
21
          I will absolutely be prepared. That could
          be a bit dangerous. Nevertheless, forgive
22
23
          me a little bit for today.
                I'd like to ask Karyn to present the
24
          financial services report, please.
25
```

1 MS. ANDREWS:

Sure. We're going to turn to tab At the beginning of the fiscal year, we transferred \$70,252,211 into the trust fund. As of December 31, we deposited \$11,277,269. And we've paid out reimbursements of \$3,893,513. The current liabilities on sites are \$72,830,858. leaves us a balance after obligations of \$4,805,109.

We'll go ahead and turn the page.

This is an information report for our interest revenue from the trust fund. The revenue collected inception to date stands at \$6,638,347. And the expenditures out of this revenue account is at \$1,229,930. And to date, there have been no expenditures from fiscal year 2015 for the interest money. And this money is used to pay for the abandon tanks program.

If you'll turn the page once more.

This report details how we calculate the amount transferred from our motor fuel trust fund to the environmental trust fund. It gives you some details of our revenues and

1	expenditures. This year, we're estimating
2	the fiscal year 2015 reimbursement to the
3	environmental trust fund is going to be
4	approximately \$4,844,000.
5	Does anyone have any questions?
6	MR. MILAZZO:
7	Karyn, we have a couple that are new
8	here.
9	MS. ANDREWS:
10	Sure.
11	MR. MILAZZO:
12	This is certainly their first meeting.
13	That's Mr. Kerry and Mr. Frank. So and I
14	do appreciate you kind of leading them page
15	to page. But, Frank, Kerry, in an effort to
16	try to get up to speed, if you guys have any
17	questions, feel free. There are no
18	ridiculous questions or dumb questions.
19	Because, you know, this is a little bit
20	different than we're use to looking at our
21	business. But so please, this is the
22	appropriate time.
23	MR. MARCELLO:
24	I I do have a question. And I want
25	I wanted to question the the 28.54

percent indirect cost of personnel cost. 1 2 MS. ANDREWS: Sure. 3 MR. MARCELLO: 5 Does that percentage fluctuate --MS. ANDREWS: 6 It does, it --7 MR. MARCELLO: 8 9 -- quarterly? MS. ANDREWS: 10 11 It -- no. It fluctuates on an annual 12 basis. MR. MARCELLO: 13 Annual basis. 14 MS. ANDREWS: 15 And what we do is, we have an approved 16 indirect cost proposal that we send to the 17 environmental protection agency on an annual 18 basis. And this plan is based on our direct 19 cost pool versus our indirect charges. And 20 we use half of that rate and use it on the 21 trust fund. We do not use the entire rate. 22. And so that -- that percentage changes once 23 24 a year.

MR. MARCELLO:

```
So why would the indirect -- the line
 1
 2
          item, two lines above it, be zero?
          MS. ANDREWS:
 3
                That's the -- the old method that we
 4
 5
          used --
          MR. MARCELLO:
                Got you.
 7
          MS. ANDREWS:
 8
                -- was 30 percent --
 9
          MR. MARCELLO:
10
11
                Got you.
12
          MS. ANDREWS:
                -- of collections on the revenues into
13
          the environmental trust fund. So if you
14
          follow the line all the way over to fiscal
15
          year 2011-'12, you'll notice how it was
16
          fairly low at $189,000.
17
          MR. MARCELLO:
18
19
                Correct.
          MS. ANDREWS:
20
                That is 30 percent of the $630,000
21
22
          that the fund received into the
          environmental trust fund. And so we now --
23
          we've made a change in how the department
24
          collects it's indirect costs through the
25
```

```
motor fuel trust fund. And we now use half
 1
 2
          of our approved rate of overhead and we
 3
          apply it to the direct labor charges that
 4
          work on this program.
 5
          MR. MARCELLO:
 6
                Got you.
 7
          MR. MARCELLO:
                So basically, if I'm reading
 8
          correctly, in five years, this -- this
 9
10
          particular 30 percent line item would just
11
          qo away?
12
          MS. ANDREWS:
                That would be correct. Yes.
13
14
          MR. MARCELLO:
1.5
                All right. Thank you.
16
          MR. MILAZZO:
17
                Karyn, if you look at the UST federal
18
          grant expenditures, if we go back to 2000,
          2008 period, we reached our highest point in
19
20
          2011 and '12 and -- to it's lowest point
          last year. And that number is back up, a
21
22
          million and two for the current year. What
23
          drives that?
          MS. ANDREWS:
24
```

These are -- this is salaries and

related benefit -- you're looking at the second line under the expenditures?

MR. MILAZZO:

I am, yes.

MS. ANDREWS:

5

6

7

8

9

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11

12

13

14

15

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20

21

22

23

24

25

This is the actual salaries and related benefits for department personnel costs, working on grants. Some of these years here through 2009, '10, '11, we had a lot of ERA money -- that's the American Recovery Act -- money. And so you're -- you saw them spike up a lot. Here we have a lot that we start -- that the number has spiked up again this year -- I was actually speaking to Gary about this a little while ago, because I actually, when I was looking at the numbers this morning, I also was like, "Wow, it really jumped up this year." One of the -- the reasons is we had a -- a real increase in the related benefits that the state is now paying for retirements. And so that's a little bit of -- of the -the costs. And we do have a few more underground tank employees that are working in the program. So they charge first to the

```
grant. And then when the grant runs out of
 1
 2
          money, then it becomes departmental costs.
 3
          So that's -- that's attributable to that
          increase.
 4
 5
          MR. MARCELLO:
                So the next question would be, is that
 6
          -- is that a standard year to year line item
 7
          grant, if you will, in the federal
 8
 9
          governments budget?
          MS. ANDREWS:
10
11
                Yes.
          MR. MARCELLO:
12
                To -- to the state of Louisiana?
13
          MS. ANDREWS:
14
15
                Yes. Yes, it is.
16
                That -- that grant really has stayed
          fairly stable through the years from the
17
          department -- from the environmental
18
          protection agency. And so we -- they have -
19
          - they did a reduction, I believe, through
20
          their sequestration. That was in 2012. And
21
22
          it was a eight percent reduction. And so
          you may -- you may have seen a little bit of
23
          downturn there. And -- so now, it's really
24
          gone back up. And I don't -- I -- I would
25
```

```
anticipate that we're probably back to the
 1
          level where we should have been.
 2
          MR. MILAZZO:
 3
                Any other questions for Karyn?
 4
          (No response.)
 5
          MS. ANDREWS:
 6
                And if any of the new board members
 7
          have any additional questions in the
 8
          meantime, I'll be happy to provide them with
 9
          my card. Before the next board meeting, if
10
11
          there's --
          MR. MARCELLO:
12
                I appreciate that.
13
14
          MS. ANDREWS:
                -- if there's something else that I
15
          can provide to make anything else a little
16
          bit more clear for them, I'll be happy to do
17
18
          so.
          MR. MARCELLO:
19
                And this -- what is this? Is this
20
          some kind of acronym, ORG5800?
21
22
          MS. ANDREWS:
                That -- that's like our code.
23
24
          MR. MARCELLO:
                Okay.
25
```

```
MS. ANDREWS:
 1
                It's a -- it's a code that we use in
 2
          our accounting office.
 3
          MR. MARCELLO:
 4
 5
                Got you.
          MR. MILAZZO:
 6
 7
                Would it -- Frank, Kerry, or anybody
          else, do you find it necessary that maybe we
 8
          can maybe have an additional meeting or
 9
          discussion or conference call that might can
10
          explain if there are acronyms, numbers or
11
12
          lines that you would have questions about to
13
          really feel comfortable in the interest of
14
          that?
          MR. MARCELLO:
15
                Johnny, I really don't -- I don't see
16
17
          that -- that it --
          MR. MILAZZO:
18
19
                Okay.
          MR. MARCELLO:
20
21
                -- it's necessary, as long as -- if I
22
          can have her card and if I have a question
23
          or --
          MR. MILAZZO:
24
                So -- so -- yes, I think that's a good
25
```

```
question. If -- if someone wants to learn
 1
          more about understanding financials, is it
 2
 3
          okay if we reach out?
          MS. ANDREWS:
 4
                Absolutely.
 5
          MR. MILAZZO:
                Okay.
 7
          MS. ANDREWS:
 8
                Absolutely. I can provide that
 9
          information to you.
10
          MR. MILAZZO:
11
                Okay. Is that fair enough?
12
          MR. MARCELLO:
13
14
                Yes.
          MR. MILAZZO:
15
                All right. So, Jill, do we need -- do
16
          we need to accept this financial report or
17
          is it just basically a report and we can
18
          move on? I don't think we do, but --
19
                All right. Let's move to the
20
          auditor's report. Cy?
21
          MR. MORIN:
22
                Okay. We currently have --
23
          MR. MILAZZO:
24
                Kind of lead us through the packet
25
```

1 that you're going to talk through. 2 MR. MORIN: 3 There -- there is nothing in the 4 packet. MR. MILAZZO: 5 6 Okay. 7 MR. MORIN: We currently have 31 open audit cases. 8 Eleven of those were open in fiscal year 9 '15. Fieldwork has been completed for five 10 of these audits, resulting in potential 11 clean audits with no assessment and two 12 potential assessments, totaling 13 approximately \$527, pending peer review and 14 final review. 15 Five fiscal year '15 cases are 16 currently in progress. And the eleventh 17 fiscal year '15 case was assessed at \$8,566, 18 which is collected in full. The file is set 19 to be closed. 20 Eleven of the 31 audits were open in 21 fiscal year '14. Fieldwork has been 22 completed on nine of these audits, resulting 23 in seven potentially clean audits with no 24 assessment and two potential audit 25

assessments, totaling approximately \$700,
pending peer and/or final review. Fieldwork
is still in progress for the two remaining
fiscal year '14 audits.

Five of the 31 audits were open in fiscal year '13. One fiscal year '13 audit has been referred to legal for collection of \$4,016.58. As of yesterday, I learned that a petition to file suit has been reviewed and signed by the attorney. The auditor has signed an affidavit and verification of the amount and it will be filed shortly.

A demand letter and invoice was sent for one fiscal year '13 case on 2/10/15 in the amount of \$904.17.

Fieldwork has been completed on two of the remaining fiscal year '13 audits, resulting in one potentially clean audit and one potential assessment of approximately \$4,500.

The fifth fiscal year '13 case is set to be closed with no assessment.

And as I've discussed in previous meetings, the four remaining active cases were started prior to fiscal year '13. Two

of those cases have judgments. The course of action for one case still remains to file a claim against a succession. succession has not been opened, per the Clerk of Court's office. The other case with the judgment, legal mailed the petition for garnishment on 8/20/14. As of vesterday, the respondent had agreed to a payment plan and had -- they received the payment plan on 1/28/15. And we are awaiting signed documents and a down payment of \$4,000.

The legal status remains the same since the last board meeting in one audit opened prior to fiscal year '13. The attorneys are -- are still looking at it to determine the plan of action. And the remaining legal case, as of yesterday, the update is that legal determined for this case that any legal action against the corporation would probably be futile, given that the corporation is bankrupt and it was dissolved in 2009. So that is likely uncollectible.

Two fiscal year '14 cases have been

1	finalized and closed with no assessment
2	since the November meeting.
3	To date, in fiscal year 2015, demand
4	has been made for two assessments, totaling
5	\$9,470 in delinquent fees and late
6	penalties. \$8,566 of that has been
7	collected. And \$904.17 remains outstanding.
8	So as of today, the total confirmed
9	outstanding delinquent fees and penalties
10	for the 31 open cases is \$127,122.79.
11	The five cases being pursued legally
12	account for approximately \$126,000 of that.
13	Approximately \$11,500 of that is related to
14	the case that's probably uncollectible. And
15 .	the remaining \$904.17, as I said before, is
16	we've recently invoiced.
17	And that's it.
18	MR. MILAZZO:
19	I want to first, you know, say thanks
20	because I know we've had some discussions in
21	the last couple of meetings about this.
22	MR. MORIN:
23	Yes.
24	MR. MILAZZO:
25	And I appreciate you sharing some of

```
1
          the detail. The thought I have is that it
 2
          would be nice -- and I know, one, you're
          careful what -- what you guys are -- what we
 3
          all see. And, I mean, I'm sure you're
 4
 5
          identifying certain members kind of, you
          know, within our industry. So it's not that
 6
          we need to see who they are --
 7
          MR. MORIN:
 8
 9
                Correct.
10
          MR. MILAZZO:
                -- but it would be nice to be able to
11
          look at some kind of at least summary of
12
          that, that could be included so that we at
13
          least understand the work that you guys are
14
15
          doing.
16
                The question I have, you know, you --
          you guys realize that there's a shortfall or
17
          someone didn't do all the reporting and --
18
          and there's an assessment to them. Are a
19
          number of these folks still in business
20
21
          today? I mean --
22
          MR. MORIN:
23
                Yes, yes. Of course.
24
          MR. MILAZZO:
                So is there something we could do,
25
```

```
1
          make some recommendations -- not sure of the
 2
          legal opinion. But, you know, we all have
 3
          to compete at the end of the day. And if
          someone's doing what's right and proper and
 4
          other guys are not, obviously the trust fund
 5
 6
          pays the price, but we all do at the end of
 7
          the day. And, you know, this isn't a tax
 8
          that's passed on to the consumer. I mean,
 9
          this is a fee that we all have to write a
          check for at the end of the month. So can
10
11
          we stiffen up the penalty for someone that's
12
          still in business, that realizes he's got an
13
          assessment against him, that's not paying?
          And I don't know that that's the case.
14
15
          MR. MORIN:
                And I think we've discussed that in
16
          previous meetings, potentially with Deidra
17
          in here.
18
19
          (An off-the-record discussion followed.)
20
          MR. MORIN:
                You're talking about like audit
21
22
          summary reports?
23
          MS. ANDREWS:
                Yes. I think that's the -- one of the
24
25
          -- one of the options that we've been
```

```
looking at is to put audit summaries on our
 1
 2
          public website.
          MR. MORIN:
 3
                As a matter of fact, we do.
 4
          MS. ANDREWS:
 5
 6
                Right.
          MR. MORIN:
 7
 8
                We do. Once the audit is complete,
 9.
          the final audit summary, which kind of
          spells out everything that took place, it
10
          goes onto our public document system. So --
11
          MR. MILAZZO:
12
                So it is something that you -- that
13
          you can share.
14
          MR. MORIN:
15
                So --
16
          MS. ANDREWS:
17
                Yes.
18
          MR. MORIN:
19
                So -- so it -- it can be accessed once
20
          it's -- it's on there.
21
22
          MS. ANDREWS:
                Yes.
23
24
          MR. MILAZZO:
```

So then is it --

```
1
          MR. MORIN:
                Now -- yes, that -- it's put on there
 2
          once everything is complete and finalized.
 3
          MR. MILAZZO:
 4
 5
                And I go back to the original question
          then.
 6
          MR. MORIN:
 7
                Sure.
 8
 9
          MR. MILAZZO:
                Is there anything we can do to stiffen
10
          the penalty, whatever it might be, that
11
          someone that's still in business today and
12
          has not responded to the requirements of the
13
          trust fund --
14
          MS. ANDREWS:
15
                I think that's all driven by statute.
16
          And so we're really bound by what the
17
          statute says that we can do.
18
          MR. MILAZZO:
19
20
                And so is it fair to say that -- that
          you guys are using all of the privileges of
21
          the statute to -- to enforce collections?
22
          MS. ANDREWS:
23
                We believe we are.
24
25
          MR. MORIN:
```

```
1
                I mean, and the penalty --
 2
          MR. MILAZZO:
 3
                And I don't want to -- I don't want to
          belabor it. I just -- you know, it's been a
 4
 5
          pet peeve of mine, you know, for a while
          now. And I'm delighted to see, you know --
 7
          MS. ANDREWS:
                The -- the -- and I -- and I -- I know
 8
 9
          where you're going. There are -- there are
          basically two routes that -- that we have
10
11
          available to us. You have the environmental
          route or the route that takes you to come
12
          after them financially. And we've always
13
14
          gone the financial route against them. And
          that allows our legal teams to be able to
15
16
          put the liens on them, to be able to put --
          do the garnishments, for us to be able to --
17
          MR. MORIN:
18
                And they can -- they can also request
19
          additional penalties.
20
21
          MS. ANDREWS:
22
                Right.
                        The --
23
          MR. MORIN:
                Judicial interest.
24
          MS. ANDREWS:
25
```

Right. The other option is well more

cumbersome and is probably really not -
we've never felt was the appropriate route,

and that's going through the environmental

penalty side of it. And, you know, that's
I -- you know, we've just never gone on -
in that direction, because this is more of a

financial issue.

MR. MILAZZO:

Right. No, I get it. And I -- and I appreciate the way you're handling it. I just -- you know, if there's a way to stiffen up, you know, the -- the requirement to pay, then that's --

MS. ANDREWS:

I will tell you that last year -- I think it was last year or it might have been the year before -- in the legislative session, they did -- they did pass an act that created an Office of Debt Recovery -- I think that's the name -- under the Department of Revenue. And what Cy and the audit division are now doing is, after they have made their assessment -- so he goes out and he will be doing his audits. And he

1	determines that somebody owes money. He
2	will then invoice these companies. And he
3	then really turns it over. He's now done
4	with it.
5	MR. MORIN:
6	Once yes, once we do not collect
7	it, we forward it on
8	MS. ANDREWS:
9	He's now finished. He has now
10	invoiced these companies. They will then
11	have a a prescriptive period to pay these
12	bills, as you will. And if they do not pay
13	them in so many days, they're going to get
14	turned over to the Office of Debt Recovery.
15	And that is way worse than anything that
16	this department will be doing.
17	MR. HILL:
18	Is that like filing a lien on the
19	property?
20	MS. ANDREWS:
21	It's worse than that.
22	MR. HILL:
23	Is it?
24	MS. ANDREWS:

Yes.

