

ORIGINAL

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

The above-entitled meeting was held at the LDEQ, Galvez Building, Conference Center, 602 North 5th Street, Baton Rouge, Louisiana, beginning at 1:07 p.m., on May 19, 2016.

BEFORE:

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

ASSOCIATED REPORTERS, INC.  
(225) 216-2036

A P P E A R A N C E S

Kerry Hill  
Chairman

Durwood Franklin  
Jeff Baker  
Gary Fulton  
Cy Morin  
Johnny Milazzo  
Perry Theriot  
Nick St. Romain  
Steve Burnham  
Roger Bright  
Theresa Chatelain

Melissa Vizinat  
Sam Broussard  
Rhonda Cook  
Sherry Milam  
Jason Efferson  
Karyn Andrews  
Shawn King  
Lacey Vitteri  
Ian Kelley

\* \* \* \* \*

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

55

REPORTER'S CERTIFICATE

56

\* \* \* \* \*

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MR. HILL:

Good afternoon. I'd like to call this meeting to order, if you please. Let's start with a roll call and consideration of the February 18, 2016 board minutes.

MR. THERIOT:

Perry Theriot, Legal Division at LDEQ.

MR. FRANKLIN:

Durwood Franklin, DEQ Trust Fund.

MR. BAKER:

Jeff Baker, DEQ Trust Fund.

MR. FULTON:

Gary Fulton, Underground Storage Tank Remediation Division.

MR. BRIGHT:

Roger Bright, Jones Environmental.

MR. BURNHAM:

Steve Burnham, Engineering Associates.

MR. HILL:

Kerry Hill, Louisiana Oil Marketers and Convenient Store Association.

MR. ST. ROMAIN:

Nick St. Romain, Louisiana Oil Marketers and Convenient Store Association.



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1 MR. MILAZZO:

2 Johnny Milazzo, Louisiana Oil  
3 Marketers and Convenient Store Association.

4 MS. CHATELAIN:

5 Theresa Chatelain, DEQ Financial  
6 Services.

7 MR. MORIN:

8 Cy Morin, DEQ Audit.

9 MS. VIZINAT:

10 Melissa Vizinat, DEQ Trust Fund.

11 MS. MILAM:

12 Sherry Milam, PPM Consultants.

13 MS. COOK:

14 Rhonda Cook, PPM Consultants.

15 MR. KING:

16 Shawn King, Jones Environmental.

17 MR. BROUSSARD:

18 Sam Broussard, UST Division.

19 MR. KELLEY:

20 Ian Kelley, UST Trust Fund.

21 MS. ANDREWS:

22 Karyn Andrews, DEQ Management and  
23 Finance.

24 MS. VITTERI:

25 Lacey Vitteri, DEQ Financial Services.

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1 MR. EFFERSON:

2 Jason Efferson, DEQ Trust Fund.

3 MR. HILL:

4 Thank ya'll for joining us today. Do  
5 I hear a motion to adopt the February 18  
6 board minutes?

7 MR. BURNHAM:

8 Motion to adopt.

9 MR. HILL:

10 Got a motion. Do I hear a second?

11 MR. FULTON:

12 Second.

13 MR. HILL:

14 Okay. Let's move forward then. Thank  
15 ya'll.

16 Item number three, the financial  
17 services report. I'd like to ask Theresa to  
18 deliver that message for us, please.

19 MS. CHATELAIN:

20 Okay. Good afternoon. Hello  
21 everybody. I am Theresa Chatelain, as some  
22 of you can read or may have heard. I'm  
23 Karyn Andrews replacement in the fiscal  
24 officer position in financial services since  
25 she has been promoted to Undersecretary.

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1           And I also brought with me today, Lacey  
2           Vitteri, who introduced herself. She is an  
3           accountant IV in financial services. And  
4           she helps prepare this information and keep  
5           it up to date for us.

6                        So if ya'll would like to turn to tab  
7           three, we have the updated financial  
8           statements, through March 31st.

9                        So the first page here is the -- where  
10          we project the program balance and what will  
11          need to be transferred from the fund into  
12          the environmental trust fund. So the 2015  
13          and 2016 information, you've seen  
14          previously. That's our current projection  
15          through March 31st, as I mentioned  
16          previously. So right now, it looks like  
17          about 5.12 million will be transferred from  
18          the Motor Fuel Trust Fund to -- to ETF, to  
19          reimburse ETF.

20                       And then if you'd turn to the next  
21          page. We have information on the total  
22          receipts, year to date. Also compared to  
23          the previous completed year. So our total  
24          receipts right now are 19,805,171, with  
25          interest income of 118,713, for the total of

1 19.9 million, receipts for the program. And  
2 we've reimbursed RACs 9,179,956. Again, as  
3 of March 31st. So our projection, based on  
4 the total obligations of the fund, as of the  
5 end of the year, it looks like we will have  
6 about 1.87 million balance after  
7 obligations, you see on the bottom right of  
8 the page.

9 So that is the financial update. I  
10 don't know if anybody has any questions?  
11 I'll do my best to answer them.

12 MR. HILL:

13 Any questions?

14 MR. BURNHAM:

15 Why the big difference between the  
16 unobligated balance in 2015 and 2016?

17 MS. CHATELAIN:

18 I think -- I -- my best answer would  
19 be that it's just an estimate. It's our  
20 best guess at that time. But I -- I think  
21 we discussed this at the previous meeting  
22 too. I did review the minutes. So I think  
23 either we added some sites -- I don't know  
24 if -- Jeff, if you know?

25 MR. BAKER:

1                   We used a different methodology from  
2                   that time to now.

3                   MR. BURNHAM:

4                   Where you --

5                   MR. BAKER:

6                   Right.

7                   MR. BURNHAM:

8                   -- took -- made -- took account of  
9                   some other --

10                  MR. BAKER:

11                  Right.

12                  MS. CHATELAIN:

13                  Changed it.

14                  MR. BURNHAM:

15                  Okay. And that was --

16                  MR. BAKER:

17                  We started that, I believe, in  
18                  October.

19                  MR. BURNHAM:

20                  Okay.

21                  MS. CHATELAIN:

22                  This year.

23                  MR. HILL:

24                  Yes. I think you said that your new  
25                  system was going to bring it a little more

1 current. Wouldn't --

2 MR. BAKER:

3 Make it a little more accurate.

4 MR. HILL:

5 Accurate, I mean.

6 MR. BAKER:

7 Yes.

8 MR. HILL:

9 All right.

10 MR. BAKER:

11 There were -- there were a number of  
12 sites that were not being considered in the  
13 original obligation calculation. The new --  
14 the new methodology brings those in and it's  
15 just a much more accurate way of calculating  
16 that obligation.

17 MS. CHATELAIN:

18 But in the last quarter too, we were --  
19 -- the unobligated balance was a negative  
20 number. So we're -- we're on the flip side  
21 of that now, based on this quarter. So our  
22 receipts were good.

23 MR. BURNHAM:

24 Thank you.

25 MR. HILL:

1                   Okay. Are there any other questions?

2           MR. MILAZZO:

3                   I -- I do.

4           MR. HILL:

5                   Okay. Johnny?

6           MR. MILAZZO:

7                   When you look at the bulk, the -- the  
8           receipts, fiscal year 2015 -- and I'm  
9           assuming that's for the entire 12 month  
10          period? Is that -- would that be right?  
11          22 million, six hundred and --

12          MS. CHATELAIN:

13                   That is. That's for the entire year.

14          MR. MILAZZO:

15                   Okay. And so -- through the third  
16          quarter of the fiscal year, right, it's  
17          17 million, six hundred --

18          MS. CHATELAIN:

19                   Correct. That does not have anything  
20          for the fourth quarter in there. So I don't  
21          know if that'd be helpful. We could -- you  
22          know, next quarter -- I guess the next  
23          meeting will be after the fourth quarter, so  
24          they'll match at that point in time.

25          MR. MILAZZO:

1 Right.

2 MS. CHATELAIN:

3 But if it would be helpful going  
4 forward in the quarters during the year if  
5 we did a comparison of receipts for the  
6 first quarter for the previous year.

7 MR. MILAZZO:

8 I think it's more relevant --

9 MS. CHATELAIN:

10 Okay.

11 MR. MILAZZO:

12 -- when you're looking at it.

13 MS. CHATELAIN:

14 Sure. We can make that adjustment --  
15 or include both.

16 MR. MILAZZO:

17 And the -- the annual assessment fees,  
18 that looks -- if I'm understanding -- am I  
19 seeing this 19,546 through 12 months? Was  
20 that --

21 MS. CHATELAIN:

22 Yes.

23 MR. MILAZZO:

24 Versus 56,837 through --

25 MS. CHATELAIN:



1                   Nine months.

2           MR. MILAZZO:

3                   -- nine months?

4           MS. CHATELAIN:

5                   Jeff, any insight on that? The second  
6 row.

7           MR. MILAZZO:

8                   So is that --

9           MS. ANDREWS:

10                   Karyn Andrews, Undersecretary. That  
11 actually could have something to do with the  
12 timing of when we did our invoices. Those  
13 annual fees are for facilities that are not  
14 subject to some of our regulation -- to all  
15 the regulations, but we still deposit at the  
16 end of the year. And so it could just be a  
17 timing difference of when we billed and when  
18 we collected the money. Generally, we bill  
19 those out towards the end of our fiscal  
20 year. So it could be that it wasn't  
21 collected until the beginning --

22           MR. MILAZZO:

23                   Okay.

24           MS. ANDREWS:

25                   -- of the following. So that could be

1 what it is.

2 MR. MILAZZO:

3 So is that -- fair to say though,  
4 that's the annual fee for the -- for the  
5 tanks, right?

6 MS. ANDREWS:

7 No. That's actually not the annual  
8 fee.

9 MR. MILAZZO:

10 So where does that hit?

11 MS. ANDREWS:

12 That -- we're reporting to you our  
13 motor fuel underground storage tank trust  
14 fund. That fee that you're talking about,  
15 the registration fee, the \$54, that goes  
16 into our environmental trust fund.

17 MR. MILAZZO:

18 Okay.

19 MS. ANDREWS:

20 And that is not reported on here. If  
21 you'd like -- we can get that information.  
22 We can share that with you at the next  
23 meeting.

24 MR. MILAZZO:

25 I guess it gives us a little bit of a

1 snapshot of what -- what are the tanks out  
2 there, is that number growing, shrinking,  
3 whatever.

4 MS. ANDREWS:

5 We can definitely share that.

6 MR. MILAZZO:

7 Okay. That's all I have.

8 MR. HILL:

9 Any other questions related to the  
10 financial services report?

11 (No response.)

12 MR. HILL:

13 I'd like to make mention, we were just  
14 talking about the -- the interest rate.

15 It's pretty good on them --

16 (An off-the-record discussion followed.)

17 MR. HILL:

18 Go ahead.

19 MR. BROWN:

20 I just wanted to stick my head in and  
21 say hello, and of course, thank you for all  
22 your hard work. I appreciate everything you  
23 do.

24 MR. FULTON:

25 This is our -- this is our new

1           secretary.

2           MR. BROWN:

3                     Our new secretary.

4           MR. FULTON:

5                     Secretary Brown.

6           MR. BROWN:

7                     Yes.

8           MR. BURNHAM:

9                     Hey Chuck. Good to see you.

10          MR. BROWN:

11                    Hey. How you doing?

12          MR. BURNHAM:

13                    Yes, sir.

14          MR. HILL:

15                    Thank you for joining us.

16          MR. BROWN:

17                    Good. Good. Well, again, I just  
18                    wanted to say hello to you. I appreciate  
19                    all the hard work that you do. I know  
20                    there's a bill that's directly impacting  
21                    everything that goes on with this group. It  
22                    looks like it's going to -- going to -- it's  
23                    going to win approval. So it's a good  
24                    starting point for us. Anything ya'll need  
25                    from me, just let me know. Okay?

