

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 1:06 p.m., on June 6, 2013.

BEFORE:

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

ASSOCIATED REPORTERS, INC.
(225) 216-2036

DEPARTMENT OF ENVIRONMENTAL QUALITY

A P P E A R A N C E S

Keith Baker
Chairman

Ravelle Jones
Ted Broyles
Tom Harris
Roger Bright
Jeff Baker
Grady Gaubert
Ryan Wooten
John Milazzo
Karyn Andrews
Cy Morin

Melissa Vizinat
Jason Efferson
Shawn King
Megan Hebert
Deidra Johnson
Bezany Branton
Natalie Isaacks
Vince Sagnibene

* * * * *

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I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

21

REPORTER'S CERTIFICATE

22

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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1 * * * * *

2 MR. KEITH BAKER:

3 Can we have a roll call real quick?

4 MR. BROYLES:

5 I'm Ted Broyles, attorney for DEQ.

6 MR. JEFF BAKER:

7 Jeff Baker with Trust Fund, DEQ.

8 MR. HARRIS:

9 Tom Harris with the DEQ remediation
10 and underground storage tanks.

11 MS. JONES:

12 Ravelle Jones with Chevron.

13 MR. BRIGHT:

14 Roger Bright with Jones Environmental.

15 MR. KEITH BAKER:

16 Keith Baker with Louisiana Oil
17 Marketers.

18 MR. WOOTEN:

19 Ryan Wooten, Louisiana Oil Marketers.

20 MR. MILAZZO:

21 John Milazzo, Louisiana Oil Marketers.

22 MS. ANDREWS:

23 Karyn Andrews, DEQ Financial.

24 MR. MORIN:

25 Cy Morin, DEQ Audit.

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1 MS. VIZINAT:

2 Melissa Vizinat, DEQ Trust Fund.

3 MR. KING:

4 Shawn King, Jones Environmental.

5 MS. BRANTON:

6 Bezany Branton, Jones Environmental.

7 MR. EFFERSON:

8 Jason Efferson, DEQ Trust Fund.

9 MS. JOHNSON:

10 Deidra Johnson, DEQ Legal.

11 MS. HEBERT:

12 Megan Hebert, DEQ Trust Fund.

13 MR. KEITH BAKER:

14 All right. Adoption of the February
15 minutes, are there any comments? If not,
16 can I have a motion to adopt?

17 MR. HARRIS:

18 Motion to adopt.

19 MR. WOOTEN:

20 Second.

21 MR. KEITH BAKER:

22 Ms. Karyn, will you give us the
23 financial services report?

24 MS. ANDREWS:

25 Sure. If you'll turn to tab three in

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1 your packets. We began fiscal year '13 with
 2 a balance of \$55,644,214.10. To date, we've
 3 warranted funds for expenditures in the
 4 amount of \$7,668,082.75. The current
 5 obligations for all sites eligible in the
 6 system is \$70,576,366. This leaves a
 7 negative balance after obligations of
 8 \$6,479,543.62. And the bottom of the page
 9 will detail the expenditure transactions by
 10 month for the fiscal year.

11 And if you'll turn the page, this will
 12 detail the information on the interest
 13 revenue designated for the abandoned sites.
 14 The middle of the page is the balances with
 15 reimbursements. And there's a current
 16 balance of the fund. And that's the
 17 interest only part of \$5,238,137.52. Any
 18 questions on that information?

19 (No response.)

20 **MS. ANDREWS:**

21 All right. The next page illustrates
 22 the expected transfer from the motor fuel
 23 trust fund to the environmental trust fund
 24 at the end of the fiscal year. By statute,
 25 if the UST revenues are not enough to cover

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1 the UST expenditures, we are allowed to
2 transfer an amount equal to that difference
3 to the environmental trust fund. Currently,
4 the expectation for this fiscal year is in
5 the third column, which is \$2,837,898. And
6 this represents an increase of approximately
7 \$800,000. And this represents that new
8 indirect rate. Does anyone have any
9 questions?

10 **MR. KEITH BAKER:**

11 Any questions?

12 (No response.)