```
MR. MILAZZO:
 1
 2
              Well, good.
          MS. ANDREWS:
 3
                So the legislature actually puts some
 4
          -- some -- built some things in the last
 5
          couple of years because of their concerns of
 6
          collections for the rest of the state. So
 7
          this will get caught up in that, you know,
 8
 9
          whether it's, you know, by accident or
10
          purpose, it will be part of it.
          MR. MORIN:
11
                Right. And it does seem like they're
12
          -- they're nearing --
1.3
          MS. ANDREWS:
14
                Yes.
15
16
          MR. MORIN:
17
                -- the point where they're actually
          going to start forwarding things on.
18
          MS. ANDREWS:
19
                Right. Yes. We've been working --
20
21
          MR. MORIN:
                It's been a work in progress for us.
22
23
          MS. ANDREWS:
                Yes. We have weekly meetings with the
24
          Office of Debt Recovery that we're working
25
```

```
towards having these referred. Now, we're -
 1
          - I don't want to tell you that that's going
 2
 3
          to happen in the next three months, because
          we're kind of taking baby steps on getting
 4
 5
                 It's -- it's a very cumbersome
          process for us to be able to electronically
 6
 7
          get things referred. You know, with all
 8
          these agencies, everybody has their own
 9
          processes, you know, computer wise. And so,
          we're all trying to get on the same page.
10
          But this will be one of those items.
11
          these companies don't pay, after 90 days, it
12
          goes over there. And they'll have 25
13
          percent surcharge on top of this. What we
14
          also do is, they now wind up using a
15
16
          judicial interest rate, which is a daily
          compounding rate. So we've actually made a
17
          lot of changes here in the last I'd say two
18
19
          years.
20
          MR. MORIN:
                Actually, the -- the interest rate --
21
22
          the interest is not charged on --
23
          MS. ANDREWS:
                On -- on -- right.
24
25
          MR. MORIN:
```

```
That would be --
 1
 2
          MS. ANDREWS:
                Okay. So there's -- there are some --
 3
          a lot of changes that we've made.
 5
          MR. MILAZZO:
                Well, it appears you guys are doing a
 6
          great job of identifying that. Now, you
          know, it's just the collection process that,
 8
          you know -- but again, a lot of progress
 9
10
          made. So I just wanted to tell you thanks.
11
          MR. MORIN:
12
                You're welcome.
          MR. BURNHAM:
13
                I had a question for Cy. Cy, how many
14
15
          new audits are initiated within a given time
          period, out of curiosity?
16
          MR. MORIN:
17
18
                Okay. So for this -- for this fiscal
          year, we're initiating 18 new audits.
19
20
          MR. BURNHAM:
                Okay. And how do you choose? Is that
21
          randomly selected or --
22
          MR. MORIN:
23
24
                Currently, I -- I have a guy that is
          our motor fuel auditor and he does analysis
25
```

```
of who's registering and who's certificate
 1
          holders within the department. And he looks
 2
          at -- at fees paid, you know, for everyone
 3
         and he sees a status if anything -- you
 4
          know, he basically looks at the status of
 5
          the businesses and the payment history.
          That's what we really have the access to
 7
          right now. And he puts together
 8
          spreadsheets showing who's been audited in
 9
          the past, who's never been audited, who's
10
          been audited for certain reasons. And he
11
          uses that to determine who he's going to
12
          start, you know, auditing next.
13
          MR. BURNHAM:
14
15
                Okay.
16
          MR. MORIN:
                And he -- I -- he's in the process
17
          right now where he's trying to rotate
1.8
          through and -- and get people to go out to
19
          businesses that have never been audited or,
20
          you know, things of that nature.
21
22
          MR. BURNHAM:
                Okay. Thank you.
23
24
          MR. MORIN:
                You're welcome.
25
```

MR. MILAZZO: 1 You know, maybe a final thought. 2 3 I know that not always do the departments talk to one another. But, you know, it 4 seems as though you -- if you had access to 5 the department of revenue and you see all 6 the tax, you know, where is the tax paid 7 fuel going through, what -- what license the 8 wholesalers are looking at those or -- or 9 selling those and have some -- just -- just 10 a file that's -- a spreadsheet that's 11 calculating this stuff. Say, "Okay. 12 quy pulled so many gallons, but yet, we're 13 seeing submission on X number of gallons." 14 15 I mean, just --16 MR. MORIN: 17 Yes. MR. MILAZZO: 18 You could build a rule of thumb out 19 there to at least say -- you've got out of 20 state brokers in town now, selling lots of 21 gallons. And, you know, where -- are 22 their responsibilities come --23 MR. MORIN: 24 It could be a way to identify --

1 MR. MILAZZO: 2 Yes, you may not even know them. MR. MORIN: 3 -- people that we're not aware of. 4 That's -- that's true. 5. MR. MILAZZO: 6 So I don't know what you can do with 7 that, but it seems to me that you guys could 8 build some calculations that would -- would 9 begin to point some fingers at some places 1.0 that you may have not thought about. 11 MR. MORIN: 12 13 Okay. 14 MR. MILAZZO: Okay. And no other questions. Let's 15 go to Jeff and the trust fund status report. 16 MR. BAKER: 17 Good afternoon. If ya'll would refer 18 to tab number six in the packet. These are 19 the figures for the second quarter of fiscal 20 21 year 2015. During the second quarter of fiscal 22 year 2015, the trust fund received 252 23 applications that totaled \$3,781,473. 24 During this period, 183 applications were 25

processed for payment, totaling \$2,285,680.

And 72 applications were returned with deficiencies.

The number of deficiencies this quarter was a little bit higher because we went through and did a -- used a new application. We've been giving the RACs a number of months to get used to get acclimated to it and we gave them a deadline, and the deadline passed and they continued to use the old application, so we had a number that went back, telling them they needed to use the new one. We expect most of these applications to come back in subsequent quarters.

For the sites in the corrective action phase, the outstanding liability for the corrective action plan budget and estimated costs to reach closure at the end of December 2014 was \$31,107,679.

The additional obligation recognized for non-CAP sites, plus the projected motor fuel trust fund to environmental trust fund transfer, was \$40,963,750.

At the end of December 2014, the trust

fund had 151 pending applications to

process, which have requested amounts,

totaling \$2,501,249. Of this amount, the

estimated requested obligations relating to

CAP budgets and closure costs was

\$1,741,820.

If you'll note the legal-sized last page of your packet, it list a number of trust fund sites that received no further action status. So far, for this fiscal year, it's ten sites.

You don't have this in these numbers in your packets, but the number of potential trust fund sites that were reviewed and made eligible during the current fiscal period was 19 sites, representing 20 active incidents.

Points of interest relating to the trust fund. The trust fund is continuing to work on a draft of the next revision of the trust fund cost control guidance document. Our intention is the registered RAC community will be emailed in the next week with an opportunity for any RAC that is willing to participate in an email or phone

1	conference workgroup relating to the
2	guidance document revision for them to to
3	give them an opportunity to advise the
4	department that they are willing to
5	participate. These workgroups will look at
6	reimbursement issues the trust fund is
7	attempting to clarify in guidance or in
8	helping us research and develop new or
9	revised unit rates.
LO	Does anybody have any questions?
11	MR. MARCELLO:
12	So how many you had a total sum of
13	pending applications totaled \$2,501,000 and
L 4	how many sites were they, or applications?
L5	MR. BAKER:
L 6	151 applications.
17	MR. MARCELLO:
18	151.
19	MR. BAKER:
20	The majority of those applications
21	were received from October 31 through the
22	end of December. There was not a lot I
23	think there was only 10 or 12 of them that
24	were beyond the October 31 time frame.

MR. IVEY:

```
Is -- is there a calculation that you
 1
 2
          can share with us on the current outstanding
 3
          CAP budgets that comes up with the thirty-
          one million and also the non-CAP? Ya'll
 4
          calculate that internal?
 5
 6
          MR. BAKER:
                 The non-CAP is -- yes, sir, we do. We
 7
 8
          have internal calculations on it. We can
 9
          provide that if ya'll would like.
          MR. IVEY:
10
11
                Okay. Yes. I -- I would like to see
12
          it.
          MR. BAKER:
13
                We can email that to your email after
14
15
          the meeting.
16
          MR. TVEY:
17
                Okay.
18
          MR. MARCELLO:
                Does the total sum of pending
19
          applications include work being done at this
20
21
          present time?
22
          MR. BAKER:
23
                No, sir.
          MR. MARCELLO:
24
                In other words, these are -- this
25
```

```
1
          legal-sized sheet are no further action
 2
          granted locations; am I correct?
 3
          MR. BAKER:
                Yes, sir.
 5
          MR. MARCELLO:
                So --
 6
          MR. BAKER:
                Are you asking if --
 8
          MR. MARCELLO:
 9
10
                My question was -- my question is, if
11
          these were further action sites, the total
          would be 151 plus these nine or ten, it'd be
12
          161? And where I'm going with that is, how
13
          long -- how long in your estimation -- and I
14
15
          know there's no -- there's no specific time
16
          frame -- but how long -- oh, well, this
17
          answers my question. So the first
          application of these sites were -- some of
18
19
          them were 1992 and 2002 and so forth and so
20
          on. But you've got 151 pending
          applications. What's in the middle of that?
21
22
          MR. BAKER:
                Well, let's -- let's clarify. I think
23
24
          we're talking apples and oranges.
```

MR. MARCELLO:

```
1
                Okay.
 2
          MR. BAKER:
 3
                You're -- you're talking about active
          sites. Okay? Currently, we have 295 active
 4
 5
          trust fund sites.
          MR. MARCELLO:
 6
 7
                Right.
          MR. BAKER:
 8
 9
                What you're looking at on that legal
          page is the number of sites that we closed
10
11
          during that time period. The 151 represents
          active applications for those sites.
12
          MR. MARCELLO:
1.3
14
                Exactly.
15
          MR. BAKER:
                So one of those sites may have several
16
          quarters of applications in at one time.
17
          does that clarify --
18
          MR. MARCELLO:
19
                That -- that clarifies it.
20
          MR. BAKER:
21
22
                Okay, sir.
23
          MR. MARCELLO:
24
                Thank you.
          MR. MILAZZO:
25
```

1 Jeff, let me ask, when I look at the 2 current obligated balance of the trust fund, the total sum of CAP charges and pending 3 applications, there's a subtraction of that 4 5 number. MR. BAKER: 6 Yes, sir. You're talking about where 7 we have the total sum of the pending and then we have the total sum of the CAP charges? 10 MR. MILAZZO: 11 12 Right. Yes. MR. BAKER: 13 The reason we do that is not -- so not 14 to duplicate those CAP charges. Those CAP 15 charges are already included in the current 16 totals of the CAP budget. If you don't back 17 them out as part of the pending, you'll be 18 duplicating that -- those numbers. 19 20 MR. MILAZZO: 21 All right. 22 MR. BURNHAM: 23 They were submitted as a -- part of a cost estimate, which is where that thirty-24

one million number came from?

1 MR. BAKER: Those are -- those are the -- yes, 2 3 sir. 4 MR. BURNHAM: 5 Right. MR. BAKER: 6 7 The applications came in with requested amount of this amount, plus a 8 9 portion of that was CAP budget. MR. BURNHAM: 10 11 Right. 12 MR. BAKER: Well, that's already included in the 13 14 CAP budget estimates that we haven't applied 15 yet. So we don't want to duplicate that -those obligations. 16 17 MR. MILAZZO: Okay. Any other questions? 18 19 (No response.) 20 MR. MILAZZO: 21 All right. Thank you, Jeff. And I guess, Jill, you'll talk about 22 the third party claims for us. 23 24 MS. CARTER: There is no change in the status of 25

our current third party claims. And we do 1 2 not have any new third party claims to 3 report. MR. MILAZZO: Well, that was quick. Any questions 5 about that? 6 7 (No response.) 8 MR. MILAZZO: Okay. At this time, I'd like to go into other business. I think, Kerry, you 10 had a comment, perhaps some questions. 11 12 MR. HILL: I do. On Friday, the Governor made an 13 announcement to mid-year cuts to balance the 14 fiscal year. And we discovered that there 15 was reported -- in the reduction report, we . 16 saw the two items in reductions and revenue 17 opportunities that totaled 8.7 million 18 dollars that would come from the UST trust 19 fund. We believe this is against the law. 20 21 It -- if it's protected, how can they draw that money out of the fund? Can somebody 22 put some clarity to that? 23 24 MS. CARTER:

That one, I will have to defer until

```
1
           Perry comes back.
          MR. HILL:
 2
 3
                 Okay.
          MS. CARTER:
 4
 5
                 I'm sitting in for Perry, and he -- I
 6
          think he expected to be at this meeting but
          was called away.
 7
          MR. HILL:
 8
 9
                 Okay.
10
          MS. CARTER:
11
                 So if you could wait until Perry --
12
          and I'll let him know that you have a
          question about that.
13
14
          MR. HITT:
15
                 Well, it's a very important question
          deal to --
16
17
          MS. CARTER:
                 Sure.
18
19
          MR. HILL:
20
                 -- these three right here, including
21
          myself.
22
          MS. CARTER:
              · Sure.
23
24
          MR. HILL:
                 When we go buy property to build a
25
```

1		convenient store, we have to get the soil
2		tested and do phase one, two or three you
3		know, it can be quite expensive before we
4		can get financing to to buy the property,
5		let alone spend another two and a half,
6		three million dollars, depending on what
7		you're what size site you're building.
8		And we have all all told and we all
9		preach to our banks that we have a trust
10		fund just like on the building, we have
11		to provide the bank with a with an
12		insurance certificate. Well, on these
13		tanks, underground and they all know,
14		because they're on both sides of the coin.
15		They either you're either asking to
16		borrow money to buy the property or you're
17		asking to borrow on a site that's already
18		ongoing and that has these this trust
19		fund eligibility program in place and and
20	ı	so there's a level of comfort that we have
21		established with our banks. There's a
22		dis-level of comfort out there with us
23		whenever we see this money potentially being
24		robbed or maybe I should've said robbed.
25		But being used for something else. But we -

```
- we have worked hard to protect that. And
 1
          it's kind of a scary feeling. And that -- I
 2
 3
          would like some clarity on that, if
 4
          possible.
 5
          MS. CARTER:
                Oh, sure. I understand. I -- I will
 7
          pass that on to Perry.
          MR. HILL:
 8
 0
                Okay.
          MS. CARTER:
10
          I know ya'll are new and I would
11
          assume that he's -- I don't know if he has
12
          ya'll's email address or your contact
13
14
          information --
15
          MS. VIZINAT:
16
                I do.
          MS. CARTER:
17
                You have it, okay. Then I'll have him
18
19
          MR. HILL:
20
                Okay.
21
          MR. MILAZZO:
22
                Let me kind of --
23
          MR. MARCELLO:
24
                If -- if I may make a suggestion, if
25
```

```
1
          you don't mind. I mean, I -- I would like
 2
          him to -- our go to person of our
          association is Natalie. And I -- I would
 3
          like for Mr. Perry, is it, to -- or whoever
 5
          answers the question -- just to -- to maybe
          just harp on or answer the validly the of --
 6
 7
          of Kerry's request in that Louisiana Revised
 8
          Statute 21:95-6, ownership of tank trust
          fund -- and I'll just read the first
 9
          sentence. "The tank trust fund shall be
10
          used only for the purpose set forth in
11
12
          Revised Statute 30:2194 through 2195 and no"
          -- "and no other governmental purposes nor
13
14
          shall any portion thereof be available to
          borrow from by any branch of government."
15
          So maybe he can just answer -- answer that
16
17
          simple question regarding that particular
          statute and refer back to Natalie, and
18
          Natalie can send out -- because this -- it's
19
          the consensus on the Louisiana Oil
20
21
          Marketers, I'm sure -- and again, I'm not
          here speaking for them. Natalie would do
22
          that. But --
23
24
          MR. HILL:
```

That's a good idea.

MR. MARCELLO: 1 You know, just -- just basically 2 answer that. And then she'll let all the 3 members know. 5 MS. ISAACKS: You're right. And if I could just add, sooner rather than later, because it's 7 8 9 MR. MILAZZO: So this is getting ready to --1.0 MS. ISAACKS: 11 -- at the end of the -- the budget 12 13 committee is the 20th. MR. HILL: 14 15 That could help ya'll and --MS. ISAACKS: 16 That's less than two weeks. 17 MR. HILL: 18 -- that could help Natalie too. She 19 would kind of be the go to person, because 20 21 she lets us know. MR. MILAZZO: 22 And, Jill, you know, in the absence of 23 Vince being here today, as well as Perry --24 in all due respect, you know, to the role 25

they play in accordance with some other 1 questions. In fact, you know, we were 2 hopeful of having an update on some of the 3 pending lawsuits. You know, there's another discussion point as -- as we think about 5 where those funds may sit. And I know we 6 probably need to go into executive session 7 to discuss it. I'm not sure if there's a 8 purpose if there's no one here to really 9 answer those questions. There's no reason 10 to call for that. But I do want to say that 11 time is of the essence because of the 12 urgency in the Governor's office right now. 13 There's every indication, as Frank said, 14 that, you know, this is not a tax. It is a 15 -- it is a fee. 16 17 MS. CARTER: 18 Right. MR. MILAZZO: 19 And -- and when you start looking at 20 it, it's identified. And, you know, when 21 you look at what's being considered as an 22 opportunity revenue for the budget 23 shortfall, I -- I wouldn't want to wake up 24

and have my bank call me and -- and say,

1	"You know, we're looking at the balance
2	sheet of the trust fund and it" "and it
3	is indeed an insolvent entity today, if the"
4	"if the" "if Baton Rouge or the
5	Governor's office has their way." And I
6	don't want to speak for those that from
7	the contractors standpoint. You know, I'm
8	sure they have a point of view as well. And
9	I'm not sure, Shawn, if you've got any
10	commentary for that, but I I just think
11	we're traveling down a path. And I don't
12	want to wake up tomorrow and find myself
13	going out and looking for environmental
14	pollution insurance when I think we've done
15	that. And we've had a great fund, under
16	your administration. You know, we we see
17	that we're more and more, you know, funding
18	you know, bigger parts of the department
19	and and but yet, we still are tracking
20	okay. But if we start, you know, opening up
21	opportunities for other parts of Louisiana
22	government to reach in, then we are going to
23	have a problem. And I don't know where it
24	ends, but it it's really concerning. And
25	this seems to be something that is most