1 MR. HILL:

2 Thank you very much.

3 MR. MILAZZO:

4 Secretary, if I may. Only because we  
5 -- we got some correspondence back just a  
6 little while ago. I think -- I commend you  
7 guys in the department that have been  
8 working with -- with Louisiana Oil Marketers  
9 on maybe some amendments to the bill that I  
10 -- that I -- Natalie was very proud that had  
11 been removed. And as of just a little while  
12 ago, she sent an email -- I think we've all  
13 received that -- that those same amendments  
14 are reattached to the bill. So I don't know  
15 if -- if it's bad information that's being  
16 shared, but I just -- she sent out an alert  
17 just a little while ago of -- of concern  
18 about that.

19 MR. BROWN:

20 Do you know anything about that?

21 MR. THERIOT:

22 No.

23 MR. BROWN:

24 Well, we will check on it. But it  
25 shouldn't be --

1 MR. THERIOT:

2 I'll check on it. If it was done, it  
3 would've been done --

4 MR. MILAZZO:

5 Okay. Because --

6 MS. CHATELAIN:

7 I -- I don't believe the bill has been  
8 amended since the first settlement?

9 MR. THERIOT:

10 No. I -- I don't think so.

11 MR. MILAZZO:

12 Well, I -- I -- I -- according to her,  
13 and her comments, that there -- after the  
14 original bill, I think you guys had met and  
15 maybe Wosworth or somebody was kind of  
16 working through this. And then some of the  
17 pieces that we were concerned about that was  
18 part of it had been removed.

19 MR. BROWN:

20 That's correct.

21 MR. MILAZZO:

22 According to her notes a minute ago,  
23 they have been reattached.

24 MR. BROWN:

25 Well, we don't know about that.

1 MR. MILAZZO:

2 Okay.

3 MR. BROWN:

4 We had -- we had a meeting on the  
5 House side after we had amended the bill.

6 MR. MILAZZO:

7 Right. Well, that's what she said.  
8 She was delighted to be working with you  
9 guys.

10 MS. CHATELAIN:

11 It could be that she's referring to  
12 Legislative Bureau amendments. The  
13 Legislative Bureau is a body that reviews  
14 all the measure throughout session and makes  
15 changes -- technical corrections.

16 MR. MILAZZO:

17 Okay.

18 MS. CHATELAIN:

19 There were some legislative -- I just  
20 looked up the bill on the legislature's  
21 website and there were some Legislative  
22 Bureau amendments that were added. But that  
23 -- those weren't the --

24 MR. MILAZZO:

25 Okay.

1 MR. CHATELAIN:

2 It didn't return it to it's original  
3 version.

4 MR. THERIOT:

5 Those are usually not substantive.

6 MS. CHATELAIN:

7 No.

8 MR. THERIOT:

9 Those are usually commas here and --

10 MR. MILAZZO:

11 Okay.

12 MR. THERIOT:

13 -- that kind of --

14 MR. MILAZZO:

15 Okay.

16 MS. CHATELAIN:

17 New paragraph -- second paragraph.

18 MR. BROWN:

19 We'll -- we'll check. But --

20 MR. MILAZZO:

21 Well, thank you very much. And  
22 really, thank you guys. When -- you know,  
23 when we see things that really do impact us  
24 and that -- your willingness to work with us  
25 is important. And thank you for it.



1 MR. BROWN:

2 Right. Right. Well, we appreciate  
3 you guys. Take care.

4 MR. HILL:

5 Thank ya'll.

6 If there's no more questions related  
7 to the financial services, do I --

8 MR. BURNHAM:

9 You were about to mention the  
10 interest.

11 MR. HILL:

12 Well, I was going to mention, it looks  
13 like we're getting some real good interest  
14 on our money. It's got to be something like  
15 15 percent. Whoever -- whoever is in charge  
16 of that, my hats off to you.

17 MS. CHATELAIN:

18 I wish I could take credit.

19 MR. HILL:

20 Do I hear a motion to approve the  
21 financial report delivered by Theresa?

22 MR. FULTON:

23 I make the motion.

24 MR. HILL:

25 I got a motion. Do I have a second?

1 MR. MILAZZO:

2 Second.

3 MR. HILL:

4 Okay. Motion and second carries.

5 Let's go to item number four, the  
6 auditor's status report. I'd like to ask Cy  
7 to give that.

8 MR. MORIN:

9 Yes, sir. Cy Morin, DEQ Audit.

10 So if you'll turn to tab four. The  
11 first two pages of this report detail 32 of  
12 the motor fuel audit cases initiated since  
13 fiscal year 2014.

14 Currently, two cases are awaiting  
15 payments, totaling, approximately, \$2,800.  
16 Once the 30 day time frame is expired on the  
17 invoices, we will forward these to legal for  
18 collection, if we haven't made collection on  
19 them. 25 of these cases are awaiting  
20 review. Pending final review, these  
21 represent two potential credits, totaling,  
22 approximately, \$3,800; six potential  
23 assessments, totaling, approximately,  
24 \$1,600; and 17 potential clean audits with  
25 no assessment.

1           And in our aim with -- with these 25  
2           cases awaiting review is to reduce this  
3           number of cases over the next few months.  
4           First, focusing on the ones that do have  
5           assessments or -- or credits. And then,  
6           focusing on the ones that have no  
7           assessments attached to them.

8           Four cases are still in progress with  
9           results to be determined. And the last case  
10          on the list is scheduled to be started next  
11          week.

12          If you'll go ahead and turn -- if  
13          there's no questions, we'll go ahead and  
14          turn to page three of this report.

15          This report shows the five cases that  
16          are continuing to be pursued legally.  
17          There's been no change in the first case  
18          listed. The attorneys are continuing to  
19          prepare to request a status conference to  
20          set a trial date and prepare discovery.

21          For the second case, the business has  
22          been sending in monthly payments. The last  
23          payment was received in March, on March 14th  
24          in the amount of \$310. The April and May  
25          payments are currently due. The attorneys

1           were contacted yesterday. The owner said  
2           that a payment was in the mail. If we don't  
3           receive this payment, it will be prepared to  
4           be sent to ODR for collections.

5                     The status remains the same for case  
6           number three. It's been with ODR since  
7           October 14th.

8                     The fourth and fifth cases remain the  
9           same. The balance has not changed. The  
10          files are ready for referral to ODR and  
11          notices are being prepared by legal right  
12          now:

13                    The five case -- legal cases represent  
14          a total of approximately \$121,000 of which  
15          \$108,000 is delinquent motor fuel delivery  
16          fees and late payment penalties and  
17          approximately \$12,000 is attorneys fees,  
18          court cost and judicial interest.

19                    And that concludes mine.

20          MR. HILL:

21                    Okay. Cy, thank you. Do we have any  
22          questions related to Cy's --

23          MR. MILAZZO:

24                    Yes. Cy, are -- are all these folks  
25          still in business or --

1 MR. MORIN:

2 No, they're not. I think we've  
3 discussed that in previous meetings.  
4 Probably the majority of them are not. As a  
5 matter of fact, one of the owners is  
6 deceased. And I think that's probably the  
7 difficulty in collecting some of these --

8 MR. MILAZZO:

9 Yes.

10 MR. MORIN:

11 -- is the -- you know, the businesses  
12 are no longer operating. And -- and I can  
13 get you information for the next --

14 MR. MILAZZO:

15 No. Well --

16 MR. MORIN:

17 -- meeting on specifically which ones  
18 -- if there are any still operating, I can  
19 get you those.

20 MR. MILAZZO:

21 I -- I commend you guys for doing --  
22 you know, being diligent about that.

23 MR. MORIN:

24 Yes. I mean, we continue to pursue it  
25 through every avenue until it's -- there's

1 no other choice but -- you know, to say that  
2 it's uncollectible.

3 MR. HILL:

4 Then you've got to clean it up and  
5 move on, right?

6 MR. MORIN:

7 Correct.

8 MR. HILL:

9 Any other questions?

10 (No response.)

11 MR. HILL:

12 Do I hear a motion to accept Cy's  
13 audit report?

14 MR. MILAZZO:

15 Motion.

16 MR. FULTON:

17 Second.

18 MR. HILL:

19 Motion by Johnny. Do I hear a second?

20 MR. FULTON:

21 Second.

22 MR. HILL:

23 Got a second by Gary. Motion carries.

24 Let's move to item number five, the  
25 trust fund status report. Jeff, if I could

1 ask you to go through that, please, sir.

2 MR. BAKER:

3 Good afternoon. If ya'll would please  
4 refer to tab number five in your packets.  
5 These are the figures for the third quarter  
6 of fiscal year 2016.

7 During the third quarter of fiscal  
8 year 2016, the trust fund received 290  
9 applications, totaling \$3,930,578. At -- as  
10 of the end of March 2016, the trust fund had  
11 226 pending applications to process, which  
12 had requested amounts totaling \$3,209,099.  
13 213 applications were processed for payment  
14 during the fiscal quarter, totaling  
15 \$3,159,011. And 12 applications were  
16 returned with deficiencies.

17 If you'll turn to the page titled  
18 monthly motor fuel trust fund obligation  
19 determination. This is the new worksheet  
20 listing the various components in the  
21 determination of the potential obligation  
22 against the trust fund as the end of March  
23 2016.

24 For sites in the corrective action  
25 phase, the outstanding liability of the

1           corrective action plan budget and estimated  
2           cost to reach closure at the end of March  
3           was \$26,955,239. This total includes the  
4           CAP budget remaining amount and the RAC  
5           estimated cost to closure amount. The fund  
6           obligation recognized the sites without ROG  
7           approved CAP budgets is \$36,869,795. This  
8           is determined by using the three year  
9           average site closure cost and applying these  
10          costs to the active trust fund sites without  
11          current CAP budgets.

12                    The trust fund obligation recognized  
13           for sites that have been determined to be  
14           trust fund eligible, however, have not  
15           submitted the reimbursement application is  
16           \$8,841,616. This is also determined by  
17           using the three year average site closure  
18           and applying these cost -- costs of the  
19           sites that have requested eligibility but  
20           have yet to submit a request for  
21           reimbursement from the fund.

22                    The five year projected fund  
23           obligation related to the trust fund --  
24           motor fuel trust fund to the environmental  
25           trust fund transfer is \$17,020,861. This



1 estimate uses the three year average dollars  
2 transferred from the motor fuel trust fund  
3 to the environmental trust fund and  
4 multiplies that average by five years.

5 You will note the legal-sized page at  
6 the back of your packet. The number of  
7 trust fund sites that have received no  
8 further action thus far in the fiscal year  
9 is 13 sites.

10 The number of potential trust fund  
11 sites that were reviewed and made eligible  
12 during the current fiscal year was 20.  
13 Representing 22 active incidences.

14 Just some points of interest. As  
15 mentioned in the last quarters meeting,  
16 recently the trust fund had a number of our  
17 experienced application reviewers resign to  
18 pursue other opportunities. We have hired  
19 three new reviewers and they're actively  
20 being trained in their positions. These new  
21 reviewers represent 60 percent of staff  
22 processing these trust fund applications.

23 This has and will have an impact on  
24 our ability to timely process applications.  
25 We are working to minimize this impact. And

1 the new staff are already -- have already  
2 begun contributing to help us deal with the  
3 current backlog of applications. And we're  
4 making very good headway with that. They're  
5 picking up very quickly.