13 **MR. KEITH BAKER:**

14 I just wanted to mention that Grady
15 Gaubert has joined us.

16 **MR. GAUBERT:**

17 Thank you. The \$2,616,000 you said
18 that was an increase of \$800,000? Or -- can
19 you explain that for me?

20 **MS. ANDREWS:**

21 The \$2,837,000?

22 **MR. GAUBERT:**

23 Yes.

24 **MS. ANDREWS:**

25 Yes, I believe in the past couple of

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8

1 meetings that we have discussed utilizing a
2 new formula for an indirect cost rate on the
3 trust fund. Previously, we had been using a
4 very low indirect cost, which was at 30
5 percent of collections. And our collections
6 on the UST trust fund was at -- let's see --
7 was at approximately \$700,000. And as you
8 know, that was very low. It was about
9 \$180,000, which did not nearly cover the
10 overhead for our department. And after
11 discussions with the board, it was agreed
12 that we could increase our calculation for
13 the overhead, which is that increase of
14 \$800,000.

15 **MR. GAUBERT:**

16 I just don't quite remember the
17 formula --

18 **MS. ANDREWS:**

19 Well -- and I can go over the formula
20 a little bit. We -- the department presents
21 an indirect costs proposal to the
22 Environmental Protection Agency on an annual
23 basis. And it's based on direct charges
24 that the department has versus our indirect
25 costs, such as our rent and charges that are

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1 not directly charged to specific projects
2 that we work on. And these charges are then
3 distributed to -- back to those programs
4 that are direct. And this proposal goes to
5 EPA on an annual basis. They review those
6 charges, and then approve it. That rate is
7 reviewed annually. It fluctuates on an
8 annual basis. It's currently at a little
9 bit over 60 percent. The agreed upon amount
10 that we would use for the trust fund was
11 half of that. We currently charge to all
12 projects over that -- that indirect rate,
13 which is over 60 percent. That's what we
14 charge on our grants, site reimbursements,
15 disasters, which is over 60 percent. And we
16 had proposed to the board and to the
17 membership -- and to the members half of
18 that approved rate.

19 **MR. SAGNIBENE:**

20 And the reason we did half of the
21 indirect costs in case it would go down,
22 we'd pay less. And it would go to 50, we'd
23 take 25 versus 30. And we thought that was
24 the most fair way to do it.

25 **MR. GAUBERT:**

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1 Right. That was that one we had the
2 meeting over at the LOMA office?

3 MR. SAGNIBENE:

4 Yes.

5 MR. GAUBERT:

6 Is that what the discussion --

7 MR. SAGNIBENE:

8 Yes, sir. And I want to make sure
9 there was something in there in case I
10 wasn't here. Because I don't want the next
11 guy to come in and raise it to 60 percent
12 when we agreed that ya'll would take half of
13 the indirect costs. And that way it can
14 fluctuate and protect ya'll, too.

15 MR. KEITH BAKER:

16 Any other questions?

17 (No response.)

18 MR. KEITH BAKER:

19 Cy, you want to do the auditors
20 report.

21 MR. MORIN:

22 Okay. Our fiscal year 2013 audit plan
23 calls for 13 motor fuel audits. We have 11
24 in progress. Of the 11 in progress, one has
25 been assessed and we've collected

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1 \$10,464.01. For one case, we've issued a
 2 letter of credit for \$101.82. Five cases
 3 remain to be reviewed and confirmed. And
 4 four of the cases are currently in the
 5 auditor's hands in progress. We have two
 6 audits scheduled for June. One's being
 7 performed as we speak to complete the 13
 8 audits for fiscal year '13.

9 For fiscal year '12, we have two
 10 remaining cases. We have assessed one case,
 11 and have sent a demand letter in the amount
 12 of \$86,030.71. And we have issued a credit
 13 in one case of \$10,464.01. We have nine
 14 outstanding cases prior to fiscal year '12.
 15 Of those nine, one remains to be closed with
 16 no assessment and eight cases are in legal
 17 within various stages of the legal process.

18 For fiscal year '13 to date, we've
 19 collected \$21,636.80. The total outstanding
 20 balance of open cases at this time is
 21 \$514,435.06. \$428,404.35 of that is being
 22 pursued legally. And the remaining
 23 \$86,030.71 was for the fiscal year '12 case
 24 recently assessed.

25 **MR. SAGNIBENE:**

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1 Cy, I assume we have some sort of
2 demand against that \$500,000? We have a
3 demand letter or something?

4 MR. MORIN:

5 Yes. I mean -- yes.

6 MR. SAGNIBENE:

7 You need to tell them that.

8 MR. MORIN:

9 Well, currently I have a request in to
10 legal to get an update on those cases. And
11 I have requested something in the past. At
12 this point, I still need updates on some
13 things. So at that point -- at this point,
14 I'm -- I -- I will have an update on the
15 legal status of those cases for the next
16 board meeting.