```
urgent. Unfortunately, we don't have, you
 1
          know, the other folks in the room that we'd
          like to be talking to as well. So we have
 3
          to rely on you to kind of share this message
          of urgency that -- that they've just
 5
          mentioned. And we -- we do challenge the
 6
 7
          thinking that this -- this can be raided for
          other purposes of government when the
 8 .
          statute seems to be pretty straight forward.
 9
          And I think from those who are contributing
1.0
          to the financial well-being of the trust
11
          fund, I think we certainly deserve some
12
          answers --
13
14
          MS. CARTER:
                Oh, sure.
1.5
16
          MR. MILAZZO:
17
                -- soon.
                Any comments with respect to that.
18
19
          Shawn, Steve?
20
          MR. IVEY:
                I guess as far as I'm concerned, we
21
          have seen in other states where a fund has
22
          been considered insolvent. And then all of
23
          a sudden, there's no money going out. You
24
          know, that -- that's really our biggest
25
```

1	concern, because, you know, a lot of our
2	business we get paid through the trust fund.
3	Our bank looks at us and looks at our
4	accounts receivable and expects them to be
5	paid by trust fund. So if they're not, then
6	our bank looks hard at us going, "Where are
7	you getting the money?" So I guess that's
8	my concern is is at what point does the
9	trust fund become insolvent if we, you know,
10	keep grabbing money out of it? Especially
11	since the obligations are, what, 72 million.
12	You know, if we drop below that, at what
13	point does it become insolvent?
14	MR. MILAZZO:

And I think, you know, Kerry raised a great point. Not to, you know, keep hashing on the same thing, but, you know, when -- when the banks look at that as an opportunity to say, you know, those mortgages are solvent, because it is certainly a -- a course of insurance for us and -- and begin to question the integrity of the fund and it's ability to -- to solve a release problem, then we're going to be -- we're either going to be -- we're going to

```
see loans being called or we're going to be
 1
          finding other sources of protection for the
 2
                 And that's just the starting point.
 3
          And I think if we don't stand up today to
 4
          protect this now, then what happens when we
 5
          get into the legislation session and they're
 6
          trying to solve the problem in the next
 7
          fiscal year?
 8
          MR. BURNHAM:
 9
10
                Right.
11
          MR. MILAZZO:
                Is this going to be an even bigger
12
          concern as we go forward? So if we're going
13
          to stop it, the best chance we have is to
14
          stop it before it gets started. And that's
15
16
          now.
          MR. HILL:
17
                Jill, did you say you had called for
18
          Vince to come to this meeting, or he wasn't
19
20
          going to be able to come today?
21
          MS. CARTER:
22
                I'm sorry. Say that again.
23
          MR. HILL:
                Did you say you had called or asked
24
```

25

for Vince to --

1 MS. ANDREWS: I can -- I can tell you. Vince had a 2 3 meeting at the capitol this afternoon --4 MR. HILL: Oh, okay: 5 MS. ANDREWS: 6 7 -- after lunch on another matter. MR. HILL: 8 Okay. I just --9 MS. ANDREWS: 10 11 So he was not able to attend. MR. HILL: 12 I misunderstood her. And this is such 1.3 -- this is a very important item to us. 14 MS. ANDREWS: 15 And I can let you know that we did --16 17 Vince and Secretary Hatch did have a meeting 18 with the Office of Planning and Budget with 19 -- concerning all of our statutory dedicated funds. And all of our funds at 20 this department are statutorily dedicated. 21 It's not just your fund. And we met 22 extensively on them. They asked for all of 23 our obligations and our fund balances for 24 every one of them. And this was one of many 25

```
1
          that we had discussions on. So when the --
          the information did come out, we were -- you
 2
 3
          got what we got. So I'm -- I'm -- you know,
          I'm not sure, you know, what Vince is going
          to be able to give you. I'm sure Perry will
 5
 6
          be able -- perhaps will be able to share
          with you some information. I'm -- I'm not
 7
          sure that he's going to be able to give you
 8
          anymore than what you're reading in the
 9
10 '
         statute.
11
          MR. HILL:
                Well, just a question that I have.
12
          would be genuine -- genuinely concerned that
13
          ya'll would feel the same way that we do
14
          because this is a department that -- that
15
          funds everything, correct? Good question,
16
          bad question or --
17
          MS. ANDREWS:
18
19
                I'll -- I'll have to refer that to
          other -- other folks.
20
          MR. HILL:
21
22
                Okay.
23
          MR. MILAZZO:
24
                Well, you know, I'll just -- I'll
25
          conclude --
```

1 MS. ANDREWS:

4

5

6

7

8

9

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Or, I'll be happy to speak with you off the record.

MR. MILAZZO:

Yes. I'll conclude this. I won't use the same term as Kerry, but, you know, if -if the statute is -- is as clear and concise as it is, and we allow this money grab at the level in which it's being considered, then we -- we really don't have anything. And we -- we could really at the next meeting begin to start thinking about other means to protect ourselves. Because, I mean, we'll be traveling down that route. And it's a scary thought, as you described, that -- that -- the question is, what's the balance in the fund and how much of that's encumbered? And then, coincidentally, you know, we see eight million dollars in an opportunity revenue bucket. And I hear you loud and clear, this is just one of many that you guys administer. So as -- as a member of a fund that -- that was -- you know, we fought hard to -- to create it for -- for a single purpose, it's a scary time.

1

2

3

4

5

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And I don't want to sit here and criticize our government, but, you know, it's -- it doesn't give me a good feeling of our ability to run our business with some protective covenants that -- that we worked hard to establish. And so I do respect that you guys -- there's only so much you can share with us and we certainly understand that. But I do hope -- you're the only folks listening to us today -that -- that you'll take our concern and -and share it with Vince and Perry, Secretary Hatch and -- and whoever else will listen to you. And if you need some support to help tell our message again, I'll gladly -- you know, we'll team up and we'll be back to talk to them directly, if that would matter. MR. BURNHAM:

Before we close, I just want to go on record as concurring with the other board members that I think it would be totally inappropriate to take funds for other reasons from the trust fund. And even if we survive the amount that is being purposed now, to set that precedent would be

```
something that would cause you to -- the
 1
 2
          trust fund amount would be totally
          unreliable from here on out because of the
 3
          possibility of that happening, which as
 4
 5
          Shawn and others have said, would effect
 6
          bankers in their decisions and everything
 7
          else. So I just want to make sure I go on
          record as concurring with --
 8
 9
          MR. MILAZZO:
                Well, it's -- it's the lending market
10
          that sees that --
11
12
          MR. BURNHAM:
13
                Right.
          MR. MILAZZO:
14
                -- and says, "Well, that's a money
15
          grab."
16
          MR. BURNHAM:
17
                Right.
18
          MR. MILAZZO:
19
20
                "We have no integrity in that now,
          that your statute doesn't mean anything."
21
          Those -- those fire walls, if you will, are
22
          over. I mean, that -- that will put this
23
          thing in a spiral situation. I think you
24
          guys should know that. I would be a real
25
```

1	tough situation for us. And if you're going
2	to have insurance, then why do you need to
3	have both, right? I'm not making a plea
4	that we need to go off and get insurance.
5	We we think we have what we need, but we
6	need to maintain the integrity of it.
7	Any other comments in respect to the
8	trust fund?
9	(No response.)
10	MR. MILAZZO:
11	Then I'd like to ask you know, it -
12	- it appears it will be a very busy
13	legislative session. I don't know if there
14	will be enough time to talk about
15	environmental substance, but as always, I
16 '	think it's important that that we can
17	kind of share if there's something on your
18	agenda that that you think you guys will
19	be looking at, we'd like to talk to you
20	about it and see if, you know, perhaps we
21	share, you know, the same thoughts with you
22	and we can perhaps go with some sense of
23	unity with you. If there are things that
24	that we're looking at, you know, we'll be
25	talking to you guys about them. And so I'll

```
1
          ask you today, is there -- is there anything
          that you know of as of today that -- that
 2
 3
          you know could -- could be in the
 .4
          legislature here in the next month or so?
 5
          MR. FULTON:
 6
                Not that I know of. Not at this
 7
          moment.
 8
          MR. MILAZZO:
 9
                Okay. We just would ask if you guys
10
          don't mind, we'd rather be your partner
11
          always.
12
                Any other business?
13
          (No response.)
14
          MR. MILAZZO:
1.5
                Okay. I ask for a motion to adjourn.
16
          MR. HILL:
17
                I make a motion to adjourn.
18
          MR. BURNHAM:
                Second.
19
          MR. MILAZZO:
20
21
                All in favor.
22
          (All indicated yes.)
23
          MR. MILAZZO:
24
                All right. Thank you.
              THE MEETING ADJOURNED AT 2:08 P.M.
25
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Т	KEFORIER 5 FAGE
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)
6	of the Louisiana code of Civil Procedure, before
7	whom this sworn testimony was taken, do hereby
8	state on the Record
9	That due to the interaction in the
10	spontaneous discourse of this proceeding, dashes
11	() have been used to indicate pauses, changes
12	in thought, and/or talk overs; that same is the
13	proper method for a Court Reporters's
14	transcription of proceeding, and that the dashes
15	() do not indicated that words or phrases have
16	been left out of this transcript;
17	That any words and/or names which could not
18	be verified through reference material have been
19	denoted with the phrase "(inaudible)."
20	Celulad
21	Lori Overland, C.C.R.
22	# 97083

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

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 this testimony was reported by me in the stenomask reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

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Lori Overland C.C.R.

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In The Matter Of:

DEQ Motor Fuels Underground Storage Tank Trust

Fund Advisory Board Meeting February 12, 2015

Associated Reporters, Inc. 201 St. Charles Avenue Suite 4315 New Orleans, LA 70170 (504) 529-3355

Original File TRUST
Min-U-Script® with Word Index

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4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3	EXAMINATION:	PAGE (S):
5	MOTOR FUELS UNDERGROUND STORAGE TANK TRUST	4	None	
6	FUND ADVISORY BOARD	5	EXHIBITS:	
7	TOND INVESTIGATION	6	None	
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8		8	REPORTER'S PAGE	61
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10		-		
11		10	* * * *	
12		11		
13	The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602	12		
14	North 5th Street, Baton Rouge, Louisiana, beginning at 1:18 p.m., on February 12, 2015.	13		
1	beginning at 1.10 p.m., on rebluary 12, 2013.	14		
15		15		
16		1.6		
17		17		
18		18		
19	BEFORE:	19		
20	Lori B. Overland Certified Court Reporter	20	•	
21	In and For the State of Louisiana	1		
22		21		
23	•	22		
1		23		
24		24		
25		25		
	Page 2			Page 4
1	APPEARANCES	1	MR. MILAZZO:	
2	~1 wil	2	Okay. Why don't we call this meeting	
3	John Milazzo Chairman	i .	to order. And I am doing so in the absence	
4	Durwood Franklin	1	of the past chair and hopefully, we will	
5	Ĵill Carter Jeff Baker	1	address this in just a minute. But I see	
6	Gary Fulton Shawn Ivey	.I	•	
7	Steve Burnham Frank Marcello	1	Perry on the agenda, but, Jill, you'll be	
8	Kerry Hill	ĺ	here on his behalf?	
9	Karyn Andrews Cy Morin	8	MS. CARTER:	
-	Melissa Vizinat	9	Right.	
10	Jason Efferson Rhonda Cook	10	MR. MILAZZO:	
11	Linda Hicks Natalie Isaacks	11	And I assume that everybody else that	
12	Ian Kelley Samuel Broussard		is on the agenda is here to report out. Is	
13		1	that fair to say?	
14	* * * *	14	(All indicated yes.)	
15		15	MR. MILAZZO:	
16		16	Okay. How about a roll call?	:
17		17	MS. VIZINAT:	
18		18	Melissa Vizinat, Trust Fund.	
19		19	MR. MORIN:	
20		20	Cy Morin, DEQ Audit.	
21	•	21	MS. ANDREWS:	
22		22	Karyn Andrews, DEQ Financial Services	
1		1	Division.	
23		24	MR. MARCELLO:	
24	·	25	Frank Marcello, Louisiana Oil	
25	•		a.m maroono, confidence on	
1		L		

			February	12, 2015
	Page	5		Page 7
1	Marketers Association.	1	(No response.)	
2	MR. HILL:	2		
3	Kerry Hill, Louisiana Oil Marketers	3		
4	Association.	4	and the second s	
5	MR. MILAZZO:	_	chairperson for 2015. So let me open the	
6	Johnny Milazzo, Louisiana Oil		floor for nominations.	
		7		
8	MR. BURNHAM:	8	1000 · · · · · · · · · · · · · · · · · ·	
9	Steve Burnham, Engineering Associates.	9		
10	MR. IVEY:	10		
	Shawn Ivey, PPM Consultants.	11		
11 12	MR. FULTON:	12		
13	Gary Fulton, Underground Storage Tank	ì	(All indicated yes.)	
	Remediation Division.	14	· · · · · · · · · · · · · · · · · · ·	
	MR. BAKER:	15	<u> </u>	
15	Jeff Baker, DEQ Motor Fuel Trust Fund.		(No response.)	ļ
16			· i	
17	MR. FRANKLIN: Durwood Franklin, DEQ Trust Fund.	17 18	A A A A A A A A A A A A A A A A A A A	
18	·	- 1	bit of a I'll assure everyone here today	
19	MS. CARTER:	i i	· · · · · · · · · · · · · · · · · · ·	
20	Jill Carter, DEQ Legal Division.		that at the next meeting as the chairperson,	
21	MS. COOK:		I will absolutely be prepared. That could	
22	Rhonda Cook, PPM Consultants.	L L	be a bit dangerous. Nevertheless, forgive	
23	MS. HICKS:	- 1	me a little bit for today.	
24	Linda Hicks, PPM Consultants.	24	· · · · · · · · · · · · · · · · · · ·	.
25	MR. EFFERSON:	25	financial services report, please.	
	Page	6		Page 8
	Jason Efferson, DEQ Trust Fund.	1	MS. ANDREWS:	ľ
1	MR. BROUSSARD:	2		
3	Samuel Broussard, DEQ UST.	_ I	four. At the beginning of the fiscal year,	ļ
4	MS. ISAACKS:		we transferred \$70,252,211 into the trust	
5	Natalie Isaacks, Louisiana Oil		fund. As of December 31, we deposited	
1			\$11,277,269. And we've paid out	
1	MR. KELLEY:		reimbursements of \$3,893,513. The current	
7	lan Kelly, DEQ Trust Fund.	T .	liabilities on sites are \$72,830,858. This	
8	MR. MILAZZO:	_ I	leaves us a balance after obligations of	
9	Okay. Thank you. Let me bring your	1	\$4,805,109.	
10	attention to the minutes from our November	11		
	meeting. I'm not sure if everyone's had an	1	This is an information report for our	
1 '	opportunity to take a look at that. But we		interest revenue from the trust fund. The	İ
1	can take a moment to for a quick review.	T I	revenue collected inception to date stands	
1	If you have and if someone's comfortable, I		at \$6,638,347. And the expenditures out of	;
	ask for a motion to adopt those.		this revenue account is at \$1,229,930. And	
17	MR. BURNHAM:		to date, there have been no expenditures	
18	I make a motion to adopt the minutes.		from fiscal year 2015 for the interest	
19	MR. HILL:		money. And this money is used to pay for	
20	I second it.		the abandon tanks program.	
21	MR. MILAZZO:	21		
22	All in favor?		This report details how we calculate the	
144		~ ~		
22		23	amount transferred from our motor fuel trust	
	(All indicated yes.)	- 1	amount transferred from our motor fuel trust fund to the environmental trust fund. It	
24	(All indicated yes.) MR. MILAZZO:	24	fund to the environmental trust fund. It	·
	(All indicated yes.)	24	•	•