6 Another point is the initial draft of  
7 the new motor fuel trust fund guidance  
8 document was sent out to the current and  
9 recent RAC representative advisory board  
10 members for comments. These individuals  
11 have all responded and their efforts are  
12 greatly appreciated.

13 The trust fund is currently reviewing  
14 these comments and updating the draft  
15 document. It is our intent to send this  
16 revised version of the guidance document to  
17 the workgroup in the next few weeks and  
18 begin meeting to address any questions that  
19 they may have concerning the draft.

20 We've also comprised a list of  
21 questions and/or issues related to the  
22 trust fund in the guidance document. We're  
23 hoping the workgroup will be able to help us  
24 assist -- or help assist us in resolving  
25 these issues in a way that addresses the

1 concerns of the responsible parties, the  
2 RACs and the department. If any of the  
3 board members would like to participate in  
4 the workgroup, their input would be very  
5 welcomed.

6 And that ends mine. Do ya'll have any  
7 questions?

8 MR. HILL:

9 Does anybody have any questions?

10 (No response.)

11 MR. HILL:

12 Thank you, Jeff. May I hear a motion  
13 to accept Jeff's trust fund report?

14 MR. BURNHAM:

15 Motion to accept.

16 MR. HILL:

17 I have a motion. Do I hear a second?

18 MR. MILAZZO:

19 Second.

20 MR. HILL:

21 I have a second. Thank you, Jeff.

22 Motion carries.

23 Item number six, third party claims.

24 I'd like to ask Mr. Perry to deliver that,

25 please, sir.

1 MR. THERIOT:

2 I have good news to report, no new  
3 claims have been filed. And the -- I  
4 believe we have four current that are still  
5 being litigated. Discovery ongoing in two.  
6 Settlement negotiations in one. And a  
7 mediation that's getting ready to proceed in  
8 one of them.

9 So we -- but we've had no new third  
10 party suits filed.

11 MR. HILL:

12 Okay. Any questions?

13 (No response.)

14 MR. HILL:

15 Do I hear a motion to accept Mr.  
16 Perry's status report?

17 MR. ST. ROMAIN:

18 I move.

19 MR. HILL:

20 We've got a motion on the table. Do I  
21 hear a second?

22 MR. MILAZZO:

23 Second.

24 MR. HILL:

25 Second. Motion carries.

1                   Number seven, other business.

2           MS. ANDREWS:

3                   Karyn Andrews, Undersecretary. I just  
4           wanted to let everyone know about the  
5           legislation that is moving through this  
6           session. I believe Dr. Brown mentioned  
7           Senate Bill 257, which we are working with  
8           some of your organizations to make sure it  
9           was in -- in the posture that -- that you  
10          all were comfortable with, and -- and it  
11          still allowed us to make the changes we  
12          needed. And we thank you for that.

13                   The other bill we do have moving  
14          through is our House Bill 900, which I've  
15          previously discussed with you. It is our  
16          fee package that will be affecting the gas  
17          station owners with tanks. And that fee  
18          package does have a -- have an increase of  
19          10 percent on the underground tanks. So it  
20          will be going from \$54 to \$60, which we  
21          discussed in the last meeting.

22                   We just went through our fourth  
23          committee and we are hoping to get that  
24          finalized on the Senate floor in the next  
25          week.

1                   So 257 is -- is on the House side  
2                   right now. And we're hoping that will also  
3                   be moving on the floor in the next week or  
4                   so.

5                   MR. MILAZZO:

6                   Karyn, again, there's some discussion  
7                   internally with our group. And for  
8                   consideration as this moves through,  
9                   reducing the -- the deductible for claims  
10                  in compliance to zero from \$5,000 currently  
11                  and maintaining the \$10,000 deductible for  
12                  locations that are out of compliance, what  
13                  consideration would you guys consider to do  
14                  that?

15                  MR. THERIOT:

16                  I -- the board has the -- one of the  
17                  powers that the board has is to recommend  
18                  changes in deductible annually. That's one  
19                  of the reasons for having this board. So if  
20                  the board wishes to forward a recommendation  
21                  to the Secretary: (A) you put it on the  
22                  agenda, have a vote and forward your  
23                  resolution on to the Secretary who will then  
24                  make a decision. But that's how the statute  
25                  requires that it be done.

1 MR. HILL:

2 Prior to the next board meeting do  
3 that?

4 MR. THERIOT:

5 It's -- it's annually. So I think  
6 there's only one more meeting -- well,  
7 there's two meetings this year.

8 MS. VIZINAT:

9 Yes. It's --

10 MR. THERIOT:

11 And -- and it -- it's annually that  
12 you have to do it at one of the meetings, so  
13 -- but that's how it would be done.

14 MR. MILAZZO:

15 So would that be considered your --  
16 annually, from your fiscal year standpoint?  
17 So would there be an opportunity maybe at  
18 the next meeting if -- if Louisiana Oil  
19 Marketers is so compelled to want -- want to  
20 do that? And I think the feedback that's  
21 come back to us -- I mean, you guys have  
22 been on -- in on most of those calls --

23 MR. HILL:

24 Yes.

25 MR. MILAZZO:

1                   -- was, you know, hey, we -- we're  
2                   okay with -- with the increase, but, you  
3                   know, could there be some consideration?  
4                   We're in full compliance, you know, that the  
5                   trust fund meet the deductible for us and  
6                   just remove that? And the penalties that  
7                   are currently in place for out of compliance  
8                   stay where they are.

9                   MR. HILL:

10                   No problem with that at all.

11                   MS. ANDREWS:

12                   Yes, I think, Perry -- so, Perry,  
13                   would your -- your recommendation is the  
14                   board members bring to the meeting next  
15                   month a resolution and vote on it, and then  
16                   that is presented to Secretary Brown, the  
17                   recommendation, and he can accept it as is  
18                   or work with you guys in some other method?

19                   MR. THERIOT:

20                   The statute says that -- it lays out  
21                   the financial responsibility amount. And in  
22                   Section 1 -- 2195.9(a)5, it says thereafter  
23                   -- which meant the last time -- after 2001 -  
24                   - this has been an annual event here. The  
25                   Advisory Board shall review the financial



1 responsibility requirements on an annual  
2 basis and may recommend to the Secretary  
3 adjusting the requirements. The Secretary  
4 is going to determine and set the financial  
5 responsibility requirements annually.

6 So the only thing you would have to  
7 probably meet is the listing it on the  
8 agenda for the public records law. And then  
9 you would have to have a motion in here to  
10 make your recommendation. That motion would  
11 be voted on and then forwarded to the  
12 Secretary for his consideration.

13 MR. HILL:

14 Okay. So we bring that resolution to  
15 the next meeting, Perry, is that --

16 MR. THERIOT:

17 If -- if you want to have it on the  
18 next meeting, you just need to list it on  
19 the agenda.

20 MR. HILL:

21 Okay.

22 MR. MILAZZO:

23 Okay. Thank -- thank you guys.

24 MR. HILL:

25 Thank ya'll very much.

1 MS. ANDREWS:

2 And I -- and if -- and if we -- and we  
3 can definitely go ahead and bring that to  
4 Dr. Brown in advance, that you all would  
5 like to entertain that for the next meeting  
6 so that if there's any discussion that needs  
7 to be had, we can perhaps, you know, take  
8 care of that. And -- and that way, we can  
9 move forward with the recommendation fairly  
10 expeditiously.

11 MR. HILL:

12 Would it be in our best interest to  
13 provide you with a letter asking for that  
14 consideration before the next the meeting?

15 MS. ANDREWS:

16 It certainly couldn't hurt.

17 MR. HILL:

18 For --

19 MS. ANDREWS:

20 I -- I don't know that --

21 MR. HILL:

22 So it could get on the agenda.

23 MS. ANDREWS:

24 I -- and I can't say that there's  
25 going to be an objection from our

1           standpoint.

2           MR. HILL:

3                     Right. It's just -- it's just the  
4           protocol, the way to do it.

5           MS. ANDREWS:

6                     Exactly.

7           MR. HILL:

8                     Okay.

9                     Johnny, does that answer your --

10          MR. MILAZZO:

11                    Yes. That's perfect. I think that's  
12          what she -- she's going to be delighted to  
13          hear that.

14          MR. BROUSSARD:

15                    This is Sam Broussard from the UST  
16          Division. If I could add a couple of  
17          things?

18          MR. HILL:

19                    Sure.

20          MR. BROUSSARD:

21                    I'm -- I am working on a huge reg  
22          package to change our regs based on the new  
23          federal regs. And one of the things that I  
24          want to do in this package is pretty much  
25          align the way our UST regs and our statutes

1 -- align them with respect to what we're  
2 actually doing for financial responsibility.

3 So some of those things, we're going  
4 to talk about in our next reg workgroup  
5 meeting. And that -- and we have some  
6 ideas. And we've kicked them around  
7 internally. And I'm going to be bringing  
8 these up to you guys. And we'll make sure  
9 to have that meeting before this next trust  
10 fund meeting. That way, if you guys like  
11 our ideas, we can bring them up all at once  
12 and kind of work on that as -- at one big  
13 main package all together instead of piece  
14 milling them like that.

15 MR. HILL:

16 Sounds good. Thank you, Sam.

17 MR. MILAZZO:

18 Great plan.

19 MR. HILL:

20 Any other business?

21 MR. FULTON:

22 I've got a quick question.

23 MR. HILL:

24 Okay.

25 MR. FULTON:

1                   Earlier in -- in the meeting, you'd  
2                   asked about the tank numbers. Is there  
3                   something specific? Because I can get those  
4                   numbers. I -- I just -- is there something  
5                   specific we want to look at or --

6                   MR. MILAZZO:

7                   Just the --

8                   MR. FULTON:

9                   The number of tanks per year or --

10                  MR. MILAZZO:

11                  Yes. When you look at the -- the --  
12                  how the revenue comes in --

13                  MR. FULTON:

14                  Yes.

15                  MR. MILAZZO:

16                  -- you know, and that's all based on  
17                  volume, right?

18                  MR. FULTON:

19                  Right.

20                  MR. MILAZZO:

21                  And then, you know, are the tanks, is  
22                  -- is that a growing number? Is that a  
23                  declining number? Just out of curiosity --

24                  MR. FULTON:

25                  I mean, it's -- I think it's kind of

1 steady, but I

2 MR. MILAZZO:

3 Yes.

4 MR. FULTON:

5 -- don't quote me on that.

6 MR. THERIOT:

7 It's steady a little bit. It was  
8 declining for a long time --

9 MR. FULTON:

10 Yes.

11 MR. THERIOT:

12 -- as the mom's and pop's were  
13 closing.

14 MR. FULTON:

15 Yes.

16 MR. ST. ROMAIN:

17 Another -- another good, maybe, stat  
18 is the number of cleanups opening per year  
19 and closing per year. Like -- like a year's  
20 review of that. Are they -- are they  
21 becoming more frequent or less frequent?

22 MR. FULTON:

23 Yes. No, I -- we can give you the  
24 numbers on the -- the tank universe, because  
25 there's a little difference between the

1 actual what's paid to the trust fund.