17 MR. SAGNIBENE:

18 Or, maybe you can just send them an
19 email.

20 MR. MORIN:

21 I can send --

22 MR. SAGNIBENE:

23 Send them an email.

24 MR. MORIN:

25 Okay. Any other questions?

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1 (No response.)

2 MR. KEITH BAKER:

3 Mr. Baker, trust fund status?

4 MR. JEFF BAKER:

5 Sure. If ya'll refer to tab five of
6 your packets. These are the figures for the
7 third quarter of fiscal year 2013. During
8 the third quarter of fiscal year 2013, the
9 trust fund received 248 applications,
10 totaling a requested amount of \$3,166,565.
11 203 applications were processed for payment
12 during the fiscal quarter, totaling
13 \$3,018,429. And 21 applications were
14 returned with deficiencies. For sites in
15 the corrective action phase, the outstanding
16 liability of corrective action plan budget
17 and estimated cost to reach closure at the
18 end of March 2013 was \$32,799,375. The
19 additional obligation recognized for the
20 non-capped sites plus the projected motor
21 fuel trust fund to the -- plus the projected
22 motor fuel trust fund to the environmental
23 trust fund transfers is \$37,313,218. This
24 obligation value includes the new indirect
25 rate transfer amount previously discussed by

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1 Karyn. At the end of -- at the end of March
 2 2013, the trust fund had 138 pending
 3 applications for process, which had
 4 requested amounts of \$1,769,507. Of this
 5 amount, the estimated requested obligations
 6 related to CAP budgets and closure costs was
 7 \$1,305,734.

8 If you'll note the legal sized page,
 9 the last page of your packet, the number of
 10 trust fund sites that have received no
 11 further action status during this period was
 12 11 sites. The number of potential trust
 13 fund sites that were reviewed and made
 14 eligible during this same period were eight
 15 additional sites.

16 Other points of interest, the
 17 department is continuing to work on a -- on
 18 a revised trust fund reimbursement
 19 application form. The new Microsoft Excel
 20 version has been completed in -- has
 21 completed in-house testing and has been sent
 22 to a couple of the RACs for beta testing.
 23 The testing is going well with a few minor
 24 changes or suggestions. The new Excel
 25 version will include field drop downs with

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1 existing unit prices and will automatically
2 categorize and sum the various portions of
3 the application on the part by a summary
4 page. We hope to complete the beta testing
5 of the Excel version within the next month,
6 and should be ready to submit a document to
7 the board members describing the changes
8 from the older version to the new version
9 and providing them an opportunity to make
10 comments and suggestions.

11 Another point of interest is in an
12 effort to streamline our processes and to
13 facilitate the motor fuel trust fund staff
14 ability to increase their knowledge of the
15 individual sites, each of the trust fund
16 reviewers will have assigned sites based
17 upon region and parish. This will give the
18 trust fund reviewers the ability to better
19 -- to develop better relationships with site
20 specific RACs and LDEQ team leaders, as well
21 as gaining an enhanced long-term
22 understanding of their assigned sites. This
23 enhanced understanding will help them make
24 more informed decisions and expedite the
25 application review process. Are there any

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16

1 other questions?

2 MR. GAUBERT:

3 Do ya'll see that as a cost reduction
4 in its new reassignment of duties and
5 leaders?

6 MR. JEFF BAKER:

7 I'm not sure about a cost reduction.
8 The idea is to just give the reviewers a
9 better understanding of their site. Right
10 now, they're receiving these sites in a --
11 in a way that just whatever the site comes
12 in, it just goes to the next reviewer. So
13 each reviewer could see an individual site.
14 The goal here is to have a reviewer have a
15 single site and be knowledgeable about it
16 from application to application. So they'll
17 know what has happened in the past. They'll
18 get to know the RAC that's involved in that
19 site. They'll get to know the team leaders
20 involved in that site. So they'll be able
21 to make better informed decisions relating
22 to that -- to how that site's handled.

23 MR. GAUBERT:

24 So it's an efficiency rather than --

25 MR. JEFF BAKER:

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1 Exactly.

2 MR. GAUBERT:

3 -- more so than a cost type of
4 reduction idea?

5 MR. JEFF BAKER:

6 Yes, sir.

7 MR. KEITH BAKER:

8 Any other questions?

9 (No response.)