22		February 1	2, 2015
	Page 9	Р	Page 11
1	expenditures. This year, we're estimating	1 So why would the indirect the line	
i i	the fiscal year 2015 reimbursement to the	2 item, two lines above it, be zero?	
	environmental trust fund is going to be	3 MS. ANDREWS:	
	approximately \$4,844,000.	4 That's the the old method that we	
5	Does anyone have any questions?	5 used	
6	MR. MILAZZO:	6 MR. MARCELLO:	
7	Karyn, we have a couple that are new	7 Got you.	
8	here.	8 MS. ANDREWS:	
9	MS. ANDREWS:	9 was 30 percent	
10	Sure.	10 MR. MARCELLO:	
11	MR. MILAZZO:	11 Got you.	
12	This is certainly their first meeting.	12 MS. ANDREWS:	
13	That's Mr. Kerry and Mr. Frank. So and I	13 of collections on the revenues into	
14	do appreciate you kind of leading them page	14 the environmental trust fund. So if you	
15	to page. But, Frank, Kerry, in an effort to	15 follow the line all the way over to fiscal	
16	try to get up to speed, if you guys have any	16 year 2011-'12, you'll notice how it was	
17	questions, feel free. There are no	17 fairly low at \$189,000.	
18	ridiculous questions or dumb questions.	18 MR. MARCELLO:	
19	Because, you know, this is a little bit	19 Correct.	
20	different than we're use to looking at our	20 MS. ANDREWS:	
	business. But so please, this is the	21 That is 30 percent of the \$630,000	
22	appropriate time.	22 that the fund received into the	
23	MR. MARCELLO:	23 environmental trust fund. And so we now	
,24	I I do have a question. And I want	24 we've made a change in how the department	
.25	I wanted to question the the 28.54	25 collects it's indirect costs through the	
-	Page 10	P	Page 12
1		P 1 motor fuel trust fund. And we now use half	Page 12
1 2	Page 10 percent indirect cost of personnel cost. MS. ANDREWS:		Page 12
- 1	percent indirect cost of personnel cost.	motor fuel trust fund. And we now use half	Page 12
2	percent indirect cost of personnel cost. MS. ANDREWS:	motor fuel trust fund. And we now use half of our approved rate of overhead and we	Page 12
2	percent indirect cost of personnel cost. MS. ANDREWS: Sure.	 1 motor fuel trust fund. And we now use half 2 of our approved rate of overhead and we 3 apply it to the direct labor charges that 	Page 12
2 3 4	percent indirect cost of personnel cost. MS. ANDREWS; Sure. MR. MARCELLO:	 motor fuel trust fund. And we now use half of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. 	Page 12
2 3 4 5	percent indirect cost of personnel cost. MS. ANDREWS: Sure. MR. MARCELLO: Does that percentage fluctuate	 motor fuel trust fund. And we now use half of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. MR. MARCELLO: 	Page 12
2 3 4 5 6	percent indirect cost of personnel cost. MS. ANDREWS: Sure. MR. MARCELLO: Does that percentage fluctuate MS. ANDREWS:	 motor fuel trust fund. And we now use half of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. MR. MARCELLO: So basically, if I'm reading 	Page 12
2 3 4 5 6 7	percent indirect cost of personnel cost. MS. ANDREWS: Sure. MR. MARCELLO: Does that percentage fluctuate MS. ANDREWS: It does, it MR. MARCELLO: quarterly?	 motor fuel trust fund. And we now use half of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. MR. MARCELLO: So basically, if I'm reading correctly, in five years, this this 	Page 12
2 3 4 5 6 7 8	percent indirect cost of personnel cost. MS. ANDREWS: Sure. MR. MARCELLO: Does that percentage fluctuate MS. ANDREWS: It does, it MR. MARCELLO: quarterly? MS. ANDREWS:	 motor fuel trust fund. And we now use half of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. MR. MARCELLO: So basically, if I'm reading correctly, in five years, this this particular 30 percent line item would just 	Page 12
2 3 4 5 6 7 8 9 10	percent indirect cost of personnel cost. MS. ANDREWS: Sure. MR. MARCELLO: Does that percentage fluctuate MS. ANDREWS: It does, it MR. MARCELLO: quarterly? MS. ANDREWS: It no. It fluctuates on an annual	 motor fuel trust fund. And we now use half of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. MR. MARCELLO: So basically, if I'm reading correctly, in five years, this this particular 30 percent line item would just go away? 	Page 12
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	Page 13			Page 15
				-
	related benefit you're looking at the		anticipate that we're probably back to the	
2	second line under the expenditures?	1	level where we should have been.	i
3	MR. MILAZZO:	3	MR. MILAZZO:	
4	I am, yes.	4	Any other questions for Karyn?	
5	MS. ANDREWS:		(No response.)	
6	Yes. This is the actual salaries and	6	MS. ANDREWS:	
	related benefits for department personnel	7	And if any of the new board members	
	costs, working on grants. Some of these		have any additional questions in the	
	years here through 2009, '10, '11, we had a		meantime, I'll be happy to provide them with	;
	lot of ERA money that's the American	1	my card. Before the next board meeting, if	
	Recovery Act money. And so you're you	1	there's	
	saw them spike up a lot. Here we have a lot	12	MR. MARCELLO:	
- 1	that we start that the number has spiked	13	l appreciate that.	
	up again this year I was actually	14	MS. ANDREWS:	
	speaking to Gary about this a little while	15	if there's something else that I	
	ago, because I actually, when I was looking		can provide to make anything else a little	
1	at the numbers this morning, I also was	17	bit more clear for them, I'll be happy to do	Ì
	like, "Wow, it really jumped up this year."	1	SO.	
	One of the the reasons is we had a a	19	MR. MARCELLO:	
	real increase in the related benefits that	20	And this what is this? Is this	
	the state is now paying for retirements.		some kind of acronym, ORG5800?	
	And so that's a little bit of of the	22	MS. ANDREWS:	
	the costs. And we do have a few more	23	That that's like our code.	
	underground tank employees that are working	24	MR. MARCELLO:	
25	in the program. So they charge first to the	25	Okay.	
		1		
	Page 14			Page 16
	Page 14		MO ANDREWO	Page 16
	grant. And then when the grant runs out of	1	MS. ANDREWS:	Page 16
2	grant. And then when the grant runs out of money, then it becomes departmental costs.	2	It's a it's a code that we use in	Page 16
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2 3 4	grant. And then when the grant runs out of money, then it becomes departmental costs. So that's that's attributable to that increase.	2 3 4	It's a it's a code that we use in our accounting office. MR. MARCELLO:	Page 16
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	Page 17	Page 19
-	question. If if someone wants to learn	1 assessments, totaling approximately \$700,
	more about understanding financials, is it	2 pending peer and/or final review. Fieldwork
l l	okay if we reach out?	3 is still in progress for the two remaining
3	MS. ANDREWS:	4 fiscal year '14 audits.
4	Absolutely.	5 Five of the 31 audits were open in
5	MR. MILAZZO:	6 fiscal year '13. One fiscal year '13 audit
6		
7	Okay. MS. ANDREWS:	1 4.040 00 4 6 1 1 1 1 1 1 1 1
8		
9	Absolutely. I can provide that	9 a petition to file suit has been reviewed
	information to you.	10 and signed by the attorney. The auditor has
11	MR. MILAZZO:	11 signed an affidavit and verification of the
12	Okay. Is that fair enough?	12 amount and it will be filed shortly.
13	MR. MARCELLO:	A demand letter and invoice was sent
14	Yes.	14 for one fiscal year '13 case on 2/10/15 in
15	MR. MILAZZO:	15 the amount of \$904.17.
16	All right. So, Jill, do we need do	16 Fieldwork has been completed on two of
	we need to accept this financial report or	17 the remaining fiscal year '13 audits,
- 1	is it just basically a report and we can	18 resulting in one potentially clean audit and
19	move on? I don't think we do, but	19 one potential assessment of approximately
20	All right. Let's move to the	20 \$4,500.
21	auditor's report. Cy?	21 The fifth fiscal year '13 case is set
22	MR. MORIN:	22 to be closed with no assessment.
23	Okay. We currently have	23 And as I've discussed in previous
24	MR. MILAZZO:	24 meetings, the four remaining active cases
25	Kind of lead us through the packet	25 were started prior to fiscal year '13. Two
	Page 18	Page 20
1		
	that you're going to talk through.	of those cases have judgments. The course
2	that you're going to talk through. MR. MORIN:	of those cases have judgments. The course of action for one case still remains to file
2	that you're going to talk through. MR. MORIN: There there is nothing in the	 of those cases have judgments. The course of action for one case still remains to file a claim against a succession. The
2 3 4	that you're going to talk through. MR. MORIN: There there is nothing in the packet.	 of those cases have judgments. The course of action for one case still remains to file a claim against a succession. The succession has not been opened, per the
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		,	February 12, 2015
	Page 21		Page 23
1	finalized and closed with no assessment	1	make some recommendations not sure of the
1	since the November meeting.		legal opinion. But, you know, we all have
3	To date, in fiscal year 2015, demand		to compete at the end of the day. And if
1	has been made for two assessments, totaling		someone's doing what's right and proper and
1	\$9,470 in delinquent fees and late		other guys are not, obviously the trust fund
1	penalties. \$8,566 of that has been		pays the price, but we all do at the end of
	collected. And \$904.17 remains outstanding.		the day. And, you know, this isn't a tax
8	So as of today, the total confirmed		that's passed on to the consumer. I mean, this is a fee that we all have to write a
	outstanding delinquent fees and penalties		
	for the 31 open cases is \$127,122.79.		
11	The five cases being pursued legally		we stiffen up the penalty for someone that's
1	account for approximately \$126,000 of that.		still in business, that realizes he's got an
	Approximately \$11,500 of that is related to		assessment against him, that's not paying?
	the case that's probably uncollectible. And	14	And I don't know that that's the case.
	the remaining \$904.17, as I said before, is	15	MR. MORIN:
16	we've recently invoiced.	16	And I think we've discussed that in
17	And that's it.	17	previous meetings, potentially with Deidra
18	MR. MILAZZO:	18	in here.
19	I want to first, you know, say thanks	19	•
20	because I know we've had some discussions in	20	MR. MORIN:
21	the last couple of meetings about this.	21	You're talking about like audit
22	MR. MORIN:	22	summary reports?
23	Yes.	23	MS. ANDREWS:
24	MR. MILAZZO:	24	Yes. I think that's the one of the
25	And I appreciate you sharing some of	25	one of the options that we've been
	, J		'
	Page 22		Page 24
1	·	1	
ľ	the detail. The thought I have is that it		looking at is to put audit summaries on our
2	the detail. The thought I have is that it would be nice and I know, one, you're	2	looking at is to put audit summaries on our public website.
2	the detail. The thought I have is that it would be nice and I know, one, you're careful what what you guys are what we	2	looking at is to put audit summaries on our public website. MR. MORIN:
2 3 4	the detail. The thought I have is that it would be nice and I know, one, you're careful what what you guys are what we all see. And, I mean, I'm sure you're	2 3 4	looking at is to put audit summaries on our public website. MR. MORIN: As a matter of fact, we do.
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2 3 4 5 6	the detail. The thought I have is that it would be nice and I know, one, you're careful what what you guys are what we all see. And, I mean, I'm sure you're identifying certain members kind of, you know, within our industry. So it's not that	2 3 4 5 6	looking at is to put audit summaries on our public website. MR. MORIN: As a matter of fact, we do. MS. ANDREWS: Right.
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Page 25 Page 27 MR. MORIN: Right. The other option is well more 1 Now -- yes, that -- it's put on there 2 cumbersome and is probably really not --3 once everything is complete and finalized. 3 we've never felt was the appropriate route. MR. MILAZZO: 4 and that's going through the environmental 4 And I go back to the original question 5 5 penalty side of it. And, you know, that's -6 then. 6 - I -- you know, we've just never gone on --MR. MORIN: 7 7 in that direction, because this is more of a 8 Sure. 8 financial issue. MR. MILAZZO: 9 9 MR. MILAZZO: Is there anything we can do to stiffen 10 Right. No, I get it. And I -- and I 10 11 the penalty, whatever it might be, that 11 appreciate the way you're handling it. I 12 someone that's still in business today and 12 just -- you know, if there's a way to 13 has not responded to the requirements of the 13 stiffen up, you know, the -- the requirement 14 trust fund --14 to pay, then that's --15 MS. ANDREWS: MS. ANDREWS: 15 I think that's all driven by statute. 16 16 I will tell you that last year -- I 17 And so we're really bound by what the 17 think it was last year or it might have been 18 statute says that we can do. 18 the year before -- in the legislative 19 MR. MILAZZO: 19 session, they did -- they did pass an act And so is it fair to say that -- that 20 20 that created an Office of Debt Recovery -- I 21 you guys are using all of the privileges of 21 think that's the name -- under the 22 the statute to -- to enforce collections? 22 Department of Revenue. And what Cy and the 23 MS. ANDREWS: 23 audit division are now doing is, after they 24 We believe we are. 24 have made their assessment -- so he goes out 25 MR. MORIN: 25 and he will be doing his audits. And he Page 26 Page 28 I mean, and the penalty --1 1 determines that somebody owes money. He MR. MILAZZO: 2 will then invoice these companies. And he 2 And I don't want to -- I don't want to 3 then really turns it over. He's now done 4 with it. 4 belabor it. I just -- you know, it's been a MR. MORIN: 5 pet peeve of mine, you know, for a while 5 6 now. And I'm delighted to see, you know --Once -- yes, once we do not collect MS. ANDREWS: 7 it, we forward it on --The -- the -- and I -- I know 8 MS. ANDREWS: 9 where you're going. There are -- there are He's now finished. He has now 10 basically two routes that -- that we have 10 invoiced these companies. They will then 11 available to us. You have the environmental 11 have a -- a prescriptive period to pay these 12 route or the route that takes you to come 12 bills, as you will. And if they do not pay 13 after them financially. And we've always 13 them in so many days, they're going to get 14 gone the financial route against them. And 14 turned over to the Office of Debt Recovery. 15 that allows our legal teams to be able to 15 And that is way worse than anything that 16 put the liens on them, to be able to put --16 this department will be doing. 17 do the garnishments, for us to be able to --MR. HILL: 17 18 MR. MORIN: 18 Is that like filing a lien on the And they can -- they can also request 19 19 property? 20 additional penalties. 20 MS. ANDREWS: MS. ANDREWS: 21 21 It's worse than that. 22 Right. The --22 MR. HILL: 23 MR. MORIN: Is it? 23

Judicial interest.

MS. ANDREWS:

24

25

24

25

MS. ANDREWS:

Yes.

Page 29 Page 31 1 MR. MILAZZO: That would be --1 Well, good. 2 2 MS. ANDREWS: 3 MS. ANDREWS: Okay. So there's -- there are some --3 4 So the legislature actually puts some 4 a lot of changes that we've made. 5 -- some -- built some things in the last 5 MR. MILAZZO: 6 couple of years because of their concerns of Well, it appears you guys are doing a 6 7 collections for the rest of the state. So 7 great job of identifying that. Now, you 8 this will get caught up in that, you know, 8 know, it's just the collection process that, 9 whether it's, you know, by accident or 9 you know -- but again, a lot of progress 10 purpose, it will be part of it. 10 made. So I just wanted to tell you thanks. 11 MR. MORIN: MR. MORIN: 11 Right. And it does seem like they're 12 12 You're welcome. 13 -- they're nearing --13 MR. BURNHAM: MS. ANDREWS: 14 I had a question for Cy. Cy, how many 14 15 Yes. 15 new audits are initiated within a given time MR. MORIN: 16 period, out of curiosity? 16 -- the point where they're actually 17 MR. MORIN: 17 18 going to start forwarding things on. Okay. So for this -- for this fiscal 18 MS. ANDREWS: 19 19 year, we're initiating 18 new audits. 20 Right. Yes. We've been working --20 MR. BURNHAM: MR. MORIN: 21 21 Okay. And how do you choose? Is that 22 It's been a work in progress for us. 22 randomly selected or --23 MS. ANDREWS: 23 MR. MORIN: Yes. We have weekly meetings with the 24 24 Currently, I -- I have a guy that is 25 Office of Debt Recovery that we're working 25 our motor fuel auditor and he does analysis Page 30 Page 32 1 towards having these referred. Now, we're -1 of who's registering and who's certificate 2 - I don't want to tell you that that's going 2 holders within the department. And he looks 3 to happen in the next three months, because 3 at -- at fees paid, you know, for everyone 4 we're kind of taking baby steps on getting 4 and he sees a status if anything -- you 5 them. It's -- it's a very cumbersome 5 know, he basically looks at the status of 6 process for us to be able to electronically 6 the businesses and the payment history. 7 get things referred. You know, with all 7 That's what we really have the access to 8 these agencies, everybody has their own 8 right now. And he puts together 9 spreadsheets showing who's been audited in 9 processes, you know, computer wise. And so, 10 we're all trying to get on the same page. 10 the past, who's never been audited, who's 11 But this will be one of those items. If 11 been audited for certain reasons. And he 12 these companies don't pay, after 90 days, it 12 uses that to determine who he's going to 13 goes over there. And they'll have 25 13 start, you know, auditing next. 14 percent surcharge on top of this. What we 14 MR. BURNHAM: 15 also do is, they now wind up using a 15 Okay. 16 judicial interest rate, which is a daily 16 MR. MORIN: 17 compounding rate. So we've actually made a 17 And he -- I -- he's in the process 18 lot of changes here in the last I'd say two 18 right now where he's trying to rotate 19 years. 19 through and -- and get people to go out to 20 MR. MORIN: 20 businesses that have never been audited or, Actually, the -- the interest rate --21 21 you know, things of that nature. 22 the interest is not charged on --22 MR. BURNHAM: MS. ANDREWS: 23 Okay. Thank you. 24 On -- on -- right. 24 MR. MORIN: MR. MORIN: 25 25 You're welcome.