2 There's -- there's quite a few non-trust  
3 fund eligible tanks that --

4 MR. ST. ROMAIN:

5 It seems over time that there's more  
6 and more double-walled tanks.

7 MR. FULTON:

8 Right.

9 MR. ST. ROMAIN:

10 More leaks should be caught in the  
11 interstitial space and eventually, there  
12 should be less cleanups --

13 MR. FULTON:

14 Right.

15 MR. ST. ROMAIN:

16 -- as old tanks are --

17 MR. THERIOT:

18 That was the hope of the Federal  
19 Entergy Act.

20 MR. FULTON:

21 Yes.

22 MR. ST. ROMAIN:

23 We're -- we're ten years in -- well,  
24 you're ten years in the double-wall, so is  
25 it -- is it starting to show?

1 MR. BURNHAM:

2 Yes.

3 MR. THERIOT:

4 We did -- there is -- ASTSWMO did some  
5 fact finding already. There is -- on  
6 ASTSWMO, there's a report that's being put  
7 on their website where they looked at small,  
8 medium and large states based on tank  
9 volume and whether -- whether there was  
10 an increase in the number of releases or a  
11 decrease or whether the federal regulation  
12 was having an effect. It's still inclusive.  
13 I worked on the committee that was gathering  
14 -- the reasons -- not enough time yet,  
15 because many people are still using the old  
16 tanks.

17 MR. BURNHAM:

18 Right.

19 MR. THERIOT:

20 So one of the questions that was asked  
21 was whether there's anybody keeping data on  
22 these old tanks, because many of them are  
23 now outliving their warranties. You know,  
24 they were -- they were sold to the -- the  
25 tank owners with a 30 year warranty and, you



1 know, a skiff tank. And the question would  
2 be -- there was a question about can re-line  
3 them, can we continue to using them? And  
4 some states say yes, some states say no.  
5 And it -- it's difficult to collect the data  
6 that will give you an answer that is  
7 trustworthy.

8 But they are working on it. ASTSWMO,  
9 as a -- the sub -- tank sub committee has  
10 looked at those to try and see if they can -  
11 - if it's actually working. Because they  
12 want to see if there's any difference  
13 between states that have allowed the old  
14 tanks to continue operating and states where  
15 they've given them like a five year period  
16 where they have to upgrade anyway. ASTSWMO  
17 is aware of this and they are looking at it.  
18 So -- but it's going to take a little time  
19 before those -- that data gets reliable  
20 enough to rely on.

21 MR. ST. ROMAIN:

22 I've talked to friends in other states  
23 that when a tank gets a certain age, the  
24 trust fund won't cover it if it leaks  
25 anymore. Is there --

1 MR. THERIOT:

2 There are states that say --

3 MR. ST. ROMAIN:

4 -- anything like that in Louisiana?

5 MR. THERIOT:

6 -- that when -- when the warranty is  
7 out, so is your coverage.

8 MR. ST. ROMAIN:

9 Like 50 years --

10 MR. MILAZZO:

11 Yes, that --

12 MR. ST. ROMAIN:

13 -- they say if the tanks 50 years old,  
14 it's got to come out.

15 MR. THERIOT:

16 But that's -- that -- those sort of  
17 little small provisions, those are all over  
18 the board in the United States. They --  
19 because if there's not a federal standard  
20 for it, which I -- there's no federal  
21 standard on the warranty business, then  
22 states are allowed to do whatever they want.  
23 And -- and so each state has chosen  
24 different. I think here in Louisiana, we've  
25 allowed, unless there's a release, you could

1           continue using your old tanks unless you  
2           replaced 20 percent of whatever your system  
3           is. And then -- is that correct, Sam?

4           MR. BROUSSARD:

5                     25.

6           MR. THERIOT:

7                     25 percent. I knew it was around  
8           that.

9                     And -- and then you have to upgrade,  
10          if you replace 25 percent.

11          MR. ST. ROMAIN:

12                    Or if it has a release, you have to  
13          upgrade.

14          MR. THERIOT:

15                    Or if you have a release. If you have  
16          to replace the tank, it's gonna have to be  
17          double-walled.

18          MR. HILL:

19                    So it -- it's still -- ya'll -- ya'll  
20          really haven't decided -- I'm just sitting  
21          here thinking of some '87, '88 model tanks  
22          that -- that we own and it's -- it's pushing  
23          that 30 year deal, so, you know, another two  
24          or three years away. But it's still  
25          undecided as to what -- what's gonna happen

1 when that 30 year time period expires.

2 MR. BROUSSARD:

3 Well, we -- we don't --

4 MR. THERIOT:

5 Sam might be able to tell you on the  
6 new workgroup.

7 MR. HILL:

8 Right.

9 MR. BROUSSARD:

10 Yes. As of now, we do not have a  
11 provision to remove tanks at -- at a certain  
12 age.

13 MR. HILL:

14 Right.

15 MR. BROUSSARD:

16 Just -- just as you remove one, you  
17 have to go to a double-wall. We can  
18 entertain a -- an age if you guys want to  
19 and our -- and our reg workgroup wants to  
20 and -- and, you know, all the industries  
21 stakeholders are on board with that, we can  
22 entertain that. It -- it's not -- someone  
23 actually mentioned it in our last workgroup  
24 meeting of possibly putting a drop-dead date  
25 for single-wall tanks, but it was just

1           mentioned in passing. We've not had any --  
2           any definite discussions on that. It --  
3           it's --

4           MR. HILL:

5                     Well --

6           MR. ST. ROMAIN:

7                     Before you classify it all single-  
8           walls, you might go after bare steels or --

9           MR. BROUSSARD:

10                    Right.

11           MR. HILL:

12                    Yes.

13           MR. ST. ROMAIN:

14                    -- stuff like that.

15           MR. BROUSSARD:

16                    And -- and some of the new regs --  
17           like Perry was saying, some of the new  
18           federal regs do require you to -- like say  
19           if you have a line tank and the lining  
20           fails, you have to remove the tank. So  
21           there are some provisions in the new regs  
22           that will get rid of some of these very old  
23           substandard tanks, but there's nothing in  
24           the new federal regs that says you have to  
25           remove all your single-wall tanks.

1 MR. THERIOT:

2 Generally speaking, the guys who has  
3 spent the money for the double-wall tanks on  
4 all their sites are gonna -- they want  
5 everybody else to have to do it too.

6 MR. HILL:

7 Right, right.

8 MR. THERIOT:

9 And -- and so you -- you do have a  
10 tank world out there that's very different.  
11 Part of our legislative package bill that's  
12 going through, if it makes it through, has a  
13 provision in it on low interest loans for  
14 upgrading of tanks. We're using the money  
15 that we recovered from the people who  
16 double-dipped in the -- in the litigation  
17 that we spoke of before. That money is  
18 going to be available for a program if --  
19 it's envisioned to be available, but we  
20 haven't even set the program parameters yet.

21 But --

22 MR. HILL:

23 Is that based on -- on -- on the  
24 financial position of the person asking for  
25 that or is that --

1 MR. THERIOT:

2 We -- that's -- that will have to be  
3 determined. We'll have to put a workgroup  
4 together and put together this program. We  
5 -- we thought of the program looking  
6 forward. But we haven't decided on the  
7 parameters of the program. Because with --  
8 we were -- we don't know if that legislative  
9 was gonna be approved. Once approved, we'll  
10 have to sit down with you guys and -- and  
11 work interest groups to decide how we're  
12 gonna run that program.

13 But it's better than letting this  
14 money just sit.

15 MR. HILL:

16 That's true.

17 And, Sam, back to my question. I  
18 wasn't using the -- the old term, if it's  
19 not broke -- you know, if it's broke, fix  
20 it, not broke, don't fix it. That's not  
21 what I meant by that, even though I some  
22 around 30 years old, fiberglass tanks.  
23 They're not lined tanks. But that was my  
24 reason for asking that. You know, I just  
25 wondered. Because they were 30 year

1           warranty tanks when we installed them. And,  
2           you know, I didn't -- I didn't know what any  
3           other -- how any other states were looking  
4           at that or viewing that or -- or whether it  
5           was gonna be --

6           MR. BROUSSARD:

7                     Yes. There have been a few. There  
8           have been a few states that actually some  
9           said, if they're single-wall tanks, Florida,  
10          California and a couple in the east.  
11          They're starting to do it in the northeast.  
12          But we -- we haven't -- haven't even looked  
13          at that seriously at this point.

14          MR. HILL:

15                     Right.

16          MR. BROUSSARD:

17                     And -- and I want to say something  
18          that -- about what Nick was talking about,  
19          it's -- trying to correlate between the  
20          amount of releases we have and new double-  
21          wall tanks. I've actually worked with a  
22          statistician with EPA on some looking at  
23          data and using our data in Louisiana to  
24          actually show that, just to see if the  
25          inspections we're doing on a three-year



1 cycle is having an impact on compliance.  
2 And if you look at just the trend numbers,  
3 it kinda looks like it is, but we actually  
4 did some real statistics on it, threw out a  
5 lot of different parameters to make sure  
6 we're -- we're looking -- comparing apples  
7 to apples. And -- and there is a  
8 significant difference, you know, a  
9 statistically significant difference in not  
10 doing inspections every three years versus  
11 doing inspections every three years. The  
12 compliance rates are going up because of  
13 that, increased inspection amounts. We're --  
14 -- the statistician is about to publish her  
15 paper. After she's done with that, her and  
16 I are going to work on looking at our  
17 releases in Louisiana and comparing them to  
18 actual UST system types to see if there is a  
19 difference with a statistical significant --  
20 significant difference using double-walled  
21 tanks versus single-walled. So more to come  
22 on that.

23 MR. THERIOT:

24 There's -- there's a lot of interest  
25 at both EPA and ASTSWMO and ECOS. There's a

1 lot going on behind -- in -- in the research  
2 field on it to see if the Entergy Act is  
3 actually resulted in what it -- what it was  
4 set out to do.

5 MR. HILL:

6 Okay. Anymore questions?

7 (No response.)

8 MR. HILL:

9 If there's no further questions, we'll  
10 -- we'd like to bring this meeting to a  
11 close and say thanks to everybody for  
12 attending:

13 THE MEETING ADJOURNED AT 1:44 P.M.

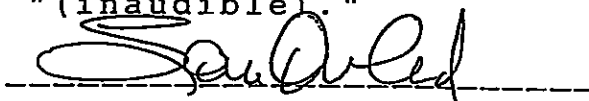
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I, Lori B. Overland, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record

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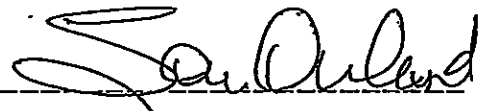
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C E R T I F I C A T I O N

I, Lori B. Overland, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the above referenced individual to whom oath was administered, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as 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.



Lori Overland C.C.R.