10 MR. KEITH BAKER:

11 Mr. Broyles, third party claims
12 status?

13 MR. BROYLES:

14 Yes. Since the last board meeting, we
15 have resolved one of the third party claims.
16 That case is styled, Blough versus Downey,
17 which involves M & D Quick Stop in
18 Livingston Parish. The corrective action
19 plan through the payments were about
20 \$900,000. So 90 percent of the \$1 million
21 statutory CAP. In the settlement, we --
22 let's see -- we paid the remainder of what
23 was left of the \$1 million less what was
24 anticipated before we continued monitoring
25 up to NFA. So that case has been resolved.

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1 We did receive notice of one new third party
 2 claim. This case is styled, Smith versus
 3 Dixie Mart. This facility is in Arcadia and
 4 Bienville Parish. The site has been deemed
 5 eligible, an answer has been filed in the
 6 third party suit. Jay Glorioso an attorney
 7 in the Monroe office is handling that for
 8 the department. So it's relatively new and
 9 we'll see what happens.

10 MR. KEITH BAKER:

11 Any other business?

12 MS. ANDREWS:

13 Yes. I have a couple of items to add.
 14 The board was provided a copy, and there are
 15 some extra copies for anyone else in
 16 attendance. We have received a copy from
 17 the Louisiana legislative auditor of the
 18 motor fuel underground storage tank trust
 19 fund. We have received a clean audit
 20 report. On the fourth page -- on -- yes, on
 21 the fourth page, the very last line, does
 22 indicate that the audit and the financials
 23 are presented fairly. So as you can see, we
 24 did receive a clean audit. No issues came
 25 up while they were here. And if you have

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19

1 any questions about that, I'll be happy to
2 answer them.

3 (No response.)

4 **MS. ANDREWS:**

5 And we did have one other item. The
6 secretary was approached by the Attorney
7 General's Office concerning some potential
8 legal action related to some previous trust
9 fund reimbursements. Secretary Hatch and
10 Undersecretary Sagnibene have approved the
11 use of motor fuel trust fund dollars to
12 allow the Attorney General to hire outside
13 counsel to assist with that case. And as
14 additional information is known, we will
15 keep the board updated on that case, and as
16 the dollars are disbursed.

17 **MR. GAUBERT:**

18 Have any dollars been disbursed as of

19 --

20 **MS. ANDREWS:**

21 No, we have not received -- we have
22 not had any dollars disbursed. We have
23 received an initial document from the
24 Attorney General's Office that the maximum
25 amount at this point would be \$350,000.

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20

1 MR. GAUBERT:

2 All right.

3 MR. KEITH BAKER:

4 Any other new business?

5 (No response.)

6 MR. KEITH BAKER:

7 Okay. Motion to adjourn.

8 MR. WOOTEN:

9 Second.

10 THE MEETING ADJOURNED AT 1:24 P.M.

11 * * * * *

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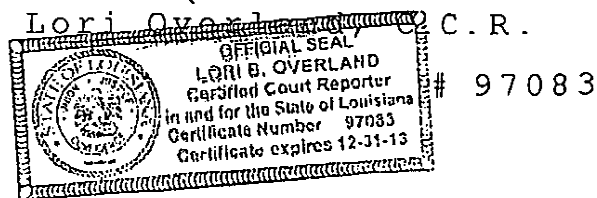
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Lori Overland



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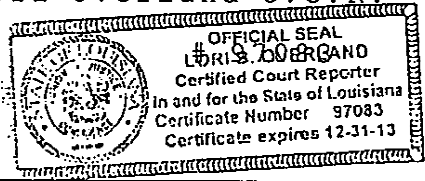
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C E R T I F I C A T I O N

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

Lori Overland C.C.R.



In The Matter Of:

*MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
FUND ADVISORY BOARD*

DEPARTMENT OF ENVIRONMENTAL QUALITY

June 6, 2013

Associated Reporters Incorporated

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**MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
FUND ADVISORY BOARD**

**DEPARTMENT OF ENVIRONMENTAL QUALITY
June 6, 2013**

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In The Matter Of:

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June 6, 2013

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3 STATE OF LOUISIANA
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9
10
11
12 The above-entitled meeting was held at
13 the LDEQ, Galvez Building, Conference
14 Center, 602 North 5th Street, Baton Rouge,
15 Louisiana, beginning at 1:06 p.m., on June
16 6, 2013.
17
18
19
20 BEFORE:
21 Lori B. Overland
22 Certified Court Reporter
23 In and For the State of
24 Louisiana
25