Page 35 Page 33 1 processed for payment, totaling \$2,285,680. MR. MILAZZO: 1 2 And 72 applications were returned with 2 You know, maybe a final thought. And 3 I know that not always do the departments 3 deficiencies. The number of deficiencies this 4 talk to one another. But, you know, it 5 quarter was a little bit higher because we 5 seems as though you -- if you had access to 6 went through and did a -- used a new 6 the department of revenue and you see all 7 application. We've been giving the RACs a 7 the tax, you know, where is the tax paid 8 number of months to get used to get 8 fuel going through, what -- what license the acclimated to it and we gave them a 9 wholesalers are looking at those or -- or deadline, and the deadline passed and they 10 selling those and have some -- just -- just 11 continued to use the old application, so we 11 a file that's -- a spreadsheet that's had a number that went back, telling them 12 calculating this stuff. Say, "Okay. This they needed to use the new one. We expect 13 guy pulled so many gallons, but yet, we're most of these applications to come back in 14 seeing submission on X number of gallons." 15 subsequent quarters. 15 I mean, just --For the sites in the corrective action 16 MR. MORIN: 16 phase, the outstanding liability for the 17 17 Yes. 18 corrective action plan budget and estimated MR. MILAZZO: 18 19 costs to reach closure at the end of You could build a rule of thumb out 19 20 December 2014 was \$31,107,679. 20 there to at least say -- you've got out of 21 state brokers in town now, selling lots of 21 The additional obligation recognized 22 for non-CAP sites, plus the projected motor 22 gallons. And, you know, where -- are 23 fuel trust fund to environmental trust fund 23 their responsibilities come --24 transfer, was \$40,963,750. MR. MORIN: 24 At the end of December 2014, the trust It could be a way to identify --25 Page 36 Page 34 1 fund had 151 pending applications to MR. MILAZZO: 2 process, which have requested amounts, Yes, you may not even know them. 2 3 totaling \$2,501,249. Of this amount, the 3 MR. MORIN: 4 estimated requested obligations relating to -- people that we're not aware of. 5 CAP budgets and closure costs was 5 That's -- that's true. 6 \$1,741,820. MR. MILAZZO: If you'll note the legal-sized last So I don't know what you can do with 8 page of your packet, it list a number of 8 that, but it seems to me that you guys could 9 trust fund sites that received no further 9 build some calculations that would -- would 10 action status. So far, for this fiscal 10 begin to point some fingers at some places 11 year, it's ten sites. 11 that you may have not thought about. You don't have this in these numbers 12 MR. MORIN: 12 13 in your packets, but the number of potential Okav. 13 14 trust fund sites that were reviewed and made MR. MILAZZO: 14 15 eligible during the current fiscal period Okay. And no other questions. Let's 16 was 19 sites, representing 20 active 16 go to Jeff and the trust fund status report. 17 incidents. 17 MR. BAKER: Points of interest relating to the Good afternoon. If ya'll would refer 18 19 trust fund. The trust fund is continuing to 19 to tab number six in the packet. These are 20 work on a draft of the next revision of 20 the figures for the second quarter of fiscal 21 the trust fund cost control guidance 21 year 2015. 22 document. Our intention is the registered During the second quarter of fiscal 22 23 RAC community will be emailed in the next 23 year 2015, the trust fund received 252

24 week with an opportunity for any RAC that is

25 willing to participate in an email or phone

24 applications that totaled \$3,781,473.

25 During this period, 183 applications were

				February 12, 2015
		Page 37		Page 39
1	conference workgroup relating to the		1	legal-sized sheet are no further action
	guidance document revision for them to to		1	granted locations; am I correct?
	give them an opportunity to advise the		3	MR. BAKER:
1	department that they are willing to		4	Yes, sir.
	participate. These workgroups will look at		5	MR. MARCELLO:
	reimbursement issues the trust fund is		6	So
	attempting to clarify in guidance or in		7	MR. BAKER:
	helping us research and develop new or	•	8	Are you asking if
	revised unit rates.		9	MR. MARCELLO:
10	Does anybody have any questions?		10	My question was my question is, if
11	MR. MARCELLO:			these were further action sites, the total
12	So how many you had a total sum of			would be 151 plus these nine or ten, it'd be
	pending applications totaled \$2,501,000 and		13	4-
	how many sites were they, or applications?		l	long how long in your estimation and I
15	MR. BAKER:			know there's no there's no specific time
16	151 applications.			frame but how long oh, well, this
	MR. MARCELLO:		l .	answers my question. So the first
17	151.		18	application of these sites were some of
18	MR. BAKER:		l	them were 1992 and 2002 and so forth and so
19				
20	The majority of those applications were received from October 31 through the		20	applications. What's in the middle of that?
	end of December. There was not a lot I		22	MR. BAKER:
			ì	Well, let's let's clarify. I think
	think there was only 10 or 12 of them that		23	we're talking apples and oranges.
	were beyond the October 31 time frame. MR. IVEY:		l	MR. MARCELLO:
25	WIR. IVET.		25	WIN. WANGELLO.
		Page 38		Page 40
	le in there a coloulation that you	Page 38	-	•
1	Is is there a calculation that you	Page 38	1	Okay.
2	can share with us on the current outstanding	Page 38	2	Okay. MR. BAKER:
2	can share with us on the current outstanding CAP budgets that comes up with the thirty-	Page 38	2 3	Okay. MR. BAKER: You're you're talking about active
2 3 4	can share with us on the current outstanding CAP budgets that comes up with the thirtyone million and also the non-CAP? Ya'll	Page 38	2 3 4	Okay. MR. BAKER: You're you're talking about active sites. Okay? Currently, we have 295 active
2 3 4 5	can share with us on the current outstanding CAP budgets that comes up with the thirty-one million and also the non-CAP? Ya'll calculate that internal?	Page 38	2 3 4 5	Okay. MR. BAKER: You're you're talking about active sites. Okay? Currently, we have 295 active trust fund sites.
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	Page 41	Pa	age 43
١.	laff let me ack when I look at the	1 our ourrent third party claims. And we do	
1	· · · · · · · · · · · · · · · · · · ·	1 our current third party claims. And we do	
- 1	current obligated balance of the trust fund,	2 not have any new third party claims to3 report.	
- 1	the total sum of CAP charges and pending applications, there's a subtraction of that	4 MR. MILAZZO:	
	number.	5 Well, that was quick. Any questions	
6	MR. BAKER:	6 about that?	
7	Yes, sir. You're talking about where	7 (No response.)	
1 .	we have the total sum of the pending and	8 MR. MILAZZO:	
	then we have the total sum of the CAP	9 Okay. At this time, I'd like to go	
	charges?	10 into other business. I think, Kerry, you	
11	MR. MILAZZO:	11 had a comment, perhaps some questions.	
12	Right. Yes.	12 MR. HILL:	
13	MR. BAKER:	13 I do. On Friday, the Governor made an	
14	The reason we do that is not so not	14 announcement to mid-year cuts to balance the	
15	to duplicate those CAP charges. Those CAP	15 fiscal year. And we discovered that there	
- 1	charges are already included in the current	16 was reported in the reduction report, we	
17	totals of the CAP budget. If you don't back	17 saw the two items in reductions and revenue	
18	them out as part of the pending, you'll be	18 opportunities that totaled 8.7 million	
19	duplicating that those numbers.	19 dollars that would come from the UST trust	
20	MR. MILAZZO:	20 fund. We believe this is against the law.	
21	All right.	21 It if it's protected, how can they draw	
22	MR. BURNHAM:	22 that money out of the fund? Can somebody	
23	They were submitted as a part of a	23 put some clarity to that?	
	cost estimate, which is where that thirty-	24 MS. CARTER:	
25	one million number came from?	25 That one, I will have to defer until	
	Page 42	D. D.	202 44
	Page 42	Pa	age 44
1	MR. BAKER:	1 Perry comes back.	age 44
2	MR. BAKER: Those are those are the yes,	Perry comes back. MR. HILL:	age 44
2	MR. BAKER: Those are those are the yes, sir.	1 Perry comes back.2 MR. HILL:3 Okay.	age 44
2 3 4	MR. BAKER: Those are those are the yes, sir. MR. BURNHAM:	1 Perry comes back.2 MR. HILL:3 Okay.4 MS. CARTER:	age 44
2 3 4 5	MR. BAKER: Those are those are the yes, sir. MR. BURNHAM: Right.	 Perry comes back. MR. HILL: Okay. MS. CARTER: I'm sitting in for Perry, and he I 	age 44
2 3 4 5 6	MR. BAKER: Those are those are the yes, sir. MR. BURNHAM: Right. MR. BAKER:	 Perry comes back. MR. HILL: Okay. MS. CARTER: I'm sitting in for Perry, and he I think he expected to be at this meeting but 	age 44
2 3 4 5 6 7	MR. BAKER: Those are those are the yes, sir. MR. BURNHAM: Right. MR. BAKER: The applications came in with	 Perry comes back. MR. HILL: Okay. MS. CARTER: I'm sitting in for Perry, and he I think he expected to be at this meeting but was called away. 	age 44
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1	convenient store, we have to get the soil	1 1	you don't mind. I mean, I I would like
	tested and do phase one, two or three you	}	him to our go to person of our
ſ	know, it can be quite expensive before we	1	association is Natalie. And I I would
1	can get financing to to buy the property,	1	like for Mr. Perry, is it, to or whoever
t	let alone spend another two and a half,	1	answers the question just to to maybe
	three million dollars, depending on what	1	just harp on or answer the validly the of
	you're what size site you're building.		of Kerry's request in that Louisiana Revised
	And we have all all told and we all		Statute 21:95-6, ownership of tank trust
1	preach to our banks that we have a trust		fund and I'll just read the first
	fund just like on the building, we have		sentence. "The tank trust fund shall be
	to provide the bank with a with an		used only for the purpose set forth in
	insurance certificate. Well, on these		Revised Statute 30:2194 through 2195 and no"
	tanks, underground and they all know,		"and no other governmental purposes nor
	because they're on both sides of the coin.		shall any portion thereof be available to
	They either you're either asking to		borrow from by any branch of government."
1	borrow money to buy the property or you're		So maybe he can just answer answer that
	asking to borrow on a site that's already	17	
1	ongoing and that has these this trust	18	
	fund eligibility program in place and and	19	
	so there's a level of comfort that we have	20	the consensus on the Louisiana Oil
	established with our banks. There's a	21	Marketers, I'm sure and again, I'm not
22	dis-level of comfort out there with us	22	here speaking for them. Natalie would do
23	whenever we see this money potentially being	23	that. But
24	robbed or maybe I should've said robbed.	24	MR. HILL:
25	But being used for something else. But we -	25	That's a good idea.
	Page 46		Page 4
1	- we have worked hard to protect that. And	1	MR. MARCELLO:
2	it's kind of a scary feeling. And that I	2	You know, just just basically
3	would like some clarity on that, if	3	answer that. And then she'll let all the
4	possible.	4	members know.
5	MS. CARTER:	5	MS. ISAACKS:
6	Oh, sure. I understand. I I will	6	You're right. And if I could just
7	pass that on to Perry.	7	add, sooner rather than later, because it's
8	MR. HILL:	8	
9	Okay.	9	MR. MILAZZO:
10	MS. CARTER:	1	
		10	So this is getting ready to
11	I know ya'll are new and I would	11	MS. ISAACKS:
12	I know ya'll are new and I would assume that he's I don't know if he has	11 12	MS. ISAACKS: at the end of the the budget
12 13	I know ya'll are new and I would assume that he's I don't know if he has ya'll's email address or your contact	11 12 13	MS. ISAACKS: at the end of the the budget committee is the 20th.
12 13 14	I know ya'll are new and I would assume that he's I don't know if he has ya'll's email address or your contact information	11 12 13 14	MS. ISAACKS: at the end of the the budget committee is the 20th. MR. HILL:
12 13 14 15	I know ya'll are new and I would assume that he's I don't know if he has ya'll's email address or your contact information MS. VIZINAT:	11 12 13 14 15	MS. ISAACKS: at the end of the the budget committee is the 20th. MR. HILL: That could help ya'll and
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		Page 49			Page 51
,	they play in accordance with some other		1	urgent. Unfortunately, we don't have, you	
	questions. In fact, you know, we were			know, the other folks in the room that we'd	
	hopeful of having an update on some of the			like to be talking to as well. So we have	
,	pending lawsuits. You know, there's another			to rely on you to kind of share this message	
	discussion point as as we think about			of urgency that that they've just	
	where those funds may sit. And I know we			mentioned. And we we do challenge the	
1	probably need to go into executive session			thinking that this this can be raided for	
	to discuss it. I'm not sure if there's a	,		other purposes of government when the	
9	10 th and a second a second as	ľ		statute seems to be pretty straight forward.	
	answer those questions. There's no reason			And I think from those who are contributing	
	to call for that. But I do want to say that	·		to the financial well-being of the trust	
1	time is of the essence because of the			fund, I think we certainly deserve some	
13	to the Common of the African Market was and			answers	
	There's every indication, as Frank said,		14	MS. CARTER:	
	that, you know, this is not a tax. It is a		15	Oh, sure.	
	it is a fee.		16	MR. MILAZZO:	
17			17	SOON.	
18	7. 1.		18	Any comments with respect to that.	
19			19	Shawn, Steve?	
20			20	MR. IVEY:	
	it, it's identified. And, you know, when		21	I guess as far as I'm concerned, we	
1	you look at what's being considered as an		22	have seen in other states where a fund has	
- 1	opportunity revenue for the budget			and the second s	
	shortfall, I I wouldn't want to wake up		24	a sudden, there's no money going out. You	İ
- 1	and have my bank call me and and say,			know, that that's really our biggest	
		Page 50			Page 52
	"You know we're looking at the balance	Page 50	1	concern because you know a lot of our	Page 52
	"You know, we're looking at the balance	Page 50		concern, because, you know, a lot of our	Page 52
2	sheet of the trust fund and it" "and it	Page 50	2	business we get paid through the trust fund.	Page 52
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25 we're either going to be -- we're going to

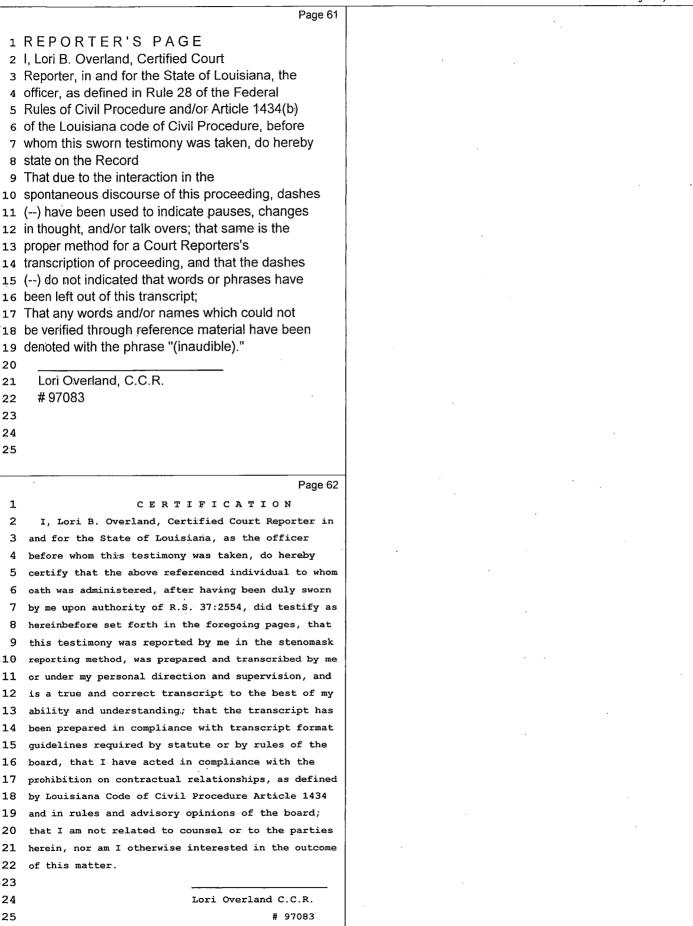
25 this seems to be something that is most