# 97083

RF... MFTF

AUG 02 2016

**In The Matter Of:**

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

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*MEETING  
May 19, 2016*

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225-216-2036*

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3 STATE OF LOUISIANA  
4 DEPARTMENT OF ENVIRONMENTAL QUALITY  
5 MOTOR FUELS UNDERGROUND STORAGE TANK TRUST  
6 FUND ADVISORY BOARD  
7  
8  
9  
10  
11  
12 The above-entitled meeting was held at the  
13 LDEQ, Galvez Building, Conference Center, 602  
14 North 5th Street, Baton Rouge, Louisiana,  
15 beginning at 1:07 p.m., on May 19, 2016.  
16  
17  
18  
19 BEFORE:  
20 Lori B. Overland  
21 Certified Court Reporter  
22 In and For the State of  
23 Louisiana  
24  
25

1 I N D E X  
2  
3 EXAMINATION: PAGE(S) :  
4 None  
5 EXHIBITS:  
6 None  
7  
8 REPORTER'S PAGE 55  
9 REPORTER'S CERTIFICATE 56  
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1 A P P E A R A N C E S  
2  
3 Kerry Hill  
4 Chairman  
5 Durwood Franklin  
6 Jeff Baker  
7 Gary Fulton  
8 Cy Morin  
9 Johnny Milazzo  
10 Perry Theriot  
11 Nick St. Romain  
12 Steve Burnham  
13 Roger Bright  
14 Theresa Chatelain  
15  
16 Melissa Vizinat  
17 Sam Broussard  
18 Rhonda Cook  
19 Sherry Milam  
20 Jason Efferson  
21 Karyn Andrews  
22 Shawn King  
23 Lacey Vitteri  
24 Ian Kelley  
25 \* \* \* \* \*

1 \* \* \* \* \*  
2 MR. HILL:  
3 Good afternoon. I'd like to call this  
4 meeting to order, if you please. Let's  
5 start with a roll call and consideration of  
6 the February 18, 2016 board minutes.  
7 MR. THERIOT:  
8 Perry Theriot, Legal Division at LDEQ.  
9 MR. FRANKLIN:  
10 Durwood Franklin, DEQ Trust Fund.  
11 MR. BAKER:  
12 Jeff Baker, DEQ Trust Fund.  
13 MR. FULTON:  
14 Gary Fulton, Underground Storage Tank  
15 Remediation Division.  
16 MR. BRIGHT:  
17 Roger Bright, Jones Environmental.  
18 MR. BURNHAM:  
19 Steve Burnham, Engineering Associates.  
20 MR. HILL:  
21 Kerry Hill, Louisiana Oil Marketers  
22 and Convenient Store Association.  
23 MR. ST. ROMAIN:  
24 Nick St. Romain, Louisiana Oil  
25 Marketers and Convenient Store Association.



1 MR. MILAZZO:  
2 Johnny Milazzo, Louisiana Oil  
3 Marketers and Convenient Store Association.  
4 MS. CHATELAIN:  
5 Theresa Chatelain, DEQ Financial  
6 Services.  
7 MR. MORIN:  
8 Cy Morin, DEQ Audit.  
9 MS. VIZINAT:  
10 Melissa Vizinat, DEQ Trust Fund.  
11 MS. MILAM:  
12 Sherry Milam, PPM Consultants.  
13 MS. COOK:  
14 Rhonda Cook, PPM Consultants.  
15 MR. KING:  
16 Shawn King, Jones Environmental.  
17 MR. BROUSSARD:  
18 Sam Broussard, UST Division.  
19 MR. KELLEY:  
20 Ian Kelley, UST Trust Fund.  
21 MS. ANDREWS:  
22 Karyn Andrews, DEQ Management and  
23 Finance.  
24 MS. VITTERI:  
25 Lacey Vitteri, DEQ Financial Services.

1 And I also brought with me today, Lacey  
2 Vitteri, who introduced herself. She is an  
3 accountant IV in financial services. And  
4 she helps prepare this information and keep  
5 it up to date for us.  
6 So if ya'll would like to turn to tab  
7 three, we have the updated financial  
8 statements, through March 31st.  
9 So the first page here is the -- where  
10 we project the program balance and what will  
11 need to be transferred from the fund into  
12 the environmental trust fund. So the 2015  
13 and 2016 information, you've seen  
14 previously. That's our current projection  
15 through March 31st, as I mentioned  
16 previously. So right now, it looks like  
17 about 5.12 million will be transferred from  
18 the Motor Fuel Trust Fund to -- to ETF, to  
19 reimburse ETF.  
20 And then if you'd turn to the next  
21 page. We have information on the total  
22 receipts, year to date. Also compared to  
23 the previous completed year. So our total  
24 receipts right now are 19,805,171, with  
25 interest income of 118,713, for the total of

1 MR. EFFERSON:  
2 Jason Efferson, DEQ Trust Fund.  
3 MR. HILL:  
4 Thank ya'll for joining us today. Do  
5 I hear a motion to adopt the February 18  
6 board minutes?  
7 MR. BURNHAM:  
8 Motion to adopt.  
9 MR. HILL:  
10 Got a motion. Do I hear a second?  
11 MR. FULTON:  
12 Second.  
13 MR. HILL:  
14 Okay. Let's move forward then. Thank  
15 ya'll.  
16 Item number three, the financial  
17 services report. I'd like to ask Theresa to  
18 deliver that message for us, please.  
19 MS. CHATELAIN:  
20 Okay. Good afternoon. Hello  
21 everybody. I am Theresa Chatelain, as some  
22 of you can read or may have heard. I'm  
23 Karyn Andrews replacement in the fiscal  
24 officer position in financial services since  
25 she has been promoted to Undersecretary.

1 19.9 million, receipts for the program. And  
2 we've reimbursed RACs 9,179,956. Again, as  
3 of March 31st. So our projection, based on  
4 the total obligations of the fund, as of the  
5 end of the year, it looks like we will have  
6 about 1.87 million balance after  
7 obligations, you see on the bottom right of  
8 the page.  
9 So that is the financial update. I  
10 don't know if anybody has any questions?  
11 I'll do my best to answer them.  
12 MR. HILL:  
13 Any questions?  
14 MR. BURNHAM:  
15 Why the big difference between the  
16 unobligated balance in 2015 and 2016?  
17 MS. CHATELAIN:  
18 I think -- I -- my best answer would  
19 be that it's just an estimate. It's our  
20 best guess at that time. But I -- I think  
21 we discussed this at the previous meeting  
22 too. I did review the minutes. So I think  
23 either we added some sites -- I don't know  
24 if -- Jeff, if you know?  
25 MR. BAKER:



1 We used a different methodology from  
2 that time to now.  
3 MR. BURNHAM:  
4 Where you --  
5 MR. BAKER:  
6 Right.  
7 MR. BURNHAM:  
8 -- took -- made -- took account of  
9 some other --  
10 MR. BAKER:  
11 Right.  
12 MS. CHATELAIN:  
13 Changed it.  
14 MR. BURNHAM:  
15 Okay. And that was --  
16 MR. BAKER:  
17 We started that, I believe, in  
18 October.  
19 MR. BURNHAM:  
20 Okay.  
21 MS. CHATELAIN:  
22 This year.  
23 MR. HILL:  
24 Yes. I think you said that your new  
25 system was going to bring it a little more

1 Okay. Are there any other questions?  
2 MR. MILAZZO:  
3 I -- I do.  
4 MR. HILL:  
5 Okay. Johnny?  
6 MR. MILAZZO:  
7 When you look at the bulk, the -- the  
8 receipts, fiscal year 2015 -- and I'm  
9 assuming that's for the entire 12 month  
10 period? Is that -- would that be right?  
11 22 million, six hundred and --  
12 MS. CHATELAIN:  
13 That is. That's for the entire year.  
14 MR. MILAZZO:  
15 Okay. And so -- through the third  
16 quarter of the fiscal year, right, it's  
17 17 million, six hundred --  
18 MS. CHATELAIN:  
19 Correct. That does not have anything  
20 for the fourth quarter in there. So I don't  
21 know if that'd be helpful. We could -- you  
22 know, next quarter -- I guess the next  
23 meeting will be after the fourth quarter, so  
24 they'll match at that point in time.  
25 MR. MILAZZO:

1 current. Wouldn't --  
2 MR. BAKER:  
3 Make it a little more accurate.  
4 MR. HILL:  
5 Accurate, I mean.  
6 MR. BAKER:  
7 Yes.  
8 MR. HILL:  
9 All right.  
10 MR. BAKER:  
11 There were -- there were a number of  
12 sites that were not being considered in the  
13 original obligation calculation. The new --  
14 the new methodology brings those in and it's  
15 just a much more accurate way of calculating  
16 that obligation.  
17 MS. CHATELAIN:  
18 But in the last quarter too, we were -  
19 - the unobligated balance was a negative  
20 number. So we're -- we're on the flip side  
21 of that now, based on this quarter. So our  
22 receipts were good.  
23 MR. BURNHAM:  
24 Thank you.  
25 MR. HILL:

1 Right.  
2 MS. CHATELAIN:  
3 But if it would be helpful going  
4 forward in the quarters during the year if  
5 we did a comparison of receipts for the  
6 first quarter for the previous year.  
7 MR. MILAZZO:  
8 I think it's more relevant --  
9 MS. CHATELAIN:  
10 Okay.  
11 MR. MILAZZO:  
12 -- when you're looking at it.  
13 MS. CHATELAIN:  
14 Sure. We can make that adjustment --  
15 or include both.  
16 MR. MILAZZO:  
17 And the -- the annual assessment fees,  
18 that looks -- if I'm understanding -- am I  
19 seeing this 19,546 through 12 months? Was  
20 that --  
21 MS. CHATELAIN:  
22 Yes.  
23 MR. MILAZZO:  
24 Versus 56,837 through --  
25 MS. CHATELAIN:



1 Nine months.  
2 MR. MILAZZO:  
3 -- nine months?  
4 MS. CHATELAIN:  
5 Jeff, any insight on that? The second  
6 row.  
7 MR. MILAZZO:  
8 So is that --  
9 MS. ANDREWS:  
10 Karyn Andrews, Undersecretary. That  
11 actually could have something to do with the  
12 timing of when we did our invoices. Those  
13 annual fees are for facilities that are not  
14 subject to some of our regulation -- to all  
15 the regulations, but we still deposit at the  
16 end of the year. And so it could just be a  
17 timing difference of when we billed and when  
18 we collected the money. Generally, we bill  
19 those out towards the end of our fiscal  
20 year. So it could be that it wasn't  
21 collected until the beginning --  
22 MR. MILAZZO:  
23 Okay.  
24 MS. ANDREWS:  
25 -- of the following. So that could be

1 snapshot of what -- what are the tanks out  
2 there, is that number growing, shrinking,  
3 whatever.  
4 MS. ANDREWS:  
5 We can definitely share that.  
6 MR. MILAZZO:  
7 Okay. That's all I have.  
8 MR. HILL:  
9 Any other questions related to the  
10 financial services report?  
11 (No response.)  
12 MR. HILL:  
13 I'd like to make mention, we were just  
14 talking about the -- the interest rate.  
15 It's pretty good on them --  
16 (An off-the-record discussion followed.)  
17 MR. HILL:  
18 Go ahead.  
19 MR. BROWN:  
20 I just wanted to stick my head in and  
21 say hello, and of course, thank you for all  
22 your hard work. I appreciate everything you  
23 do.  
24 MR. FULTON:  
25 This is our -- this is our new

1 what it is.  
2 MR. MILAZZO:  
3 So is that -- fair to say though,  
4 that's the annual fee for the -- for the  
5 tanks, right?  
6 MS. ANDREWS:  
7 No. That's actually not the annual  
8 fee.  
9 MR. MILAZZO:  
10 So where does that hit?  
11 MS. ANDREWS:  
12 That -- we're reporting to you our  
13 motor fuel underground storage tank trust  
14 fund. That fee that you're talking about,  
15 the registration fee, the \$54, that goes  
16 into our environmental trust fund.  
17 MR. MILAZZO:  
18 Okay.  
19 MS. ANDREWS:  
20 And that is not reported on here. If  
21 you'd like -- we can get that information.  
22 We can share that with you at the next  
23 meeting.  
24 MR. MILAZZO:  
25 I guess it gives us a little bit of a

1 secretary.  
2 MR. BROWN:  
3 Our new secretary.  
4 MR. FULTON:  
5 Secretary Brown.  
6 MR. BROWN:  
7 Yes.  
8 MR. BURNHAM:  
9 Hey Chuck. Good to see you.  
10 MR. BROWN:  
11 Hey. How you doing?  
12 MR. BURNHAM:  
13 Yes, sir.  
14 MR. HILL:  
15 Thank you for joining us.  
16 MR. BROWN:  
17 Good. Good. Well, again, I just  
18 wanted to say hello to you. I appreciate  
19 all the hard work that you do. I know  
20 there's a bill that's directly impacting  
21 everything that goes on with this group. It  
22 looks like it's going to -- going to -- it's  
23 going to win approval. So it's a good  
24 starting point for us. Anything ya'll need  
25 from me, just let me know. Okay?