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1 A P P E A R A N C E S
2
3 Keith Baker
4 Chairman
5
6 Ravelle Jones
7 Ted Broyles
8 Tom Harris
9 Roger Bright
10 Jeff Baker
11 Grady Gaubert
12 Ryan Wooten
13 John Milazzo
14 Karyn Andrews
15 Cy Morin
16
17 Melissa Vizinat
18 Jason Efferson
19 Shawn King
20 Megan Hebert
21 Deidra Johnson
22 Bezany Branton
23 Natalie Isaacks
24 Vince Sagnibene
25

* * * * *

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1 I N D E X
2
3 EXAMINATION: PAGE(S) :
4 None
5 EXHIBITS:
6 None
7
8 REPORTER'S PAGE 21
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1 * * * * *
2 MR. KEITH BAKER:
3 Can we have a roll call real quick?
4 MR. BROYLES:
5 I'm Ted Broyles, attorney for DEQ.
6 MR. JEFF BAKER:
7 Jeff Baker with Trust Fund, DEQ.
8 MR. HARRIS:
9 Tom Harris with the DEQ remediation
10 and underground storage tanks.
11 MS. JONES:
12 Ravelle Jones with Chevron.
13 MR. BRIGHT:
14 Roger Bright with Jones Environmental.
15 MR. KEITH BAKER:
16 Keith Baker with Louisiana Oil
17 Marketers.
18 MR. WOOTEN:
19 Ryan Wooten, Louisiana Oil Marketers.
20 MR. MILAZZO:
21 John Milazzo, Louisiana Oil Marketers.
22 MS. ANDREWS:
23 Karyn Andrews, DEQ Financial.
24 MR. MORIN:
25 Cy Morin, DEQ Audit.

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1 MS. VIZINAT:
 2 Melissa Vizinat, DEQ Trust Fund.
 3 MR. KING:
 4 Shawn King, Jones Environmental.
 5 MS. BRANTON:
 6 Bezany Branton, Jones Environmental.
 7 MR. EFFERSON:
 8 Jason Efferson, DEQ Trust Fund.
 9 MS. JOHNSON:
 10 Deidra Johnson, DEQ Legal.
 11 MS. HEBERT:
 12 Megan Hebert, DEQ Trust Fund.
 13 MR. KEITH BAKER:
 14 All right. Adoption of the February
 15 minutes, are there any comments? If not,
 16 can I have a motion to adopt?
 17 MR. HARRIS:
 18 Motion to adopt.
 19 MR. WOOTEN:
 20 Second.
 21 MR. KEITH BAKER:
 22 Ms. Karyn, will you give us the
 23 financial services report?
 24 MS. ANDREWS:
 25 Sure. If you'll turn to tab three in

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1 the UST expenditures, we are allowed to
 2 transfer an amount equal to that difference
 3 to the environmental trust fund. Currently,
 4 the expectation for this fiscal year is in
 5 the third column, which is \$2,837,898. And
 6 this represents an increase of approximately
 7 \$800,000. And this represents that new
 8 indirect rate. Does anyone have any
 9 questions?
 10 MR. KEITH BAKER:
 11 Any questions?
 12 (No response.)
 13 MR. KEITH BAKER:
 14 I just wanted to mention that Grady
 15 Gaubert has joined us.
 16 MR. GAUBERT:
 17 Thank you. The \$2,616,000 you said
 18 that was an increase of \$800,000? Or - can
 19 you explain that for me?
 20 MS. ANDREWS:
 21 The \$2,837,000?
 22 MR. GAUBERT:
 23 Yes.
 24 MS. ANDREWS:
 25 Yes, I believe in the past couple of

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1 your packets. We began fiscal year '13 with
 2 a balance of \$55,644,214.10. To date, we've
 3 warranted funds for expenditures in the
 4 amount of \$7,668,082.75. The current
 5 obligations for all sites eligible in the
 6 system is \$70,576,366. This leaves a
 7 negative balance after obligations of
 8 \$6,479,543.62. And the bottom of the page
 9 will detail the expenditure transactions by
 10 month for the fiscal year.
 11 And if you'll turn the page, this will
 12 detail the information on the interest
 13 revenue designated for the abandoned sites.
 14 The middle of the page is the balances with
 15 reimbursements. And there's a current
 16 balance of the fund. And that's the
 17 interest only part of \$5,238,137.52. Any
 18 questions on that information?
 19 (No response.)
 20 MS. ANDREWS:
 21 All right. The next page illustrates
 22 the expected transfer from the motor fuel
 23 trust fund to the environmental trust fund
 24 at the end of the fiscal year. By statute,
 25 if the UST revenues are not enough to cover