EQ Motor Fuels Underground Storage Tank Trust	Fund Advisory Board Mo February 12	
Page 53	Pa	ge 55
see loans being called or we're going to be finding other sources of protection for the bank. And that's just the starting point. And I think if we don't stand up today to protect this now, then what happens when we get into the legislation session and they're trying to solve the problem in the next fiscal year? MR. BURNHAM: Right. MR. MILAZZO: Is this going to be an even bigger concern as we go forward? So if we're going to stop it, the best chance we have is to stop it before it gets started. And that's now. MR. HILL: Jill, did you say you had called for Vince to come to this meeting, or he wasn't going to be able to come today? MS. CARTER: I'm sorry. Say that again.	that we had discussions on. So when the the information did come out, we were you got what we got. So I'm I'm you know, I'm not sure, you know, what Vince is going to be able to give you. I'm sure Perry will be able perhaps will be able to share with you some information. I'm I'm not sure that he's going to be able to give you anymore than what you're reading in the statute. MR. HILL: Well, just a question that I have. I would be genuine genuinely concerned that ya'll would feel the same way that we do because this is a department that that funds everything, correct? Good question, bad question or MS. ANDREWS: I'll I'll have to refer that to other other folks. MR. HILL: Okay.	
5 for Vince to	25 conclude	
Page 54	Pa	ge 56
 MS. ANDREWS: I can I can tell you. Vince had a meeting at the capitol this afternoon MR. HILL: Oh, okay. 	 MS. ANDREWS: Or, I'll be happy to speak with you off the record. MR. MILAZZO: Yes. I'll conclude this. I won't use 	
	Page 53 1 see loans being called or we're going to be 2 finding other sources of protection for the 3 bank. And that's just the starting point. 4 And I think if we don't stand up today to 5 protect this now, then what happens when we 6 get into the legislation session and they're 7 trying to solve the problem in the next 8 fiscal year? 9 MR. BURNHAM: 0 Right. 1 MR. MILAZZO: 2 Is this going to be an even bigger 3 concern as we go forward? So if we're going 4 to stop it, the best chance we have is to 5 stop it before it gets started. And that's 6 now. 7 MR. HILL: 8 Jill, did you say you had called for 9 Vince to come to this meeting, or he wasn't 0 going to be able to come today? 1 MS. CARTER: 2 I'm sorry. Say that again. 3 MR. HILL: 4 Did you say you had called or asked 5 for Vince to Page 54 1 MS. ANDREWS: 2 I can I can tell you. Vince had a 3 meeting at the capitol this afternoon 4 MR. HILL:	Page 53 1 see loans being called or we're going to be 2 finding other sources of protection for the 3 bank. And that's just the starting point. 4 And I think if we don't stand up today to 5 protect this now, then what happens when we 6 get into the legislation session and they're 7 trying to solve the problem in the next 8 fiscal year? 9 MR. BURNHAM: 9 MR. BURNHAM: 9 MR. BURNHAM: 10 stape 1 m. 1 m. 1 m. 1 m. 1 m. 1 m. 1 m. 1 m

- MS. ANDREWS: 6
- 7 -- after lunch on another matter.
- MR. HILL: 8
- Okay. I just ---9
- MS. ANDREWS: 10
- So he was not able to attend. 11
- MR. HILL: 12
- 13 I misunderstood her. And this is such
- 14 -- this is a very important item to us.
- MS. ANDREWS: 15
- And I can let you know that we did --16
- 17 Vince and Secretary Hatch did have a meeting
- 18 with the Office of Planning and Budget with
- -- concerning all of our statutory
- 20 dedicated funds. And all of our funds at
- 21 this department are statutorily dedicated.
- 22 It's not just your fund. And we met
- 23 extensively on them. They asked for all of
- 24 our obligations and our fund balances for
- 25 every one of them. And this was one of many

- 6 the same term as Kerry, but, you know, if --
- 7 if the statute is -- is as clear and concise
- 8 as it is, and we allow this money grab at
- 9 the level in which it's being considered,
- 10 then we -- we really don't have anything.
- 11 And we -- we could really at the next
- 12 meeting begin to start thinking about other
- 13 means to protect ourselves. Because, I
- 14 mean, we'll be traveling down that route.
- 15 And it's a scary thought, as you described,
- 16 that -- that -- the question is, what's the
- 17 balance in the fund and how much of that's
- 18 encumbered? And then, coincidentally, you
- 19 know, we see eight million dollars in an
- 20 opportunity revenue bucket. And I hear you
- 21 loud and clear, this is just one of many
- 22 that you guys administer. So as -- as a
- 23 member of a fund that -- that was -- you
- 24 know, we fought hard to -- to create it for
- 25 -- for a single purpose, it's a scary time.

		Page 57		Page 59
	A LL A LL A LL A LL A LL A LL A LL A L		_	
i i	And I don't want to sit here and criticize			tough situation for us. And if you're going
	our government, but, you know, it's it			to have insurance, then why do you need to have both, right? I'm not making a plea
	doesn't give me a good feeling of our ability to run our business with some			that we need to go off and get insurance.
4	protective covenants that that we			We we think we have what we need, but we
	worked hard to establish. And so I do			need to maintain the integrity of it.
	respect that you guys there's only so		7	Any other comments in respect to the
- 1	much you can share with us and we certainly		-	trust fund?
	understand that. But I do hope you're			(No response.)
ı	the only folks listening to us today		10	MR. MILAZZO:
	that that you'll take our concern and	1	11	Then I'd like to ask you know, it -
	and share it with Vince and Perry, Secretary	l l		- it appears it will be a very busy
	Hatch and and whoever else will listen to			legislative session. I don't know if there
1	you. And if you need some support to help	,		will be enough time to talk about
1	tell our message again, I'll gladly you	1		environmental substance, but as always, I
	know, we'll team up and we'll be back to			think it's important that that we can
1	talk to them directly, if that would matter.			kind of share if there's something on your
18	MR. BURNHAM:	I		agenda that that you think you guys will
19	Before we close, I just want to go on			be looking at, we'd like to talk to you
	record as concurring with the other board			about it and see if, you know, perhaps we
	members that I think it would be totally			share, you know, the same thoughts with you
ı	inappropriate to take funds for other			and we can perhaps go with some sense of
	reasons from the trust fund. And even if we			unity with you. If there are things that
24	survive the amount that is being purposed		24	that we're looking at, you know, we'll be
	now, to set that precedent would be		25	talking to you guys about them. And so I'll
		Page 58		Page 60
1	something that would cause you to the	Page 58	1	
	something that would cause you to the trust fund amount would be totally	Page 58		Page 60 ask you today, is there is there anything that you know of as of today that that
2		Page 58	2	ask you today, is there is there anything
2	trust fund amount would be totally	Page 58	2 3	ask you today, is there is there anything that you know of as of today that that
2 3 4	trust fund amount would be totally unreliable from here on out because of the	Page 58	2 3	ask you today, is there is there anything that you know of as of today that that you know could could be in the
2 3 4	trust fund amount would be totally unreliable from here on out because of the possibility of that happening, which as	Page 58	2 3 4	ask you today, is there is there anything that you know of as of today that that you know could could be in the legislature here in the next month or so?
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In The Matter Of:

DEQ Motor Fuels Underground Storage Tank Trust

Fund Advisory Board Meeting February 12, 2015

Associated Reporters, Inc. 201 St. Charles Avenue Suite 4315 New Orleans, LA 70170 (504) 529-3355

Original File TRUST
Min-U-Script® with Word Index

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4	DEPARTMENT OF ENVIRONMENTAL QUALITY	3 None	
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6	FUND ADVISORY BOARD	5 EXHIBITS:	
7		6 None	
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13	LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana,	13	
14	beginning at 1:18 p.m., on February 12, 2015.	14	
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17		16	
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19	BEFORE: Lori B. Overland	19	
20	Certified Court Reporter	20	
21	In and For the State of Louisiana	21	
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2	APPEARANCES	1 MR. MILAZZO: 2 Okay. Why don't we call this meeting	Page 4
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2	APPEARANCES John Milazzo Chairman Durwood Franklin	Okay. Why don't we call this meetingto order. And I am doing so in the absence	Page 4
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Page 5 Page 7 1 (No response.) 1 Marketers Association. 2 MR. HILL: 2 MR. MILAZZO: Kerry Hill, Louisiana Oil Marketers Minutes are adopted. 3 3 4 Association. 4 Item three is the election of the 5 chairperson for 2015. So let me open the MR. MILAZZO: 6 floor for nominations. 6 Johnny Milazzo, Louisiana Oil 7 Marketers. 7 MR. IVEY: I'll nominate Johnny Milazzo. MR. BURNHAM: 8 R 9 Steve Burnham, Engineering Associates. 9 MR. HILL: MR. IVEY: 10 I second. 10 Shawn Ivey, PPM Consultants. MR. MILAZZO: 11 11 MR. FULTON: All in favor. 12 12 Gary Fulton, Underground Storage Tank 13 (All indicated yes.) 13 14 Remediation Division. 14 MR. MILAZZO: MR. BAKER: 15 Any opposed? 15 16 (No response.) Jeff Baker, DEQ Motor Fuel Trust Fund. 16 MR. MILAZZO: 17 MR. FRANKLIN: 17 Durwood Franklin, DEQ Trust Fund. Natalie, I feel like there's a little 18 18 19 bit of a -- I'll assure everyone here today 19 MS. CARTER: Jill Carter, DEQ Legal Division. 20 that at the next meeting as the chairperson, 20 21 I will absolutely be prepared. That could MS. COOK: 21 22 be a bit dangerous. Nevertheless, forgive 22 Rhonda Cook, PPM Consultants. 23 me a little bit for today. 23 MS. HICKS: Linda Hicks, PPM Consultants. I'd like to ask Karyn to present the 24 24 MR. EFFERSON: 25 financial services report, please. 25 Page 6 Page 8 Jason Efferson, DEQ Trust Fund. MS. ANDREWS: 1 1 2 MR. BROUSSARD: Sure. We're going to turn to tab Samuel Broussard, DEQ UST. 3 four. At the beginning of the fiscal year, 3 MS. ISAACKS: 4 we transferred \$70,252,211 into the trust 4 5 Natalie Isaacks, Louisiana Oil 5 fund. As of December 31, we deposited 6 \$11,277,269. And we've paid out Marketers. 7 reimbursements of \$3,893,513. The current MR. KELLEY: 7 Ian Kelly, DEQ Trust Fund. 8 liabilities on sites are \$72,830,858. This 8 9 leaves us a balance after obligations of MR. MILAZZO: 9 Okay. Thank you. Let me bring your 10 \$4,805,109. 10 11 attention to the minutes from our November We'll go ahead and turn the page. 11 12 meeting. I'm not sure if everyone's had an 12 This is an information report for our 13 opportunity to take a look at that. But we 13 interest revenue from the trust fund. The 14 can take a moment to -- for a quick review. 14 revenue collected inception to date stands 15 If you have and if someone's comfortable, I 15 at \$6,638,347. And the expenditures out of 16 this revenue account is at \$1,229,930. And 16 ask for a motion to adopt those. 17 MR. BURNHAM: 17 to date, there have been no expenditures I make a motion to adopt the minutes. 18 from fiscal year 2015 for the interest 18 19 money. And this money is used to pay for 19 MR. HILL: I second it. 20 the abandon tanks program. 20 MR. MILAZZO: If you'll turn the page once more. 21 21 22 All in favor? 22 This report details how we calculate the 23 (All indicated yes.) 23 amount transferred from our motor fuel trust MR. MILAZZO: 24 24 fund to the environmental trust fund. It 25 Any opposed? 25 gives you some details of our revenues and

			v	12, 2013
	Page 9			Page 11
1	expenditures. This year, we're estimating	1	So why would the indirect the line	
1	the fiscal year 2015 reimbursement to the		item, two lines above it, be zero?	
1	environmental trust fund is going to be	3	MS. ANDREWS:	
1	approximately \$4,844,000.	4	That's the the old method that we	
5	Does anyone have any questions?	-	used	
6	MR. MILAZZO:	6	MR. MARCELLO:	Ï
	Karyn, we have a couple that are new	7	Got you.	
7	here.	8	MS. ANDREWS:	
	MS. ANDREWS:	9	was 30 percent	
9		10	MR. MARCELLO:	Ì
10	Sure.	11	Got you.	
11	MR. MILAZZO:	12	MS. ANDREWS:	
12	This is certainly their first meeting.	13	of collections on the revenues into	
	That's Mr. Kerry and Mr. Frank. So and I	_		
14	do appreciate you kind of leading them page	l!	the environmental trust fund. So if you	1
15	to page. But, Frank, Kerry, in an effort to		follow the line all the way over to fiscal	
	try to get up to speed, if you guys have any	ı	year 2011-'12, you'll notice how it was	
17	questions, feel free. There are no	1	fairly low at \$189,000.	
1	ridiculous questions or dumb questions.	18	MR. MARCELLO:	
1	Because, you know, this is a little bit	19	Correct.	
	different than we're use to looking at our	20	MS. ANDREWS:	
J	business. But so please, this is the	21	That is 30 percent of the \$630,000	
22	appropriate time.	ı	that the fund received into the	
23	MR. MARCELLO:		environmental trust fund. And so we now	
24	I I do have a question. And I want		we've made a change in how the department	
25	I wanted to question the the 28.54	25	collects it's indirect costs through the	
	Page 10			Page 12
:	Page 10			Page 12
1	percent indirect cost of personnel cost.		motor fuel trust fund. And we now use half	Page 12
1 2	percent indirect cost of personnel cost. MS. ANDREWS:	2	of our approved rate of overhead and we	Page 12
1	percent indirect cost of personnel cost. MS. ANDREWS: Sure.	2	of our approved rate of overhead and we apply it to the direct labor charges that	Page 12
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2 3 4 5 6 7	percent indirect cost of personnel cost. MS. ANDREWS: Sure. MR. MARCELLO: Does that percentage fluctuate MS. ANDREWS: It does, it MR. MARCELLO: quarterly?	2 3 4 5 6 7 8	of our approved rate of overhead and we apply it to the direct labor charges that work on this program. MR. MARCELLO: Got you. MR. MARCELLO: So basically, if I'm reading correctly, in five years, this this	Page 12
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These are -- this is salaries and

MR. MARCELLO:

Page 15 Page 13 1 related benefit -- you're looking at the 1 anticipate that we're probably back to the 2 level where we should have been. 2 second line under the expenditures? MR. MILAZZO: MR. MILAZZO: Any other questions for Karyn? 4 I am, ves. 4 5 (No response.) MS. ANDREWS: 5 MS. ANDREWS: Yes. This is the actual salaries and And if any of the new board members 7 related benefits for department personnel 7 8 have any additional questions in the 8 costs, working on grants. Some of these 9 years here through 2009, '10, '11, we had a 9 meantime, I'll be happy to provide them with 10 lot of ERA money -- that's the American 10 my card. Before the next board meeting, if 11 there's --11 Recovery Act -- money. And so you're -- you 12 saw them spike up a lot. Here we have a lot 12 MR. MARCELLO: 13 that we start -- that the number has spiked 13 I appreciate that. 14 up again this year -- I was actually MS. ANDREWS: 14 -- if there's something else that I 15 speaking to Gary about this a little while 15 16 ago, because I actually, when I was looking 16 can provide to make anything else a little 17 at the numbers this morning, I also was 17 bit more clear for them, I'll be happy to do 18 SO. 18 like, "Wow, it really jumped up this year." 19 One of the -- the reasons is we had a -- a 19 MR. MARCELLO: 20 real increase in the related benefits that And this -- what is this? Is this 20 21 the state is now paying for retirements. 21 some kind of acronym, ORG5800? 22 And so that's a little bit of -- of the --22 MS. ANDREWS: 23 the costs. And we do have a few more That -- that's like our code. 23 24 underground tank employees that are working 24 MR. MARCELLO: 25 in the program. So they charge first to the 25 Okay. Page 14 Page 16 1 grant. And then when the grant runs out of 1 MS. ANDREWS: 2 money, then it becomes departmental costs. It's a -- it's a code that we use in 2 3 So that's -- that's attributable to that 3 our accounting office. 4 increase. 4 MR. MARCELLO: MR. MARCELLO: 5 Got you. So the next question would be, is that MR. MILAZZO: 6 Would it -- Frank, Kerry, or anybody 7 -- is that a standard year to year line item 7 8 grant, if you will, in the federal 8 else, do you find it necessary that maybe we 9 governments budget? can maybe have an additional meeting or 10 MS. ANDREWS: discussion or conference call that might can Yes. explain if there are acronyms, numbers or 11 MR. MARCELLO: 12 lines that you would have questions about to 12 To -- to the state of Louisiana? 13 really feel comfortable in the interest of 13 MS. ANDREWS: 14 that? 14 Yes. Yes, it is. MR. MARCELLO: 15 15 That -- that grant really has stayed 16 Johnny, I really don't -- I don't see 16 17 fairly stable through the years from the 17 that -- that it --18 department -- from the environmental MR. MILAZZO: 18 protection agency. And so we -- they have -19 Okay. 20 - they did a reduction, I believe, through 20 MR. MARCELLO: 21 their sequestration. That was in 2012. And -- it's necessary, as long as -- if I 21 22 it was a eight percent reduction. And so 22 can have her card and if I have a question 23 you may -- you may have seen a little bit of 23 or --24 downturn there. And -- so now, it's really MR. MILAZZO: 24 25 gone back up. And I don't -- I -- I would 25 So -- so -- yes, I think that's a good

Page 19 Page 17 1 assessments, totaling approximately \$700, 1 question. If -- if someone wants to learn 2 pending peer and/or final review. Fieldwork 2 more about understanding financials, is it 3 is still in progress for the two remaining з okay if we reach out? 4 fiscal year '14 audits. MS. ANDREWS: Five of the 31 audits were open in Absolutely. 5 6 fiscal year '13. One fiscal year '13 audit MR. MILAZZO: 6 7 has been referred to legal for collection of 7 Okay. 8 \$4,016.58. As of yesterday, I learned that 8 MS. ANDREWS: 9 a petition to file suit has been reviewed 9 Absolutely. I can provide that 10 and signed by the attorney. The auditor has 10 information to you. 11 signed an affidavit and verification of the MR. MILAZZO: 11 12 amount and it will be filed shortly. Okay. Is that fair enough? 12 A demand letter and invoice was sent MR. MARCELLO: 13 13 14 for one fiscal year '13 case on 2/10/15 in 14 Yes. 15 the amount of \$904.17. MR. MILAZZO: 15 Fieldwork has been completed on two of All right. So, Jill, do we need -- do 16 16 17 the remaining fiscal year '13 audits, 17 we need to accept this financial report or 18 resulting in one potentially clean audit and 18 is it just basically a report and we can 19 one potential assessment of approximately 19 move on? I don't think we do, but --20 \$4,500. 20 All right. Let's move to the 21 The fifth fiscal year '13 case is set 21 auditor's report. Cy? 22 to be closed with no assessment. MR. MORIN: 22 23 Okay. We currently have --And as I've discussed in previous 24 meetings, the four remaining active cases MR. MILAZZO: 24 25 were started prior to fiscal year '13. Two 25 Kind of lead us through the packet Page 18 Page 20 1 that you're going to talk through. 1 of those cases have judgments. The course 2 of action for one case still remains to file MR. MORIN: 2 з a claim against a succession. The 3 There -- there is nothing in the 4 succession has not been opened, per the 4 packet. 5 Clerk of Court's office. The other case MR. MILAZZO: 5 6 with the judgment, legal mailed the petition 6 Okay. 7 for garnishment on 8/20/14. As of MR. MORIN: 7 8 yesterday, the respondent had agreed to a We currently have 31 open audit cases. 9 payment plan and had -- they received the 9 Eleven of those were open in fiscal year 10 payment plan on 1/28/15. And we are 10 '15. Fieldwork has been completed for five 11 awaiting signed documents and a down payment 11 of these audits, resulting in potential 12 of \$4,000. 12 clean audits with no assessment and two 13 potential assessments, totaling 13 The legal status remains the same 14 since the last board meeting in one audit 14 approximately \$527, pending peer review and 15 opened prior to fiscal year '13. The 15 final review. 16 attorneys are -- are still looking at it to Five fiscal year '15 cases are 17 determine the plan of action. And the 17 currently in progress. And the eleventh 18 remaining legal case, as of yesterday, the 18 fiscal year '15 case was assessed at \$8,566, 19 update is that legal determined for this 19 which is collected in full. The file is set 20 case that any legal action against the 20 to be closed. 21 corporation would probably be futile, given Eleven of the 31 audits were open in 22 that the corporation is bankrupt and it was 22 fiscal year '14. Fieldwork has been 23 dissolved in 2009. So that is likely 23 completed on nine of these audits, resulting

24 uncollectible.