1 MR. HILL:  
2 Thank you very much.  
3 MR. MILAZZO:  
4 Secretary, if I may. Only because we  
5 -- we got some correspondence back just a  
6 little while ago. I think -- I commend you  
7 guys in the department that have been  
8 working with -- with Louisiana Oil Marketers  
9 on maybe some amendments to the bill that I  
10 -- that I -- Natalie was very proud that had  
11 been removed. And as of just a little while  
12 ago, she sent an email -- I think we've all  
13 received that -- that those same amendments  
14 are reattached to the bill. So I don't know  
15 if -- if it's bad information that's being  
16 shared, but I just -- she sent out an alert  
17 just a little while ago of -- of concern  
18 about that.  
19 MR. BROWN:  
20 Do you know anything about that?  
21 MR. THERIOT:  
22 No.  
23 MR. BROWN:  
24 Well, we will check on it. But it  
25 shouldn't be --

1 MR. MILAZZO:  
2 Okay.  
3 MR. BROWN:  
4 We had -- we had a meeting on the  
5 House side after we had amended the bill.  
6 MR. MILAZZO:  
7 Right. Well, that's what she said.  
8 She was delighted to be working with you  
9 guys.  
10 MS. CHATELAIN:  
11 It could be that she's referring to  
12 Legislative Bureau amendments. The  
13 Legislative Bureau is a body that reviews  
14 all the measure throughout session and makes  
15 changes -- technical corrections.  
16 MR. MILAZZO:  
17 Okay.  
18 MS. CHATELAIN:  
19 There were some legislative -- I just  
20 looked up the bill on the legislature's  
21 website and there were some Legislative  
22 Bureau amendments that were added. But that  
23 -- those weren't the --  
24 MR. MILAZZO:  
25 Okay.

1 MR. THERIOT:  
2 I'll check on it. If it was done, it  
3 would've been done --  
4 MR. MILAZZO:  
5 Okay. Because --  
6 MS. CHATELAIN:  
7 I -- I don't believe the bill has been  
8 amended since the first settlement?  
9 MR. THERIOT:  
10 No. I -- I don't think so.  
11 MR. MILAZZO:  
12 Well, I -- I -- I -- according to her,  
13 and her comments, that there -- after the  
14 original bill, I think you guys had met and  
15 maybe Wosworth or somebody was kind of  
16 working through this. And then some of the  
17 pieces that we were concerned about that was  
18 part of it had been removed.  
19 MR. BROWN:  
20 That's correct.  
21 MR. MILAZZO:  
22 According to her notes a minute ago,  
23 they have been reattached.  
24 MR. BROWN:  
25 Well, we don't know about that.

1 MR. CHATELAIN:  
2 It didn't return it to its original  
3 version.  
4 MR. THERIOT:  
5 Those are usually not substantive.  
6 MS. CHATELAIN:  
7 No.  
8 MR. THERIOT:  
9 Those are usually commas here and --  
10 MR. MILAZZO:  
11 Okay.  
12 MR. THERIOT:  
13 -- that kind of --  
14 MR. MILAZZO:  
15 Okay.  
16 MS. CHATELAIN:  
17 New paragraph -- second paragraph.  
18 MR. BROWN:  
19 We'll -- we'll check. But --  
20 MR. MILAZZO:  
21 Well, thank you very much. And  
22 really, thank you guys. When -- you know,  
23 when we see things that really do impact us  
24 and that -- your willingness to work with us  
25 is important. And thank you for it.



1 MR. BROWN:  
2 Right. Right. Well, we appreciate  
3 you guys. Take care.  
4 MR. HILL:  
5 Thank ya'll.  
6 If there's no more questions related  
7 to the financial services, do I --  
8 MR. BURNHAM:  
9 You were about to mention the  
10 interest.  
11 MR. HILL:  
12 Well, I was going to mention, it looks  
13 like we're getting some real good interest  
14 on our money. It's got to be something like  
15 15 percent. Whoever -- whoever is in charge  
16 of that, my hats off to you.  
17 MS. CHATELAIN:  
18 I wish I could take credit.  
19 MR. HILL:  
20 Do I hear a motion to approve the  
21 financial report delivered by Theresa?  
22 MR. FULTON:  
23 I make the motion.  
24 MR. HILL:  
25 I got a motion. Do I have a second?

1 And in our aim with -- with these 25  
2 cases awaiting review is to reduce this  
3 number of cases over the next few months.  
4 First, focusing on the ones that do have  
5 assessments or -- or credits. And then,  
6 focusing on the ones that have no  
7 assessments attached to them.  
8 Four cases are still in progress with  
9 results to be determined. And the last case  
10 on the list is scheduled to be started next  
11 week.  
12 If you'll go ahead and turn -- if  
13 there's no questions, we'll go ahead and  
14 turn to page three of this report.  
15 This report shows the five cases that  
16 are continuing to be pursued legally.  
17 There's been no change in the first case  
18 listed. The attorneys are continuing to  
19 prepare to request a status conference to  
20 set a trial date and prepare discovery.  
21 For the second case, the business has  
22 been sending in monthly payments. The last  
23 payment was received in March, on March 14th  
24 in the amount of \$310. The April and May  
25 payments are currently due. The attorneys

1 MR. MILAZZO:  
2 Second.  
3 MR. HILL:  
4 Okay. Motion and second carries.  
5 Let's go to item number four, the  
6 auditor's status report. I'd like to ask Cy  
7 to give that.  
8 MR. MORIN:  
9 Yes, sir. Cy Morin, DEQ Audit.  
10 So if you'll turn to tab four. The  
11 first two pages of this report detail 32 of  
12 the motor fuel audit cases initiated since  
13 fiscal year 2014.  
14 Currently, two cases are awaiting  
15 payments, totaling, approximately, \$2,800.  
16 Once the 30 day time frame is expired on the  
17 invoices, we will forward these to legal for  
18 collection, if we haven't made collection on  
19 them. 25 of these cases are awaiting  
20 review. Pending final review, these  
21 represent two potential credits, totaling,  
22 approximately, \$3,800; six potential  
23 assessments, totaling, approximately,  
24 \$1,600; and 17 potential clean audits with  
25 no assessment.

1 were contacted yesterday. The owner said  
2 that a payment was in the mail. If we don't  
3 receive this payment, it will be prepared to  
4 be sent to ODR for collections.  
5 The status remains the same for case  
6 number three. It's been with ODR since  
7 October 14th.  
8 The fourth and fifth cases remain the  
9 same. The balance has not changed. The  
10 files are ready for referral to ODR and  
11 notices are being prepared by legal right  
12 now.  
13 The five case -- legal cases represent  
14 a total of approximately \$121,000 of which  
15 \$108,000 is delinquent motor fuel delivery  
16 fees and late payment penalties and  
17 approximately \$12,000 is attorneys fees,  
18 court cost and judicial interest.  
19 And that concludes mine.  
20 MR. HILL:  
21 Okay. Cy, thank you. Do we have any  
22 questions related to Cy's --  
23 MR. MILAZZO:  
24 Yes. Cy, are -- are all these folks  
25 still in business or --



1 MR. MORIN:  
2 No, they're not. I think we've  
3 discussed that in previous meetings.  
4 Probably the majority of them are not. As a  
5 matter of fact, one of the owners is  
6 deceased. And I think that's probably the  
7 difficulty in collecting some of these --  
8 MR. MILAZZO:  
9 Yes.  
10 MR. MORIN:  
11 -- is the -- you know, the businesses  
12 are no longer operating. And -- and I can  
13 get you information for the next --  
14 MR. MILAZZO:  
15 No. Well --  
16 MR. MORIN:  
17 -- meeting on specifically which ones  
18 -- if there are any still operating, I can  
19 get you those.  
20 MR. MILAZZO:  
21 I -- I commend you guys for doing --  
22 you know, being diligent about that.  
23 MR. MORIN:  
24 Yes. I mean, we continue to pursue it  
25 through every avenue until it's -- there's

1 ask you to go through that, please, sir.  
2 MR. BAKER:  
3 Good afternoon. If ya'll would please  
4 refer to tab number five in your packets.  
5 These are the figures for the third quarter  
6 of fiscal year 2016.  
7 During the third quarter of fiscal  
8 year 2016, the trust fund received 290  
9 applications, totaling \$3,930,578. At -- as  
10 of the end of March 2016, the trust fund had  
11 226 pending applications to process, which  
12 had requested amounts totaling \$3,209,099.  
13 213 applications were processed for payment  
14 during the fiscal quarter, totaling  
15 \$3,159,011. And 12 applications were  
16 returned with deficiencies.  
17 If you'll turn to the page titled  
18 monthly motor fuel trust fund obligation  
19 determination. This is the new worksheet  
20 listing the various components in the  
21 determination of the potential obligation  
22 against the trust fund as the end of March  
23 2016.  
24 For sites in the corrective action  
25 phase, the outstanding liability of the

1 no other choice but -- you know, to say that  
2 it's uncollectible.  
3 MR. HILL:  
4 Then you've got to clean it up and  
5 move on, right?  
6 MR. MORIN:  
7 Correct.  
8 MR. HILL:  
9 Any other questions?  
10 (No response.)  
11 MR. HILL:  
12 Do I hear a motion to accept Cy's  
13 audit report?  
14 MR. MILAZZO:  
15 Motion.  
16 MR. FULTON:  
17 Second.  
18 MR. HILL:  
19 Motion by Johnny. Do I hear a second?  
20 MR. FULTON:  
21 Second.  
22 MR. HILL:  
23 Got a second by Gary. Motion carries.  
24 Let's move to item number five, the  
25 trust fund status report. Jeff, if I could

1 corrective action plan budget and estimated  
2 cost to reach closure at the end of March  
3 was \$26,955,239. This total includes the  
4 CAP budget remaining amount and the RAC  
5 estimated cost to closure amount. The fund  
6 obligation recognized the sites without ROG  
7 approved CAP budgets is \$36,869,795. This  
8 is determined by using the three year  
9 average site closure cost and applying these  
10 costs to the active trust fund sites without  
11 current CAP budgets.  
12 The trust fund obligation recognized  
13 for sites that have been determined to be  
14 trust fund eligible, however, have not  
15 submitted the reimbursement application is  
16 \$8,841,616. This is also determined by  
17 using the three year average site closure  
18 and applying these cost -- costs of the  
19 sites that have requested eligibility but  
20 have yet to submit a request for  
21 reimbursement from the fund.  
22 The five year projected fund  
23 obligation related to the trust fund --  
24 motor fuel trust fund to the environmental  
25 trust fund transfer is \$17,020,861. This



1 estimate uses the three year average dollars  
2 transferred from the motor fuel trust fund  
3 to the environmental trust fund and  
4 multiplies that average by five years.

5 You will note the legal-sized page at  
6 the back of your packet. The number of  
7 trust fund sites that have received no  
8 further action thus far in the fiscal year  
9 is 13 sites.

10 The number of potential trust fund  
11 sites that were reviewed and made eligible  
12 during the current fiscal year was 20.  
13 Representing 22 active incidences.