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1 meetings that we have discussed utilizing a
 2 new formula for an indirect cost rate on the
 3 trust fund. Previously, we had been using a
 4 very low indirect cost, which was at 30
 5 percent of collections. And our collections
 6 on the UST trust fund was at - let's see -
 7 was at approximately \$700,000. And as you
 8 know, that was very low. It was about
 9 \$180,000, which did not nearly cover the
 10 overhead for our department. And after
 11 discussions with the board, it was agreed
 12 that we could increase our calculation for
 13 the overhead, which is that increase of
 14 \$800,000.
 15 MR. GAUBERT:
 16 I just don't quite remember the
 17 formula --
 18 MS. ANDREWS:
 19 Well - and I can go over the formula
 20 a little bit. We - the department presents
 21 an indirect costs proposal to the
 22 Environmental Protection Agency on an annual
 23 basis. And it's based on direct charges
 24 that the department has versus our indirect
 25 costs, such as our rent and charges that are

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1 not directly charged to specific projects
 2 that we work on. And these charges are then
 3 distributed to - back to those programs
 4 that are direct. And this proposal goes to
 5 EPA on an annual basis. They review those
 6 charges, and then approve it. That rate is
 7 reviewed annually. It fluctuates on an
 8 annual basis. It's currently at a little
 9 bit over 60 percent. The agreed upon amount
 10 that we would use for the trust fund was
 11 half of that. We currently charge to all
 12 projects over that - that indirect rate,
 13 which is over 60 percent. That's what we
 14 charge on our grants, site reimbursements,
 15 disasters, which is over 60 percent. And we
 16 had proposed to the board and to the
 17 membership - and to the members half of
 18 that approved rate.
 19 MR. SAGNIBENE:
 20 And the reason we did half of the
 21 indirect costs in case it would go down,
 22 we'd pay less. And it would go to 50, we'd
 23 take 25 versus 30. And we thought that was
 24 the most fair way to do it.
 25 MR. GAUBERT:

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1 Right. That was that one we had the
 2 meeting over at the LOMA office?
 3 MR. SAGNIBENE:
 4 Yes.
 5 MR. GAUBERT:
 6 Is that what the discussion -
 7 MR. SAGNIBENE:
 8 Yes, sir. And I want to make sure
 9 there was something in there in case I
 10 wasn't here. Because I don't want the next
 11 guy to come in and raise it to 60 percent
 12 when we agreed that ya'll would take half of
 13 the indirect costs. And that way it can
 14 fluctuate and protect ya'll, too.
 15 MR. KEITH BAKER:
 16 Any other questions?
 17 (No response.)
 18 MR. KEITH BAKER:
 19 Cy, you want to do the auditors
 20 report.
 21 MR. MORIN:
 22 Okay. Our fiscal year 2013 audit plan
 23 calls for 13 motor fuel audits. We have 11
 24 in progress. Of the 11 in progress, one has
 25 been assessed and we've collected

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1 \$10,464.01. For one case, we've issued a
 2 letter of credit for \$101.82. Five cases
 3 remain to be reviewed and confirmed. And
 4 four of the cases are currently in the
 5 auditor's hands in progress. We have two
 6 audits scheduled for June. One's being
 7 performed as we speak to complete the 13
 8 audits for fiscal year '13.
 9 For fiscal year '12, we have two
 10 remaining cases. We have assessed one case,
 11 and have sent a demand letter in the amount
 12 of \$86,030.71. And we have issued a credit
 13 in one case of \$10,464.01. We have nine
 14 outstanding cases prior to fiscal year '12.
 15 Of those nine, one remains to be closed with
 16 no assessment and eight cases are in legal
 17 within various stages of the legal process.
 18 For fiscal year '13 to date, we've
 19 collected \$21,636.80. The total outstanding
 20 balance of open cases at this time is
 21 \$514,435.06. \$428,404.35 of that is being
 22 pursued legally. And the remaining
 23 \$86,030.71 was for the fiscal year '12 case
 24 recently assessed.
 25 MR. SAGNIBENE:

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1 Cy, I assume we have some sort of
 2 demand against that \$500,000? We have a
 3 demand letter or something?
 4 MR. MORIN:
 5 Yes. I mean - yes.
 6 MR. SAGNIBENE:
 7 You need to tell them that.
 8 MR. MORIN:
 9 Well, currently I have a request in to
 10 legal to get an update on those cases. And
 11 I have requested something in the past. At
 12 this point, I still need updates on some
 13 things. So at that point - at this point,
 14 I'm - I - I will have an update on the
 15 legal status of those cases for the next
 16 board meeting.
 17 MR. SAGNIBENE:
 18 Or, maybe you can just send them an
 19 email.
 20 MR. MORIN:
 21 I can send -
 22 MR. SAGNIBENE:
 23 Send them an email.
 24 MR. MORIN:
 25 Okay. Any other questions?

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1 (No response.)
 2 MR. KEITH BAKER:
 3 Mr. Baker, trust fund status?
 4 MR. JEFF BAKER:
 5 Sure. If ya'll refer to tab five of
 6 your packets. These are the figures for the
 7 third quarter of fiscal year 2013. During
 8 the third quarter of fiscal year 2013, the
 9 trust fund received 248 applications,
 10 totaling a requested amount of \$3,166,565.
 11 203 applications were processed for payment
 12 during the fiscal quarter, totaling
 13 \$3,018,429. And 21 applications were
 14 returned with deficiencies. For sites in
 15 the corrective action phase, the outstanding
 16 liability of corrective action plan budget
 17 and estimated cost to reach closure at the
 18 end of March 2013 was \$32,799,375. The
 19 additional obligation recognized for the
 20 non-capped sites plus the projected motor
 21 fuel trust fund to the - plus the projected
 22 motor fuel trust fund to the environmental
 23 trust fund transfers is \$37,313,218. This
 24 obligation value includes the new indirect
 25 rate transfer amount previously discussed by

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1 Karyn. At the end of - at the end of March
 2 2013, the trust fund had 138 pending
 3 applications for process, which had
 4 requested amounts of \$1,769,507. Of this
 5 amount, the estimated requested obligations
 6 related to CAP budgets and closure costs was
 7 \$1,305,734.
 8 If you'll note the legal sized page,
 9 the last page of your packet, the number of
 10 trust fund sites that have received no
 11 further action status during this period was
 12 11 sites. The number of potential trust
 13 fund sites that were reviewed and made
 14 eligible during this same period were eight
 15 additional sites.
 16 Other points of interest, the
 17 department is continuing to work on a - on
 18 a revised trust fund reimbursement
 19 application form. The new Microsoft Excel
 20 version has been completed in - has
 21 completed in-house testing and has been sent
 22 to a couple of the RACs for beta testing.
 23 The testing is going well with a few minor
 24 changes or suggestions. The new Excel
 25 version will include field drop downs with

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1 existing unit prices and will automatically
 2 categorize and sum the various portions of
 3 the application on the part by a summary
 4 page. We hope to complete the beta testing
 5 of the Excel version within the next month,
 6 and should be ready to submit a document to
 7 the board members describing the changes
 8 from the older version to the new version
 9 and providing them an opportunity to make
 10 comments and suggestions.
 11 Another point of interest is in an
 12 effort to streamline our processes and to
 13 facilitate the motor fuel trust fund staff
 14 ability to increase their knowledge of the
 15 individual sites, each of the trust fund
 16 reviewers will have assigned sites based
 17 upon region and parish. This will give the
 18 trust fund reviewers the ability to better
 19 - to develop better relationships with site
 20 specific RACs and LDEQ team leaders, as well
 21 as gaining an enhanced long-term
 22 understanding of their assigned sites. This
 23 enhanced understanding will help them make
 24 more informed decisions and expedite the
 25 application review process. Are there any

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1 other questions?
 2 MR. GAUBERT:
 3 Do ya'll see that as a cost reduction
 4 in its new reassignment of duties and
 5 leaders?
 6 MR. JEFF BAKER:
 7 I'm not sure about a cost reduction.
 8 The idea is to just give the reviewers a
 9 better understanding of their site. Right
 10 now, they're receiving these sites in a -
 11 in a way that just whatever the site comes
 12 in, it just goes to the next reviewer. So
 13 each reviewer could see an individual site.
 14 The goal here is to have a reviewer have a
 15 single site and be knowledgeable about it
 16 from application to application. So they'll
 17 know what has happened in the past. They'll
 18 get to know the RAC that's involved in that
 19 site. They'll get to know the team leaders
 20 involved in that site. So they'll be able
 21 to make better informed decisions relating
 22 to that - to how that site's handled.
 23 MR. GAUBERT:
 24 So it's an efficiency rather than -
 25 MR. JEFF BAKER:

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1 Exactly.
2 MR. GAUBERT:
3 -- more so than a cost type of
4 reduction idea?
5 MR. JEFF BAKER:
6 Yes, sir.
7 MR. KEITH BAKER:
8 Any other questions?
9 (No response.)
10 MR. KEITH BAKER:
11 Mr. Broyles, third party claims
12 status?
13 MR. BROYLES:
14 Yes. Since the last board meeting, we
15 have resolved one of the third party claims.
16 That case is styled, Blough versus Downey,
17 which involves M & D Quick Stop in
18 Livingston Parish. The corrective action
19 plan through the payments were about
20 \$900,000. So 90 percent of the \$1 million
21 statutory CAP. In the settlement, we -
22 let's see - we paid the remainder of what
23 was left of the \$1 million less what was
24 anticipated before we continued monitoring
25 up to NFA. So that case has been resolved.

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1 We did receive notice of one new third party
2 claim. This case is styled, Smith versus
3 Dixie Mart. This facility is in Arcadia and
4 Bienville Parish. The site has been deemed
5 eligible, an answer has been filed in the
6 third party suit. Jay Glorioso an attorney
7 in the Monroe office is handling that for
8 the department. So it's relatively new and
9 we'll see what happens.
10 MR. KEITH BAKER:
11 Any other business?
12 MS. ANDREWS:
13 Yes. I have a couple of items to add.
14 The board was provided a copy, and there are
15 some extra copies for anyone else in
16 attendance. We have received a copy from
17 the Louisiana legislative auditor of the
18 motor fuel underground storage tank trust
19 fund. We have received a clean audit
20 report. On the fourth page - on - yes, on
21 the fourth page, the very last line, does
22 indicate that the audit and the financials
23 are presented fairly. So as you can see, we
24 did receive a clean audit. No issues came
25 up while they were here. And if you have

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1 any questions about that, I'll be happy to
2 answer them.
3 (No response.)
4 MS. ANDREWS:
5 And we did have one other item. The
6 secretary was approached by the Attorney
7 General's Office concerning some potential
8 legal action related to some previous trust
9 fund reimbursements. Secretary Hatch and
10 Undersecretary Sagnibene have approved the
11 use of motor fuel trust fund dollars to
12 allow the Attorney General to hire outside
13 counsel to assist with that case. And as
14 additional information is known, we will
15 keep the board updated on that case, and as
16 the dollars are disbursed.
17 MR. GAUBERT:
18 Have any dollars been disbursed as of
19 --
20 MS. ANDREWS:
21 No, we have not received - we have
22 not had any dollars disbursed. We have
23 received an initial document from the
24 Attorney General's Office that the maximum
25 amount at this point would be \$350,000.

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1 MR. GAUBERT:
2 All right.
3 MR. KEITH BAKER:
4 Any other new business?
5 (No response.)
6 MR. KEITH BAKER:
7 Okay. Motion to adjourn.
8 MR. WOOTEN:
9 Second.
10 TH E MEETING ADJOURNED AT 1:24 P.M.
11 * * * * *
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1 REPORTER'S PAGE
2 I, Lori B. Overland, Certified Court
3 Reporter, in and for the State of Louisiana,
4 the officer, as defined in Rule 28 of the
5 Federal Rules of Civil Procedure and/or
6 Article 1434(b) of the Louisiana code of
7 Civil Procedure, before whom this sworn
8 testimony was taken, do hereby state on the
9 Record

10 That due to the interaction in the
11 spontaneous discourse of this proceeding,
12 dashes (--) have been used to indicate
13 pauses, changes in thought, and/or talk
14 overs; that same is the proper method for a
15 Court Reporters's transcription of
16 proceeding, and that the dashes (--) do not
17 indicated that words or phrases have been
18 left out of this transcript;

19 That any words and/or names which could
20 not be verified through reference material
21 have been denoted with the phrase
22 "(inaudible)."
23

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

CERTIFICATION

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

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

MOTOR FUELS UNDERGROUND STORAGE TANK TRUST
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