25 Two fiscal year '14 cases have been

24 in seven potentially clean audits with no

25 assessment and two potential audit

Page 23

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Page	21
Page	41

- 1 finalized and closed with no assessment
- 2 since the November meeting.
- 3 To date, in fiscal year 2015, demand
- 4 has been made for two assessments, totaling
- 5 \$9,470 in delinquent fees and late
- 6 penalties. \$8.566 of that has been
- 7 collected. And \$904.17 remains outstanding.
- So as of today, the total confirmed
- 9 outstanding delinquent fees and penalties
- 10 for the 31 open cases is \$127,122.79.
- 11 The five cases being pursued legally
- 12 account for approximately \$126,000 of that.
- 13 Approximately \$11,500 of that is related to
- 14 the case that's probably uncollectible. And
- 15 the remaining \$904.17, as I said before, is
- 16 -- we've recently invoiced.
- 17 And that's it.
- 18 MR. MILAZZO:
- 19 I want to first, you know, say thanks
- 20 because I know we've had some discussions in
- 21 the last couple of meetings about this.
- 22 MR. MORIN:
- 23 Yes.
- 24 MR. MILAZZO:
- 25 And I appreciate you sharing some of

- 1 make some recommendations -- not sure of the
- 2 legal opinion. But, you know, we all have
- 3 to compete at the end of the day. And if
- 4 someone's doing what's right and proper and
- 5 other guys are not, obviously the trust fund
- 6 pays the price, but we all do at the end of
- 7 the day. And, you know, this isn't a tax
- 8 that's passed on to the consumer. I mean,
- 9 this is a fee that we all have to write a
- 10 check for at the end of the month. So can
- 11 we stiffen up the penalty for someone that's
- still in business, that realizes he's got anassessment against him, that's not paying?
- 14 And I don't know that that's the case.
- 15 MR. MORIN:
- 16 And I think we've discussed that in
- 17 previous meetings, potentially with Deidra
- 18 in here
- 19 (An off-the-record discussion followed.)
- 20 MR. MORIN:
- 21 You're talking about like audit
- 22 summary reports?
- 23 MS. ANDREWS:
- Yes. I think that's the -- one of the
- 25 -- one of the options that we've been

Page 22

- 1 the detail. The thought I have is that it
- 2 would be nice -- and I know, one, you're
- з careful what -- what you guys are -- what we
- 4 all see. And, I mean, I'm sure you're
- 5 identifying certain members kind of, you
- 6 know, within our industry. So it's not that
- 7 we need to see who they are --
- 8 MR. MORIN:
- 9 Correct.
- 10 MR. MILAZZO:
- 11 -- but it would be nice to be able to
- 12 look at some kind of at least summary of
- 13 that, that could be included so that we at
- 14 least understand the work that you guys are
- 15 doing.
- 16 The question I have, you know, you --
- 17 you guys realize that there's a shortfall or
- 18 someone didn't do all the reporting and --
- 19 and there's an assessment to them. Are a
- 20 number of these folks still in business
- 21 today? I mean --
- 22 MR. MORIN:
- 23 Yes, yes. Of course.
- 24 MR. MILAZZO:
- 25 So is there something we could do,

- 1 looking at is to put audit summaries on our
- 2 public website.
- 3 MR. MORIN:
- 4 As a matter of fact, we do.
- 5 MS. ANDREWS:
- 6 Right.
- 7 MR. MORIN:
- 8 We do. Once the audit is complete,
- 9 the final audit summary, which kind of
- 10 spells out everything that took place, it
- 11 goes onto our public document system. So --
- 12 MR. MILAZZO:
- So it is something that you -- that
- 14 you can share.
- 15 MR. MORIN:
- 16 So --
- 17 MS. ANDREWS:
- 18 Yes.
- 19 MR. MORIN:
- 20 So -- so it -- it can be accessed once
- 21 it's -- it's on there.
- 22 MS. ANDREWS:
- 23 Yes.
- 24 MR. MILAZZO:
- 25 So then is it --

Page 27 Page 25 Right. The other option is well more MR. MORIN: 1 2 cumbersome and is probably really not --Now -- yes, that -- it's put on there 2 3 we've never felt was the appropriate route. 3 once everything is complete and finalized. 4 and that's going through the environmental MR. MILAZZO: 5 penalty side of it. And, you know, that's -And I go back to the original question 5 6 - I -- you know, we've just never gone on --6 then. 7 in that direction, because this is more of a 7 MR. MORIN: 8 financial issue. 8 Sure. MR. MILAZZO: MR. MILAZZO: 9 9 Right. No, I get it. And I -- and I Is there anything we can do to stiffen 10 10 11 appreciate the way you're handling it. I 11 the penalty, whatever it might be, that 12 just -- you know, if there's a way to 12 someone that's still in business today and 13 stiffen up, you know, the -- the requirement 13 has not responded to the requirements of the 14 to pay, then that's --14 trust fund --MS. ANDREWS: MS. ANDREWS: 15 15 I will tell you that last year -- I I think that's all driven by statute. 16 16 17 think it was last year or it might have been 17 And so we're really bound by what the 18 the year before -- in the legislative 18 statute says that we can do. 19 session, they did -- they did pass an act MR. MILAZZO: 19 20 that created an Office of Debt Recovery -- I And so is it fair to say that -- that 20 21 think that's the name -- under the 21 you guys are using all of the privileges of 22 Department of Revenue. And what Cy and the 22 the statute to -- to enforce collections? 23 audit division are now doing is, after they 23 MS. ANDREWS: 24 have made their assessment -- so he goes out We believe we are. 24 25 and he will be doing his audits. And he MR. MORIN: 25 Page 28 Page 26 1 determines that somebody owes money. He I mean, and the penalty --1 2 will then invoice these companies. And he MR. MILAZZO: 2 3 then really turns it over. He's now done And I don't want to -- I don't want to 4 belabor it. I just -- you know, it's been a 4 with it. MR. MORIN: 5 pet peeve of mine, you know, for a while Once -- ves, once we do not collect 6 now. And I'm delighted to see, you know --MS. ANDREWS: 7 it, we forward it on --MS. ANDREWS: The -- the -- and I -- I know He's now finished. He has now 9 where you're going. There are -- there are 10 invoiced these companies. They will then 10 basically two routes that -- that we have 11 have a -- a prescriptive period to pay these 11 available to us. You have the environmental 12 bills, as you will. And if they do not pay 12 route or the route that takes you to come 13 them in so many days, they're going to get 13 after them financially. And we've always 14 gone the financial route against them. And 14 turned over to the Office of Debt Recovery. 15 And that is way worse than anything that 15 that allows our legal teams to be able to 16 put the liens on them, to be able to put --16 this department will be doing. 17 do the garnishments, for us to be able to --17 MR. HILL: Is that like filing a lien on the 18 MR. MORIN: 18 19 property? And they can -- they can also request 19 20 MS. ANDREWS: 20 additional penalties. It's worse than that. 21 MS. ANDREWS: 21 22 MR. HILL: 22 Right. The --Is it? 23 MR. MORIN: 23

24

25

MS. ANDREWS:

Yes.

24

25

Judicial interest.

MS. ANDREWS:

Page 29 Page 31 1 MR. MILAZZO: That would be --1 2 Well, good. MS. ANDREWS: 2 3 MS. ANDREWS: 3 Okay. So there's -- there are some --So the legislature actually puts some 4 4 a lot of changes that we've made. 5 -- some -- built some things in the last 5 MR. MILAZZO: 6 couple of years because of their concerns of 6 Well, it appears you guys are doing a great job of identifying that. Now, you 7 collections for the rest of the state. So 8 this will get caught up in that, you know, 8 know, it's just the collection process that, 9 whether it's, you know, by accident or you know -- but again, a lot of progress 10 purpose, it will be part of it. 10 made. So I just wanted to tell you thanks. 11 MR. MORIN: 11 MR. MORIN: 12 Right. And it does seem like they're 12 You're welcome. 13 -- they're nearing --13 MR. BURNHAM: MS. ANDREWS: 14 I had a question for Cy. Cy, how many 14 15 Yes. 15 new audits are initiated within a given time 16 MR. MORIN: 16 period, out of curiosity? 17 -- the point where they're actually MR. MORIN: 17 18 going to start forwarding things on. 18 Okay. So for this -- for this fiscal 19 MS. ANDREWS: 19 year, we're initiating 18 new audits. Right. Yes. We've been working --20 20 MR. BURNHAM: 21 MR. MORIN: Okay. And how do you choose? Is that 21 22 It's been a work in progress for us. 22 randomly selected or --MS. ANDREWS: 23 23 MR. MORIN: Yes. We have weekly meetings with the 24 Currently, I -- I have a guy that is 25 Office of Debt Recovery that we're working 25 our motor fuel auditor and he does analysis Page 30 Page 32 1 towards having these referred. Now, we're -1 of who's registering and who's certificate 2 - I don't want to tell you that that's going 2 holders within the department. And he looks 3 to happen in the next three months, because 3 at -- at fees paid, you know, for everyone 4 we're kind of taking baby steps on getting 4 and he sees a status if anything -- you 5 them. It's -- it's a very cumbersome 5 know, he basically looks at the status of 6 process for us to be able to electronically 6 the businesses and the payment history. 7 get things referred. You know, with all 7 That's what we really have the access to 8 these agencies, everybody has their own 8 right now. And he puts together 9 processes, you know, computer wise. And so, 9 spreadsheets showing who's been audited in 10 we're all trying to get on the same page. 10 the past, who's never been audited, who's 11 But this will be one of those items. If 11 been audited for certain reasons. And he 12 these companies don't pay, after 90 days, it 12 uses that to determine who he's going to 13 goes over there. And they'll have 25 13 start, you know, auditing next. 14 percent surcharge on top of this. What we 14 MR. BURNHAM: 15 also do is, they now wind up using a 15 Okay. 16 judicial interest rate, which is a daily MR. MORIN: 16 17 compounding rate. So we've actually made a 17 And he -- I -- he's in the process 18 lot of changes here in the last I'd say two 18 right now where he's trying to rotate 19 years. 19 through and -- and get people to go out to 20 MR. MORIN: 20 businesses that have never been audited or, 21 Actually, the -- the interest rate --21 you know, things of that nature. 22 the interest is not charged on --MR. BURNHAM: 22 23 MS. ANDREWS: 23 Okay. Thank you. On -- on -- right. 24 24 MR. MORIN: 25 MR. MORIN: You're welcome. 25

February 12, 2015 Page 35 Page 33 MR. MILAZZO: 1 processed for payment, totaling \$2,285,680. 1 2 And 72 applications were returned with You know, maybe a final thought. And 3 deficiencies. 3 I know that not always do the departments The number of deficiencies this 4 talk to one another. But, you know, it 5 quarter was a little bit higher because we 5 seems as though you -- if you had access to 6 went through and did a -- used a new 6 the department of revenue and you see all 7 application. We've been giving the RACs a 7 the tax, you know, where is the tax paid 8 fuel going through, what -- what license the 8 number of months to get used to get 9 acclimated to it and we gave them a 9 wholesalers are looking at those or -- or 10 deadline, and the deadline passed and they 10 selling those and have some -- just -- just 11 continued to use the old application, so we 11 a file that's -- a spreadsheet that's 12 had a number that went back, telling them 12 calculating this stuff. Say, "Okay. This 13 they needed to use the new one. We expect 13 guy pulled so many gallons, but yet, we're 14 most of these applications to come back in 14 seeing submission on X number of gallons." 15 subsequent quarters. 15 I mean, just --For the sites in the corrective action MR. MORIN: 16 16 17 phase, the outstanding liability for the Yes. 17 18 corrective action plan budget and estimated MR. MILAZZO: 18 You could build a rule of thumb out 19 costs to reach closure at the end of 19 20 December 2014 was \$31,107,679. 20 there to at least say -- you've got out of The additional obligation recognized 21 state brokers in town now, selling lots of 21 22 for non-CAP sites, plus the projected motor 22 gallons. And, you know, where -- are 23 fuel trust fund to environmental trust fund 23 their responsibilities come --24 transfer, was \$40,963,750. MR. MORIN: 24 At the end of December 2014, the trust 25 It could be a way to identify --Page 36 Page 34 1 fund had 151 pending applications to MR. MILAZZO: 1 2 process, which have requested amounts, Yes, you may not even know them. 2 3 totaling \$2,501,249. Of this amount, the MR. MORIN: 3 4 estimated requested obligations relating to 4 -- people that we're not aware of. 5 CAP budgets and closure costs was 5 That's -- that's true. 6 \$1,741,820. MR. MILAZZO: 6

- So I don't know what you can do with
- 8 that, but it seems to me that you guys could
- 9 build some calculations that would -- would
- 10 begin to point some fingers at some places
- 11 that you may have not thought about.
- 12 MR. MORIN:
- 13 Okay.
- MR. MILAZZO: 14
- Okay. And no other questions. Let's
- 16 go to Jeff and the trust fund status report.
- 17 MR. BAKER:
- Good afternoon. If ya'll would refer 18
- 19 to tab number six in the packet. These are
- 20 the figures for the second quarter of fiscal
- 21 year 2015.
- During the second quarter of fiscal 22
- 23 year 2015, the trust fund received 252
- 24 applications that totaled \$3,781,473.
- 25 During this period, 183 applications were

- If you'll note the legal-sized last
- 8 page of your packet, it list a number of
- 9 trust fund sites that received no further
- 10 action status. So far, for this fiscal
- 11 year, it's ten sites.
- You don't have this in these numbers 12
- 13 in your packets, but the number of potential
- 14 trust fund sites that were reviewed and made
- 15 eligible during the current fiscal period
- 16 was 19 sites, representing 20 active
- 17 incidents.
- Points of interest relating to the 18
- 19 trust fund. The trust fund is continuing to
- 20 work on a draft of the next revision of
- 21 the trust fund cost control guidance
- 22 document. Our intention is the registered
- 23 RAC community will be emailed in the next
- 24 week with an opportunity for any RAC that is
- 25 willing to participate in an email or phone