14 Just some points of interest. As  
15 mentioned in the last quarters meeting,  
16 recently the trust fund had a number of our  
17 experienced application reviewers resign to  
18 pursue other opportunities. We have hired  
19 three new reviewers and they're actively  
20 being trained in their positions. These new  
21 reviewers represent 60 percent of staff  
22 processing these trust fund applications.

23 This has and will have an impact on  
24 our ability to timely process applications.  
25 We are working to minimize this impact. And

1 concerns of the responsible parties, the  
2 RACs and the department. If any of the  
3 board members would like to participate in  
4 the workgroup, their input would be very  
5 welcomed.

6 And that ends mine. Do ya'll have any  
7 questions?

8 MR. HILL:

9 Does anybody have any questions?

10 (No response.)

11 MR. HILL:

12 Thank you, Jeff. May I hear a motion  
13 to accept Jeff's trust fund report?

14 MR. BURNHAM:

15 Motion to accept.

16 MR. HILL:

17 I have a motion. Do I hear a second?

18 MR. MILAZZO:

19 Second.

20 MR. HILL:

21 I have a second. Thank you, Jeff.

22 Motion carries.

23 Item number six, third party claims.

24 I'd like to ask Mr. Perry to deliver that,  
25 please, sir.

1 the new staff are already -- have already  
2 begun contributing to help us deal with the  
3 current backlog of applications. And we're  
4 making very good headway with that. They're  
5 picking up very quickly.

6 Another point is the initial draft of  
7 the new motor fuel trust fund guidance  
8 document was sent out to the current and  
9 recent RAC representative advisory board  
10 members for comments. These individuals  
11 have all responded and their efforts are  
12 greatly appreciated.

13 The trust fund is currently reviewing  
14 these comments and updating the draft  
15 document. It is our intent to send this  
16 revised version of the guidance document to  
17 the workgroup in the next few weeks and  
18 begin meeting to address any questions that  
19 they may have concerning the draft.

20 We've also comprised a list of  
21 questions and/or issues related to the  
22 trust fund in the guidance document. We're  
23 hoping the workgroup will be able to help us  
24 assist -- or help assist us in resolving  
25 these issues in a way that addresses the

1 MR. THERIOT:

2 I have good news to report, no new  
3 claims have been filed. And the -- I  
4 believe we have four current that are still  
5 being litigated. Discovery ongoing in two.  
6 Settlement negotiations in one. And a  
7 mediation that's getting ready to proceed in  
8 one of them.

9 So we -- but we've had no new third  
10 party suits filed.

11 MR. HILL:

12 Okay. Any questions?

13 (No response.)

14 MR. HILL:

15 Do I hear a motion to accept Mr.  
16 Perry's status report?

17 MR. ST. ROMAIN:

18 I move.

19 MR. HILL:

20 We've got a motion on the table. Do I  
21 hear a second?

22 MR. MILAZZO:

23 Second.

24 MR. HILL:

25 Second. Motion carries.



1 Number seven, other business.  
2 MS. ANDREWS:  
3 Karyn Andrews, Undersecretary. I just  
4 wanted to let everyone know about the  
5 legislation that is moving through this  
6 session. I believe Dr. Brown mentioned  
7 Senate Bill 257, which we are working with  
8 some of your organizations to make sure it  
9 was in -- in the posture that -- that you  
10 all were comfortable with, and -- and it  
11 still allowed us to make the changes we  
12 needed. And we thank you for that.  
13 The other bill we do have moving  
14 through is our House Bill 900, which I've  
15 previously discussed with you. It is our  
16 fee package that will be affecting the gas  
17 station owners with tanks. And that fee  
18 package does have a -- have an increase of  
19 10 percent on the underground tanks. So it  
20 will be going from \$54 to \$60, which we  
21 discussed in the last meeting.  
22 We just went through our fourth  
23 committee and we are hoping to get that  
24 finalized on the Senate floor in the next  
25 week.

1 MR. HILL:  
2 Prior to the next board meeting do  
3 that?  
4 MR. THERIOT:  
5 It's -- it's annually. So I think  
6 there's only one more meeting -- well,  
7 there's two meetings this year.  
8 MS. VIZINAT:  
9 Yes. It's --  
10 MR. THERIOT:  
11 And -- and it -- it's annually that  
12 you have to do it at one of the meetings, so  
13 -- but that's how it would be done.  
14 MR. MILAZZO:  
15 So would that be considered your --  
16 annually, from your fiscal year standpoint?  
17 So would there be an opportunity maybe at  
18 the next meeting if -- if Louisiana Oil  
19 Marketers is so compelled to want -- want to  
20 do that? And I think the feedback that's  
21 come back to us -- I mean, you guys have  
22 been on -- in on most of those calls --  
23 MR. HILL:  
24 Yes.  
25 MR. MILAZZO:

1 So 257 is -- is on the House side  
2 right now. And we're hoping that will also  
3 be moving on the floor in the next week or  
4 so.  
5 MR. MILAZZO:  
6 Karyn, again, there's some discussion  
7 internally with our group. And for  
8 consideration as this moves through,  
9 reducing the -- the deductible for claims  
10 in compliance to zero from \$5,000 currently  
11 and maintaining the \$10,000 deductible for  
12 locations that are out of compliance, what  
13 consideration would you guys consider to do  
14 that?  
15 MR. THERIOT:  
16 I -- the board has the -- one of the  
17 powers that the board has is to recommend  
18 changes in deductible annually. That's one  
19 of the reasons for having this board. So if  
20 the board wishes to forward a recommendation  
21 to the Secretary: (A) you put it on the  
22 agenda, have a vote and forward your  
23 resolution on to the Secretary who will then  
24 make a decision. But that's how the statute  
25 requires that it be done.

1 -- was, you know, hey, we -- we're  
2 okay with -- with the increase, but, you  
3 know, could there be some consideration?  
4 We're in full compliance, you know, that the  
5 trust fund meet the deductible for us and  
6 just remove that? And the penalties that  
7 are currently in place for out of compliance  
8 stay where they are.  
9 MR. HILL:  
10 No problem with that at all.  
11 MS. ANDREWS:  
12 Yes, I think, Perry -- so, Perry,  
13 would your -- your recommendation is the  
14 board members bring to the meeting next  
15 month a resolution and vote on it, and then  
16 that is presented to Secretary Brown, the  
17 recommendation, and he can accept it as is  
18 or work with you guys in some other method?  
19 MR. THERIOT:  
20 The statute says that -- it lays out  
21 the financial responsibility amount. And in  
22 Section 1 -- 2195.9(a)5, it says thereafter  
23 -- which meant the last time -- after 2001 -  
24 - this has been an annual event here. The  
25 Advisory Board shall review the financial



1 responsibility requirements on an annual  
2 basis and may recommend to the Secretary  
3 adjusting the requirements. The Secretary  
4 is going to determine and set the financial  
5 responsibility requirements annually.  
6 So the only thing you would have to  
7 probably meet is the listing it on the  
8 agenda for the public records law. And then  
9 you would have to have a motion in here to  
10 make your recommendation. That motion would  
11 be voted on and then forwarded to the  
12 Secretary for his consideration.  
13 MR. HILL:  
14 Okay. So we bring that resolution to  
15 the next meeting, Perry, is that --  
16 MR. THERIOT:  
17 If -- if you want to have it on the  
18 next meeting, you just need to list it on  
19 the agenda.  
20 MR. HILL:  
21 Okay.  
22 MR. MILAZZO:  
23 Okay. Thank -- thank you guys.  
24 MR. HILL:  
25 Thank ya'll very much.

1 standpoint.  
2 MR. HILL:  
3 Right. It's just -- it's just the  
4 protocol, the way to do it.  
5 MS. ANDREWS:  
6 Exactly.  
7 MR. HILL:  
8 Okay.  
9 Johnny, does that answer your --  
10 MR. MILAZZO:  
11 Yes. That's perfect. I think that's  
12 what she -- she's going to be delighted to  
13 hear that.  
14 MR. BROUSSARD:  
15 This is Sam Broussard from the UST  
16 Division. If I could add a couple of  
17 things?  
18 MR. HILL:  
19 Sure.  
20 MR. BROUSSARD:  
21 I'm -- I am working on a huge reg  
22 package to change our regs based on the new  
23 federal regs. And one of the things that I  
24 want to do in this package is pretty much  
25 align the way our UST regs and our statutes

1 MS. ANDREWS:  
2 And I -- and if -- and if we -- and we  
3 can definitely go ahead and bring that to  
4 Dr. Brown in advance, that you all would  
5 like to entertain that for the next meeting  
6 so that if there's any discussion that needs  
7 to be had, we can perhaps, you know, take  
8 care of that. And -- and that way, we can  
9 move forward with the recommendation fairly  
10 expeditiously.  
11 MR. HILL:  
12 Would it be in our best interest to  
13 provide you with a letter asking for that  
14 consideration before the next the meeting?  
15 MS. ANDREWS:  
16 It certainly couldn't hurt.  
17 MR. HILL:  
18 For --  
19 MS. ANDREWS:  
20 I -- I don't know that --  
21 MR. HILL:  
22 So it could get on the agenda.  
23 MS. ANDREWS:  
24 I -- and I can't say that there's  
25 going to be an objection from our

1 -- align them with respect to what we're  
2 actually doing for financial responsibility.  
3 So some of those things, we're going  
4 to talk about in our next reg workgroup  
5 meeting. And that -- and we have some  
6 ideas. And we've kicked them around  
7 internally. And I'm going to be bringing  
8 these up to you guys. And we'll make sure  
9 to have that meeting before this next trust  
10 fund meeting. That way, if you guys like  
11 our ideas, we can bring them up all at once  
12 and kind of work on that as -- at one big  
13 main package all together instead of piece  
14 milling them like that.  
15 MR. HILL:  
16 Sounds good. Thank you, Sam.  
17 MR. MILAZZO:  
18 Great plan.  
19 MR. HILL:  
20 Any other business?  
21 MR. FULTON:  
22 I've got a quick question.  
23 MR. HILL:  
24 Okay.  
25 MR. FULTON:



1 Earlier in -- in the meeting, you'd  
2 asked about the tank numbers. Is there  
3 something specific? Because I can get those  
4 numbers. I -- I just -- is there something  
5 specific we want to look at or --  
6 MR. MILAZZO:  
7 Just the --  
8 MR. FULTON:  
9 The number of tanks per year or --  
10 MR. MILAZZO:  
11 Yes. When you look at the -- the --  
12 how the revenue comes in --  
13 MR. FULTON:  
14 Yes.  
15 MR. MILAZZO:  
16 -- you know, and that's all based on  
17 volume, right?  
18 MR. FULTON:  
19 Right.  
20 MR. MILAZZO:  
21 And then, you know, are the tanks, is  
22 -- is that a growing number? Is that a  
23 declining number? Just out of curiosity --  
24 MR. FULTON:  
25 I mean, it's -- I think it's kind of

1 actual what's paid to the trust fund.  
2 There's -- there's quite a few non-trust  
3 fund eligible tanks that --  
4 MR. ST. ROMAIN:  
5 It seems over time that there's more  
6 and more double-walled tanks.  
7 MR. FULTON:  
8 Right.  
9 MR. ST. ROMAIN:  
10 More leaks should be caught in the  
11 interstitial space and eventually, there  
12 should be less cleanups --  
13 MR. FULTON:  
14 Right.  
15 MR. ST. ROMAIN:  
16 -- as old tanks are --  
17 MR. THERIOT:  
18 That was the hope of the Federal  
19 Entergy Act.  
20 MR. FULTON:  
21 Yes.  
22 MR. ST. ROMAIN:  
23 We're -- we're ten years in -- well,  
24 you're ten years in the double-wall, so is  
25 it -- is it starting to show?

1 steady, but I  
2 MR. MILAZZO:  
3 Yes.  
4 MR. FULTON:  
5 -- don't quote me on that.  
6 MR. THERIOT:  
7 It's steady a little bit. It was  
8 declining for a long time --  
9 MR. FULTON:  
10 Yes.  
11 MR. THERIOT:  
12 -- as the mom's and pop's were  
13 closing.  
14 MR. FULTON:  
15 Yes.  
16 MR. ST. ROMAIN:  
17 Another -- another good, maybe, stat  
18 is the number of cleanups opening per year  
19 and closing per year. Like -- like a year's  
20 review of that. Are they -- are they  
21 becoming more frequent or less frequent?  
22 MR. FULTON:  
23 Yes. No, I -- we can give you the  
24 numbers on the -- the tank universe, because  
25 there's a little difference between the

1 MR. BURNHAM:  
2 Yes.  
3 MR. THERIOT:  
4 We did -- there is -- ASTSWMO did some  
5 fact finding already. There is -- on  
6 ASTSWMO, there's a report that's being put  
7 on their website where they looked at small,  
8 medium and large states based on tank  
9 volume and whether -- whether there was  
10 an increase in the number of releases or a  
11 decrease or whether the federal regulation  
12 was having an effect. It's still inclusive.  
13 I worked on the committee that was gathering  
14 -- the reasons -- not enough time yet,  
15 because many people are still using the old  
16 tanks.  
17 MR. BURNHAM:  
18 Right.  
19 MR. THERIOT:  
20 So one of the questions that was asked  
21 was whether there's anybody keeping data on  
22 these old tanks, because many of them are  
23 now outliving their warranties. You know,  
24 they were -- they were sold to the -- the  
25 tank owners with a 30 year warranty and, you



1 know, a skiff tank. And the question would  
2 be -- there was a question about can re-line  
3 them, can we continue to using them? And  
4 some states say yes, some states say no.  
5 And it -- it's difficult to collect the data  
6 that will give you an answer that is  
7 trustworthy.

8 But they are working on it. ASTSWMO,  
9 as a -- the sub -- tank sub committee has  
10 looked at those to try and see if they can -  
11 - if it's actually working. Because they  
12 want to see if there's any difference  
13 between states that have allowed the old  
14 tanks to continue operating and states where  
15 they've given them like a five year period  
16 where they have to upgrade anyway. ASTSWMO  
17 is aware of this and they are looking at it.  
18 So -- but it's going to take a little time  
19 before those -- that data gets reliable  
20 enough to rely on.

21 MR. ST. ROMAIN:

22 I've talked to friends in other states  
23 that when a tank gets a certain age, the  
24 trust fund won't cover it if it leaks  
25 anymore. Is there --

1 continue using your old tanks unless you  
2 replaced 20 percent of whatever your system  
3 is. And then -- is that correct, Sam?

4 MR. BROUSSARD:

5 25.

6 MR. THERIOT:

7 25 percent. I knew it was around  
8 that.

9 And -- and then you have to upgrade,  
10 if you replace 25 percent.

11 MR. ST. ROMAIN:

12 Or if it has a release, you have to  
13 upgrade.

14 MR. THERIOT:

15 Or if you have a release. If you have  
16 to replace the tank, it's gonna have to be  
17 double-walled.

18 MR. HILL:

19 So it -- it's still -- ya'll -- ya'll  
20 really haven't decided -- I'm just sitting  
21 here thinking of some '87, '88 model tanks  
22 that -- that we own and it's -- it's pushing  
23 that 30 year deal, so, you know, another two  
24 or three years away. But it's still  
25 undecided as to what -- what's gonna happen

1 MR. THERIOT:

2 There are states that say --

3 MR. ST. ROMAIN:

4 -- anything like that in Louisiana?

5 MR. THERIOT:

6 -- that when -- when the warranty is  
7 out, so is your coverage.

8 MR. ST. ROMAIN:

9 Like 50 years --

10 MR. MILAZZO:

11 Yes, that --

12 MR. ST. ROMAIN:

13 -- they say if the tanks 50 years old,  
14 it's got to come out.

15 MR. THERIOT:

16 But that's -- that -- those sort of  
17 little small provisions, those are all over  
18 the board in the United States. They --  
19 because if there's not a federal standard  
20 for it, which I -- there's no federal  
21 standard on the warranty business, then  
22 states are allowed to do whatever they want.  
23 And -- and so each state has chosen  
24 different. I think here in Louisiana, we've  
25 allowed, unless there's a release, you could

1 when that 30 year time period expires.

2 MR. BROUSSARD:

3 Well, we -- we don't --

4 MR. THERIOT:

5 Sam might be able to tell you on the  
6 new workgroup.

7 MR. HILL:

8 Right.

9 MR. BROUSSARD:

10 Yes. As of now, we do not have a  
11 provision to remove tanks at -- at a certain  
12 age.

13 MR. HILL:

14 Right.

15 MR. BROUSSARD:

16 Just -- just as you remove one, you  
17 have to go to a double-wall. We can  
18 entertain a -- an age if you guys want to  
19 and our -- and our reg workgroup wants to  
20 and -- and, you know, all the industries  
21 stakeholders are on board with that, we can  
22 entertain that. It -- it's not -- someone  
23 actually mentioned it in our last workgroup  
24 meeting of possibly putting a drop-dead date  
25 for single-wall tanks, but it was just



1 mentioned in passing. We've not had any --  
2 any definite discussions on that. It --  
3 it's --

4 MR. HILL:

5 Well --

6 MR. ST. ROMAIN:

7 Before you classify it all single-  
8 walls, you might go after bare steels or --

9 MR. BROUSSARD:

10 Right.

11 MR. HILL:

12 Yes.

13 MR. ST. ROMAIN:

14 -- stuff like that.

15 MR. BROUSSARD:

16 And -- and some of the new regs --  
17 like Perry was saying, some of the new  
18 federal regs do require you to -- like say  
19 if you have a line tank and the lining  
20 fails, you have to remove the tank. So  
21 there are some provisions in the new regs  
22 that will get rid of some of these very old  
23 substandard tanks, but there's nothing in  
24 the new federal regs that says you have to  
25 remove all your single-wall tanks.

1 MR. THERIOT:

2 We -- that's -- that will have to be  
3 determined. We'll have to put a workgroup  
4 together and put together this program. We  
5 -- we thought of the program looking  
6 forward. But we haven't decided on the  
7 parameters of the program. Because with --  
8 we were -- we don't know if that legislative  
9 was gonna be approved. Once approved, we'll  
10 have to sit down with you guys and -- and  
11 work interest groups to decide how we're  
12 gonna run that program.

13 But it's better than letting this  
14 money just sit.

15 MR. HILL:

16 That's true.

17 And, Sam, back to my question. I  
18 wasn't using the -- the old term, if it's  
19 not broke -- you know, if it's broke, fix  
20 it, not broke, don't fix it. That's not  
21 what I meant by that, even though I some  
22 around 30 years old, fiberglass tanks.  
23 They're not lined tanks. But that was my  
24 reason for asking that. You know, I just  
25 wondered. Because they were 30 year

1 MR. THERIOT:

2 Generally speaking, the guys who has  
3 spent the money for the double-wall tanks on  
4 all their sites are gonna -- they want  
5 everybody else to have to do it too.

6 MR. HILL:

7 Right, right.

8 MR. THERIOT:

9 And -- and so you -- you do have a  
10 tank world out there that's very different.  
11 Part of our legislative package bill that's  
12 going through, if it makes it through, has a  
13 provision in it on low interest loans for  
14 upgrading of tanks. We're using the money  
15 that we recovered from the people who  
16 double-dipped in the -- in the litigation  
17 that we spoke of before. That money is  
18 going to be available for a program if --  
19 it's envisioned to be available, but we  
20 haven't even set the program parameters yet.  
21 But --

22 MR. HILL:

23 Is that based on -- on -- on the  
24 financial position of the person asking for  
25 that or is that --

1 warranty tanks when we installed them. And,  
2 you know, I didn't -- I didn't know what any  
3 other -- how any other states were looking  
4 at that or viewing that or -- or whether it  
5 was gonna be --

6 MR. BROUSSARD:

7 Yes. There have been a few. There  
8 have been a few states that actually some  
9 said, if they're single-wall tanks, Florida,  
10 California and a couple in the east.  
11 They're starting to do it in the northeast.  
12 But we -- we haven't -- haven't even looked  
13 at that seriously at this point.

14 MR. HILL:

15 Right.

16 MR. BROUSSARD:

17 And -- and I want to say something  
18 that -- about what Nick was talking about,  
19 it's -- trying to correlate between the  
20 amount of releases we have and new double-  
21 wall tanks. I've actually worked with a  
22 statistician with EPA on some looking at  
23 data and using our data in Louisiana to  
24 actually show that, just to see if the  
25 inspections we're doing on a three-year



1 cycle is having an impact on compliance.  
2 And if you look at just the trend numbers,  
3 it kinda looks like it is, but we actually  
4 did some real statistics on it, threw out a  
5 lot of different parameters to make sure  
6 we're -- we're looking -- comparing apples  
7 to apples. And -- and there is a  
8 significant difference, you know, a  
9 statistically significant difference in not  
10 doing inspections every three years versus  
11 doing inspections every three years. The  
12 compliance rates are going up because of  
13 that, increased inspection amounts. We're -  
14 - the statistician is about to publish her  
15 paper. After she's done with that, her and  
16 I are going to work on looking at our  
17 releases in Louisiana and comparing them to  
18 actual UST system types to see if there is a  
19 difference with a statistical significant --  
20 significant difference using double-walled  
21 tanks versus single-walled. So more to come  
22 on that.  
23 MR. THERIOT:  
24 There's -- there's a lot of interest  
25 at both EPA and ASTSWMO and ECOS. There's a

1 lot going on behind -- in -- in the research  
2 field on it to see if the Entergy Act is  
3 actually resulted in what it -- what it was  
4 set out to do.  
5 MR. HILL:  
6 Okay. Any more questions?  
7 (No response.)  
8 MR. HILL:  
9 If there's no further questions, we'll  
10 -- we'd like to bring this meeting to a  
11 close and say thanks to everybody for  
12 attending.  
13 THE MEETING ADJOURNED AT 1:44 P.M.  
14 \* \* \* \* \*

1 REPORTER'S PAGE  
2 I, Lori B. Overland, Certified Court  
3 Reporter, in and for the State of Louisiana, the  
4 officer, as defined in Rule 28 of the Federal  
5 Rules of Civil Procedure and/or Article 1434(b)  
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  
21 

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Lori Overland, C.C.R.  
22 # 97083  
23  
24  
25

1 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  
9 this testimony was reported by me in the stenomask  
10 reporting method, was prepared and transcribed by me  
11 or under my personal direction and supervision, and  
12 is a true and correct transcript to the best of my  
13 ability and understanding; that the transcript has  
14 been prepared in compliance with transcript format  
15 guidelines required by statute or by rules of the  
16 board, that I have acted in compliance with the  
17 prohibition on contractual relationships, as defined  
18 by Louisiana Code of Civil Procedure Article 1434  
19 and in rules and advisory opinions of the board;  
20 that I am not related to counsel or to the parties  
21 herein, nor am I otherwise interested in the outcome  
22 of this matter.

23  
24 

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Lori Overland C.C.R.  
25 # 97083



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**In The Matter Of:**

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

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*MEETING  
May 19, 2016*

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

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