Page 37 Page 39 1 conference workgroup relating to the 1 legal-sized sheet are no further action 2 guidance document revision for them to -- to 2 granted locations; am I correct? 3 give them an opportunity to advise the MR. BAKER: 3 4 department that they are willing to 4 Yes, sir. 5 participate. These workgroups will look at 5 MR. MARCELLO: 6 reimbursement issues the trust fund is 6 So --7 attempting to clarify in guidance or in 7 MR. BAKER: 8 helping us research and develop new or 8 Are you asking if --9 revised unit rates. 9 MR. MARCELLO: 10 Does anybody have any questions? My question was -- my question is, if 10 MR. MARCELLO: 11 these were further action sites, the total 11 So how many -- you had a total sum of 12 would be 151 plus these nine or ten, it'd be 12 13 pending applications totaled \$2,501,000 and 13 161? And where I'm going with that is, how 14 how many sites were they, or applications? 14 long -- how long in your estimation -- and I MR. BAKER: 15 know there's no -- there's no specific time 16 151 applications. 16 frame -- but how long -- oh, well, this MR. MARCELLO: 17 answers my question. So the first 17 18 151. 18 application of these sites were -- some of MR. BAKER: 19 them were 1992 and 2002 and so forth and so 10 The majority of those applications 20 20 on. But you've got 151 pending 21 were received from October 31 through the 21 applications. What's in the middle of that? 22 end of December. There was not a lot -- I 22 MR. BAKER: 23 think there was only 10 or 12 of them that 23 Well, let's -- let's clarify. I think 24 were beyond the October 31 time frame. 24 we're talking apples and oranges. MR. IVEY: MR. MARCELLO: 25 Page 38 Page 40 Is -- is there a calculation that you 1 Okav. 2 can share with us on the current outstanding 2 MR. BAKER: 3 CAP budgets that comes up with the thirty-You're -- you're talking about active 3 4 one million and also the non-CAP? Ya'll 4 sites. Okay? Currently, we have 295 active 5 calculate that internal? 5 trust fund sites. 6 MR. BAKER: MR. MARCELLO: 6 The non-CAP is -- ves. sir. we do. We 7 Right. 8 have internal calculations on it. We can MR. BAKER: 8 9 provide that if ya'll would like. 9 What you're looking at on that legal MR. IVEY: 10 page is the number of sites that we closed 10 Okay. Yes. I -- I would like to see 11 during that time period. The 151 represents 11 12 it. 12 active applications for those sites. MR. BAKER: MR. MARCELLO: 13 13 We can email that to your email after 14 Exactly. 15 the meeting. MR. BAKER: 15 MR. IVEY: 16 16 So one of those sites may have several 17 Okav. 17 quarters of applications in at one time. So 18 MR. MARCELLO: 18 does that clarify --Does the total sum of pending MR. MARCELLO: 19 19 20 applications include work being done at this 20 That -- that clarifies it. 21 present time? MR. BAKER: 21 MR. BAKER: 22 22 Okay, sir. 23 No, sir. 23 MR. MARCELLO: 24 MR. MARCELLO: 24 Thank you. In other words, these are -- this MR. MILAZZO: 25

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	Jeff, let me ask, when I look at the	1	our current third party claims. And we do
1	current obligated balance of the trust fund,		not have any new third party claims to
	the total sum of CAP charges and pending	1	report.
1	applications, there's a subtraction of that	, 4	MR. MILAZZO:
1	number.	5	Well, that was quick. Any questions
1	MR. BAKER:		about that?
6	Yes, sir. You're talking about where		(No response.)
7	we have the total sum of the pending and	8	MR. MILAZZO:
	then we have the total sum of the CAP	9	Okay. At this time, I'd like to go
1		_	into other business. I think, Kerry, you
1	charges?	i	had a comment, perhaps some questions.
11	MR. MILAZZO:	12	MR. HILL:
12	Right. Yes.	13	I do. On Friday, the Governor made an
13	MR. BAKER:		announcement to mid-year cuts to balance the
14	The reason we do that is not so not	ı	fiscal year. And we discovered that there
	to duplicate those CAP charges. Those CAP	ı	was reported in the reduction report, we
	charges are already included in the current	ı	saw the two items in reductions and revenue
	totals of the CAP budget. If you don't back	l .	opportunities that totaled 8.7 million
	them out as part of the pending, you'll be		dollars that would come from the UST trust
	duplicating that those numbers.		fund. We believe this is against the law.
20	MR. MILAZZO:		It if it's protected, how can they draw
21	All right.		· · · · · · · · · · · · · · · · · · ·
22	MR. BURNHAM:		that money out of the fund? Can somebody
23	They were submitted as a part of a	1	put some clarity to that?
	cost estimate, which is where that thirty-	24	MS. CARTER:
25	one million number came from?	25	That one, I will have to defer until
-	Page 42		Page 44
1	MR. BAKER:	1	Perry comes back.
2	Those are those are the yes,	2	MR. HILL:
3	sir.	3	Okay.
4	MR. BURNHAM:	4	MS. CARTER:
5	Right.	5	I'm sitting in for Perry, and he I
6	MR. BAKER:	6	think he expected to be at this meeting but
7	The applications came in with	7	was called away.
8	requested amount of this amount, plus a	8	MR. HILL:
9	portion of that was CAP budget.	9	Okay.
10	MR. BURNHAM:	10	MS. CARTER:
11	Right.	11	So if you could wait until Perry
12		12	and I'll let him know that you have a
13	Well, that's already included in the	13	question about that.
I.	CAP budget estimates that we haven't applied	14	MR. HILL:
	yet. So we don't want to duplicate that	15	Well, it's a very important question
	those obligations.	16	deal to
17	MR. MILAZZO:	17	MS. CARTER:
18	Okay. Any other questions?	18	
19	(No response.)	19	
20	· · · · · · · · · · · · · · · · · · ·	20	these three right here, including
	All right Thank you loff	101	myself.
21	All right. Thank you, Jeff.	21	•
21 22		22	•
22		1	MS. CARTER: Sure.
22	And I guess, Jill, you'll talk about the third party claims for us.	22	MS. CARTER: Sure. MR. HILL:
22 23	And I guess, Jill, you'll talk about the third party claims for us. MS. CARTER:	22 23	MS. CARTER: Sure. MR. HILL:

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1	convenient store, we have to get the soil	1	you don't mind. I mean, I I would like
•	tested and do phase one, two or three you	1	him to our go to person of our
- 1	know, it can be quite expensive before we		association is Natalie. And I I would
- 1	can get financing to to buy the property,	4	like for Mr. Perry, is it, to or whoever
1	let alone spend another two and a half,		answers the question just to to maybe
	three million dollars, depending on what	1	just harp on or answer the validly the of
- 1	you're what size site you're building.		of Kerry's request in that Louisiana Revised
	And we have all all told and we all		Statute 21:95-6, ownership of tank trust
9	preach to our banks that we have a trust		fund and I'll just read the first
	fund just like on the building, we have		sentence. "The tank trust fund shall be
- 1	to provide the bank with a with an	11	used only for the purpose set forth in
	insurance certificate. Well, on these		Revised Statute 30:2194 through 2195 and no"
	tanks, underground and they all know,		"and no other governmental purposes nor
	because they're on both sides of the coin.		shall any portion thereof be available to
	They either you're either asking to		borrow from by any branch of government."
	borrow money to buy the property or you're		So maybe he can just answer answer that
	asking to borrow on a site that's already		simple question regarding that particular
	ongoing and that has these this trust	1	statute and refer back to Natalie, and
	fund eligibility program in place and and	1	Natalie can send out because this it's
	so there's a level of comfort that we have	1	the consensus on the Louisiana Oil
- 1	established with our banks. There's a	1	Marketers, I'm sure and again, I'm not
	dis-level of comfort out there with us.	1	here speaking for them. Natalie would do
	whenever we see this money potentially being		that. But
	robbed or maybe I should've said robbed.	24	MR. HILL:
	But being used for something else. But we -	25	That's a good idea.
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-	Page 46		Page 48
-	Page 46		Page 48
	- we have worked hard to protect that. And	1	MR. MARCELLO:
2	- we have worked hard to protect that. And it's kind of a scary feeling. And that I	2	MR. MARCELLO: You know, just just basically
3	- we have worked hard to protect that. And it's kind of a scary feeling. And that I would like some clarity on that, if	2	MR. MARCELLO: You know, just just basically answer that. And then she'll let all the
3	- we have worked hard to protect that. And it's kind of a scary feeling. And that I would like some clarity on that, if possible.	2 3 4	MR. MARCELLO: You know, just just basically answer that. And then she'll let all the members know.
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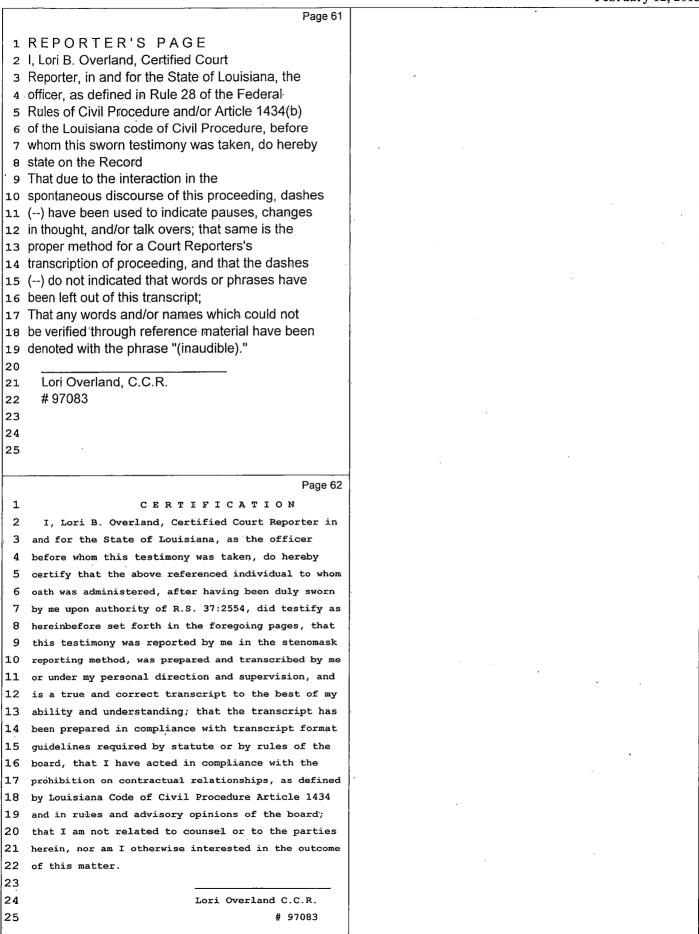
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}		Page 49			Page 51
]_	they play in accordance with some other		-	urgent. Unfortunately, we don't have, you	
	* * *		L	know, the other folks in the room that we'd	
1	questions. In fact, you know, we were			like to be talking to as well. So we have	
	hopeful of having an update on some of the			to rely on you to kind of share this message	
1	pending lawsuits. You know, there's another	=	1	of urgency that that they've just	
	discussion point as as we think about		I	mentioned. And we we do challenge the	·
	where those funds may sit. And I know we		1	_	
	probably need to go into executive session		1	thinking that this this can be raided for other purposes of government when the	
	to discuss it. I'm not sure if there's a		1	· · ·	
	purpose if there's no one here to really		1	statute seems to be pretty straight forward. And I think from those who are contributing	
	answer those questions. There's no reason		1	_	
I .	to call for that. But I do want to say that			to the financial well-being of the trust	
1	time is of the essence because of the		I	fund, I think we certainly deserve some	
	urgency in the Governor's office right now.			answers	
1	There's every indication, as Frank said,		14	MS. CARTER:	
1	that, you know, this is not a tax. It is a		15	Oh, sure.	
16	it is a fee.		16	MR. MILAZZO:	
17	MS. CARTER:		17	soon.	
18	Right.		18	Any comments with respect to that.	
19	MR. MILAZZO:			Shawn, Steve?	
20	And and when you start looking at		20	MR. IVEY:	
	it, it's identified. And, you know, when		21	I guess as far as I'm concerned, we	
	you look at what's being considered as an		1	have seen in other states where a fund has	
	opportunity revenue for the budget		1	been considered insolvent. And then all of	
	shortfall, I I wouldn't want to wake up		Ί.	a sudden, there's no money going out. You	
25	and have my bank call me and and say,		25	know, that that's really our biggest	
-					D 50
-		Page 50			Page 52
1	"You know we're looking at the balance	Page 50	1	concern, because, you know, a lot of our	Page 52
	"You know, we're looking at the balance sheet of the trust fund and it" "and it	Page 50		concern, because, you know, a lot of our business we get paid through the trust fund.	Page 52
2	sheet of the trust fund and it" "and it	Page 50	2	business we get paid through the trust fund.	Page 52
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1 see loans being called or we're going to be	1	that we had discussions on. So when the	
2 finding other sources of protection for the	2	the information did come out, we were you	
3 bank. And that's just the starting point.	3	got what we got. So I'm I'm you know,	
4 And I think if we don't stand up today to	4	I'm not sure, you know, what Vince is going	
5 protect this now, then what happens when we	5	to be able to give you. I'm sure Perry will	
6 get into the legislation session and they're	6	be able perhaps will be able to share	
7 trying to solve the problem in the next	7	with you some information. I'm I'm not	
8 fiscal year?	8	sure that he's going to be able to give you	
9 MR. BURNHAM:	9	anymore than what you're reading in the	
10 Right.	10	statute.	
11 MR. MILAZZO:	11	MR. HILL:	
12 Is this going to be an even bigger	12	Well, just a question that I have. I	
13 concern as we go forward? So if we're going	13	would be genuine genuinely concerned that	t
14 to stop it, the best chance we have is to	14	ya'll would feel the same way that we do	
15 stop it before it gets started. And that's	15	because this is a department that that	
16 now.	16	funds everything, correct? Good question,	
17 MR. HILL:	17	bad question or	
18 Jill, did you say you had called for	18	MS. ANDREWS:	
19 Vince to come to this meeting, or he wasn't	19	I'll I'll have to refer that to	
20 going to be able to come today?	20	other other folks.	
21 MS. CARTER:	21	MR. HILL:	
22 I'm sorry. Say that again.	22	Okay.	
23 MR. HILL:	23	MR. MILAZZO:	
24 Did you say you had called or asked	24	Well, you know, I'll just I'll	
25 for Vince to	25	conclude	
Page	e 54		Page 56
1 MS. ANDREWS:	1	MS. ANDREWS:	

- I can -- I can tell you. Vince had a 2
- 3 meeting at the capitol this afternoon --
- MR. HILL: 4
- Oh, okay. 5
- MS. ANDREWS: 6
- -- after lunch on another matter. 7
- MR. HILL: 8
- 9 Okay. I just --
- MS. ANDREWS: 10
- So he was not able to attend. 11
- MR. HILL: 12
- 13 I misunderstood her. And this is such
- 14 -- this is a very important item to us.
- MS. ANDREWS: 15
- And I can let you know that we did --16
- 17 Vince and Secretary Hatch did have a meeting
- 18 with the Office of Planning and Budget with
- 19 -- concerning all of our statutory
- 20 dedicated funds. And all of our funds at
- 21 this department are statutorily dedicated.
- 22 It's not just your fund. And we met
- 23 extensively on them. They asked for all of
- 24 our obligations and our fund balances for
- 25 every one of them. And this was one of many

- Or, I'll be happy to speak with you
- 3 off the record.
- MR. MILAZZO:
- Yes. I'll conclude this. I won't use
- 6 the same term as Kerry, but, you know, if --
- 7 if the statute is -- is as clear and concise
- 8 as it is, and we allow this money grab at
- 9 the level in which it's being considered,
- 10 then we -- we really don't have anything.
- 11 And we -- we could really at the next
- 12 meeting begin to start thinking about other
- 13 means to protect ourselves. Because, I
- 14 mean, we'll be traveling down that route.
- 15 And it's a scary thought, as you described,
- 16 that -- that -- the question is, what's the
- 17 balance in the fund and how much of that's
- 18 encumbered? And then, coincidentally, you
- 19 know, we see eight million dollars in an
- 20 opportunity revenue bucket. And I hear you
- 21 loud and clear, this is just one of many
- 22 that you guys administer. So as -- as a
- 23 member of a fund that -- that was -- you
- 24 know, we fought hard to -- to create it for
- 25 -- for a single purpose, it's a scary time.

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		Page 57	Page 59
	And I don't want to ait hard and criticize		1 tough situation for us. And if you're going
	And I don't want to sit here and criticize		2 to have insurance, then why do you need to
	our government, but, you know, it's it		• • • •
	doesn't give me a good feeling of our		3 have both, right? I'm not making a plea
	ability to run our business with some		4 that we need to go off and get insurance.
	protective covenants that that we		5 We we think we have what we need, but we
	worked hard to establish. And so I do		6 need to maintain the integrity of it.
	respect that you guys there's only so		7 Any other comments in respect to the
8	much you can share with us and we certainly		8 trust fund?
9	understand that. But I do hope you're		9 (No response.)
10	the only folks listening to us today		10 MR. MILAZZO:
11	that that you'll take our concern and		11 Then I'd like to ask you know, it -
12	and share it with Vince and Perry, Secretary		12 - it appears it will be a very busy
13	Hatch and and whoever else will listen to		13 legislative session. I don't know if there
	you. And if you need some support to help		14 will be enough time to talk about
	tell our message again, I'll gladly you		15 environmental substance, but as always,
	know, we'll team up and we'll be back to		16 think it's important that that we can
	talk to them directly, if that would matter.		17 kind of share if there's something on your
18	MR. BURNHAM:		18 agenda that that you think you guys will
19	Before we close, I just want to go on		19 be looking at, we'd like to talk to you
1	record as concurring with the other board		20 about it and see if, you know, perhaps we
	members that I think it would be totally		21 share, you know, the same thoughts with you
- 1	inappropriate to take funds for other		22 and we can perhaps go with some sense of
	reasons from the trust fund. And even if we		23 unity with you. If there are things that
			24 that we're looking at, you know, we'll be
1	survive the amount that is being purposed		25 talking to you guys about them. And so I'll
25	now, to set that precedent would be		25 taiking to you guys about thom. And so in
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	something that would cause you to the	Page 58	1 ask you today, is there is there anything
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TRUST FUND ADVISORY BOARD MEETING THURSDAY, February 12, 2015 1:00 P. M. MEETING ATTENDANCE RECORD

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19 Kerry Hill	LOMOSA	()
20		()
21		()
22		()
23	(
24		
25)